



CITY OF CHELSEA

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO CITY OF CHELSEA ZONING ORDINANCE

Notice is hereby given that the Chelsea Planning Commission will conduct a public hearing, as the statute in such case provides, for amendment of the Chelsea City Zoning Ordinance (Ordinance No. 79). The requested change would revise the Zoning Text with the following change:

Amend Article 3, Section 3.04A to add the following sentence, **USES FOR ENTERPRISES OR PURPOSES THAT ARE CONTRARY TO FEDERAL, STATE, OR LOCAL LAWS OR ORDINANCES ARE PROHIBITED:**

The aforesaid hearing will be held in the Board Room, Washington Street Education Center, 500 Washington St., Chelsea, Michigan on **Tuesday, September 21, 2010** at 7:30 p.m.

The petition, as filed by the City of Chelsea is on file in the office of the Planning and Zoning Department, 305 S. Main St., Suite 100, Chelsea and may be examined prior to the date of the hearing.

Persons requiring reasonable accommodations to disabilities in order that the hearing be accessible to them, are requested to notify the Chelsea Planning Commission Chairman no later than five (5) business days prior to the date of the hearing of such disability.

CHELSEA CITY PLANNING COMMISSION
George Kinzer, Chair

Status of Cities Statewide Regarding Medical Marihuana

City	Regulating by Zoning/Licensing	Moratorium	Ban	In Progress
Davison Twp		X		
Newago		X		
Eastpointe		X		
Holland		X		
White Lake Twp		X		
Greenville		X		
Clinton Village		X		
Madison Heights			X	
Birmingham			X	
Livonia			X	
Bloomfield Hills			X	
Muskegon		X		
Plainwell		X		
Northville Twp			X	
Marshall		X		
Ypsilanti		X		
Howell			X	
Oak Park		X		
Evart		X		
Inkster		X		
Royal Oak		X		
Waterford		X		
Grand Ledge		X		
Walker		X		
Grandville		X		
Flat Rock				X
Saugatuck/Douglas				X
Midland				X
Saline			X	
Tawas		X		
Westland			X	
Canton Township			X	
Plymouth			X	
Battle Creek		X		
Grand Rapids	X			
Kentwood		X		
Howard City		X		
Oronoko Twp			X	
Sturgis	X			
Wyoming		X		
Birmingham			X	
Orion Twp		X		



STAFF

By: **Ryan J. Stanton**
AnnArbor.com Staff

Posted: Sep 15, 2010 at 6:02 AM [Sep 15, 2010]

WITH POLL: Ann Arbor officials moving quickly on drafting regulations for medical marijuana dispensaries

The subtle smell of cannabis emanated from a sixth-floor conference room inside city hall Tuesday night, where **Ann Arbor** officials met to discuss a draft **medical marijuana ordinance**.

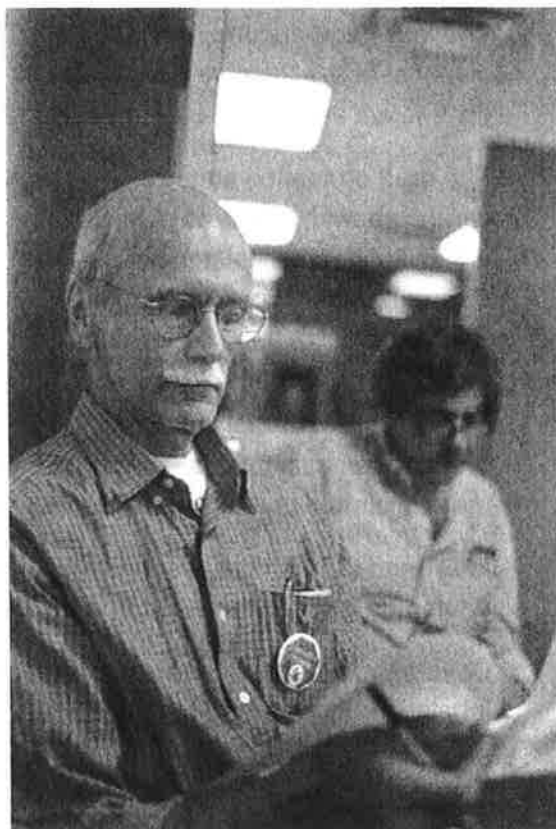
The faint odor came from a corner of the room where a handful of marijuana advocates sat and watched attentively as members of the Planning Commission and city planning staff pored over a four-page proposal outlining new regulations for medical marijuana dispensaries.

"I hope that the Planning Commission is going to put together regulations that reflect the will of the voters, which was made very clear with a 74.28 percent victory for medical marijuana in 2004," said **Chuck Ream**, a longtime medical marijuana advocate who last month opened a dispensary on Packard Road near Iroquois Place.

"We need regulations specific to Ann Arbor that really reflect the wishes of our people," added Ream, who wore a button that featured a pot leaf and read: "I am not a criminal."

What the pro-reefer crowd learned Tuesday night is that it soon could be a violation of city ordinance for even the smell of marijuana to leave the boundaries of their property.

One of the many bullet points in the draft ordinance handed out during Tuesday's Planning Commission working session states: "No equipment or process shall be used in any medical marijuana dispensary which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary."



Medical marijuana advocate Chuck Ream, who opened a dispensary on Packard Road last month, looks over a draft ordinance Tuesday night regulating



Planning Commissioner Kirk Westphal and other city officials discuss medical marijuana dispensary regulations Tuesday night.

Ryan J. Stanton | AnnArbor.com

Planning Commissioner **Kirk Westphal** acknowledged Tuesday night he has personal experience with a medical marijuana dispensary that moved in next to his downtown office this year.

"There is a dispensary in my building on Main Street, and I was surprised at the odor issue that's transpiring, and so were many of my fellow tenants," he said. "So, from that perspective, I'm hopeful that some awareness of best practices can be distributed, so that these new facilities don't cause a burden on landlords or the tenants who are already established."

Westphal said city code already regulates odor transfer in residential areas, and it looks as though the new ordinance would add that restriction for the downtown.

"But again, it leaves landlords and tenants to fend for themselves when it involves intra-parcel — or between units within the same parcel — transmission," he said.

As more and more dispensaries have cropped up throughout Ann Arbor in the last several months, city officials have been trying to get a handle on the situation.

They say there now are about eight or nine medical marijuana dispensaries in Ann Arbor — some downtown, some in residential neighborhoods and some in industrial zones.

"We have received complaints about some, not all, of the existing medical marijuana dispensaries that we know about," Thacher said. "And some of those things are a lot of traffic, and also odors emanating from the businesses, and the ordinance will seek to address questions like these."

T.J. Rice, owner of the Ann Arbor Patient-to-Patient Compassion Club, a medical marijuana dispensary at Fourth and Washington, attended Tuesday's meeting and said his dispensary opened in February.

A cancer survivor who lives on Social Security disability and uses medical marijuana himself, he said he works "on a private basis, more or less," and his clientele is small right now compared to others in Ann Arbor.

Rice and Ream agreed after Tuesday's meeting that the city may be overstepping its bounds with what it has proposed in terms of regulations for dispensaries.

Ream told planning officials he admired their work, but he said it's apparent they're "really new to this" and offered some constructive criticism regarding the regulation of home occupations. He said every facet of home occupation is already dealt with in state law.

PLEASE SIGN IN

