

REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
February 28, 2011

Meeting was called to order at 7:06 p.m. by Chairman Burton Fox.

The Pledge of Allegiance was recited by all in attendance.

Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman Burton Fox, Commissioners David Bandkau, Christopher Brummel, Trafton Jean, Francis Livingston, Jeff Peltier, Cindy Popovitch, Thomas Taylor, and William Wascher.

MEMBERS ABSENT: None.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; City Attorney Bill Brown; many attendees in the audience.

AGENDA APPROVAL:

MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER BANDKAU TO APPROVE THE AGENDA FOR FEBRUARY 28, 2011 AS PRESENTED WITH THE CHANGE OF THE NEXT MEETING BEING MARCH 14TH.

YEAS ALL. MOTION CARRIED.

MINUTES:

MOTION BY COMMISSIONER WASCHER, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 24, 2011.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from January 24, 2011
3. City council synopsis from February 7, 2011
4. Alley closure documents
5. Medical Marijuana Ordinance

COMMISSIONER / CITIZEN COMMENTS: None

PUBLIC HEARING:

Alley Closing – 2011-01
North of Cleveland Street between Lafayette and Hoyt

Legal Description of Open Alley North of Cleveland St.: All that part of alley in Park Hill Addition to the City of Owosso, Shiawassee County, Michigan, Recorded July 30, 1910 in Volume 1 of Plats on Page 60, described as lying north of the north line of Cleveland Street, and east of lots 70–75 and west of lots 106–111.

Also described as; beginning at the southeast corner of lot 75, Park Hill Addition to the City of Owosso, Shiawassee County, Michigan, Recorded July 30, 1910 in Volume 1 of Plats on Page 60, thence north parallel to Lafayette Blvd. 240 feet to the northeast corner of lot 70, thence east 15 feet to the northwest corner of lot 111, thence south parallel to Hoyt Street 240 feet to the southwest corner of lot 106, thence west along north line of Cleveland Street 15 feet to point of beginning.

Adam Zettel, Assistant City Manager and Director of Community Development, stated a petition was received from three property owners to close the alley north of Cleveland Street between Lafayette and Hoyt. There are no utilities, no easements that the city is aware of. Most of the alley has already been closed, and the city has no issues with this closing.

Chairman Fox mentioned that the property will be split between the adjoining property owners upon closing.

John Vargo, 205 Hoyt, was OK with the petition. He is the only one who spoke at the Public Hearing. No other communications were received in the office.

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER BRUMMEL TO RECOMMEND THE APPROVAL OF THE ALLEY ABANDONMENT AS PETITIONED, TO THE CITY COUNCIL, SAID ABANDONMENT TO OCCUR ONLY AFTER ANOTHER PUBLIC HEARING BY THE CITY COUNCIL IN ACCORDANCE WITH THE CITY ORDINANCE SEC. 29-154.

YEAS ALL. MOTION CARRIED.

Medicinal Marijuana Ordinance

Chairman Fox opened the public hearing.

Tom Manke who lives in Owosso Township, has his office at 118 S. Washington Street. He was there on a personal note. He is a former user in the 60's, and now works the 12 steps and is more conservative. He further stated that businesses are not locating in Owosso because they can't get people to pass drug tests. How do we re-invent Owosso? Ann Arbor and Detroit are looking at Owosso as a Medicinal Marijuana Capital. Do we want to be known as the Medicinal Marijuana Capital in Michigan? As a citizen, he's asking that we keep it out of the community.

Robert Carpenter was in the army in Iraq and ended up with a pick axe to the spine. He never did illegal drugs, but now uses Medical Marijuana. They are professional and helpful at Mothers Nature Choice. The voters in Michigan chose to make this permissible by law.

Steve Rosencranz, 419 Clinton Street, talked about the exclusion of locked primary residence. It is to be a locked facility, not residence. 1,000 feet circumference from schools and churches covers the whole town. It leaves no room for growers or caregivers. The American Civil Liberties is watching these cases.

Angelica Coon preferred not to give her address. If a husband and wife are both caregivers, could that change? If they are on a low income and can't afford a separate facility, why should it be limited?

Jim Markey, Mother Natures Choice. One caregiver per household – there are a lot of man and wife caregiver teams. They have invested thousands of dollars. Now you're talking about taking away half their income. The law says they can do that at their house. If you force them to limit it to one, you'll force people to do this illegally. Many are working so they won't lose their house. There are 80 facilities in Lansing, so this isn't going to become a capital.

Chairman Fox asked how are they investing thousands of dollars. Mr. Markey replied one light alone is \$500. One caregiver for one person spends about \$2,000 each. His business is turning into a hydroponics store. People are borrowing money to get in this business.

Commissioner Brummel asked how do we know where to stop. What if someone says we have three in our family?

Mr. Markey stated most people live as husband and wife, or pair up. Taking it away from someone in their own house – that's ridiculous.

Commissioner Popovitch talked about electrical usage, fire hazards. What does it require? What about codes? Rentals?

Mr. Markey stated that it would be rentals. He can't really answer those questions.

Aaron Bedell, 718 S. Chipman Street. Taking away the ability for two people by limiting the maximum that the state allows – 72 plants. If the city limits less, it doesn't make sense. If they have five patients and the grower can consume themselves, than 60 plants for five patients. Mr. Bedell submitted a proposed ordinance. He also suggested that the Planning Commission ask for another moratorium

Commissioner Brummel asked where the proposed marijuana ordinance came from that he submitted to the board members. Mr. Bedell stated from his attorney.

Markus Westerlund, 422 Kirby stated that those who are prescribed should be allowed to get a safe product. He stated that patients greatly out number caregivers. This is very profitable. In California, communities grow and people are saving their homes. Please understand the science and the uses, and forget the negatives. People should be able to go to a registered business. It should be an exchange between two licensed people. You are to receive medicine from a caregiver. Some are not readily available. It takes four months of growing.

Chairperson Fox stated we can't legislate differently than the state law allows.

Ashley Foster, 603 E. Oliver Street stated she is a bartender at the Rainbow. She knows cardholders. She doesn't understand why people can't go to residences like people can go to pharmacies.

The Public Hearing was closed and the meeting was brought back to the Commissioners. In reviewing the city's proposed ordinance, it was suggest to strike the word "locked" and add "or caregiver" under Sec. 38-5, Definitions, *Medical marihuana growing facility*.

Discussion followed regarding adopting ordinances similar to the liquor control ordinance; whether to set the distance from churches, schools, daycare facilities, or a residential zoned parcel at 500 or 1,000 feet; codes for safety inspections; number of facilities in town; whether to measure by circumference or linear; and possible home occupation.

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER BRUMMEL TO CONTINUE THE PLANNING COMMISSION MEETING TO 9:20 P.M. TO WORK THROUGH THE MEDICAL MARIJUANA ORDINANCE.
YEAS ALL. MOTION CARRIED.**

City Attorney Bill Brown and Mr. Zettel will work out the measurements.

Commissioner Taylor suggested no more than two primary caregivers at their primary residence. Property owners can write out in their lease agreements whether this activity would be allowed in their rentals.

Commissioner Popovitch stated this would be limited to R-1 Zoning.

Commissioner Trafton stated if they can't afford to purchase a home and are only renting, they shouldn't be discriminated against.

Mr. Zettel summarized that potential consumption cannot be done in the public; can't smoke cigarettes in public places. Some people don't want to consume at home, but may want to consume some place with their caregiver.

The following items were not completed as time constraints did not allow.

SITE PLAN REVIEW: none requested

ITEMS OF DISCUSSION:

1. Master Plan Update

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT:

**MOTION BY COMMISSIONER WASCHER, SUPPORTED BY COMMISSIONER LIVINGSTON TO
ADJOURN AT 9:20 P.M.
YEAS ALL. MOTION CARRIED.**

Frank Livingston, Secretary

m.m.s.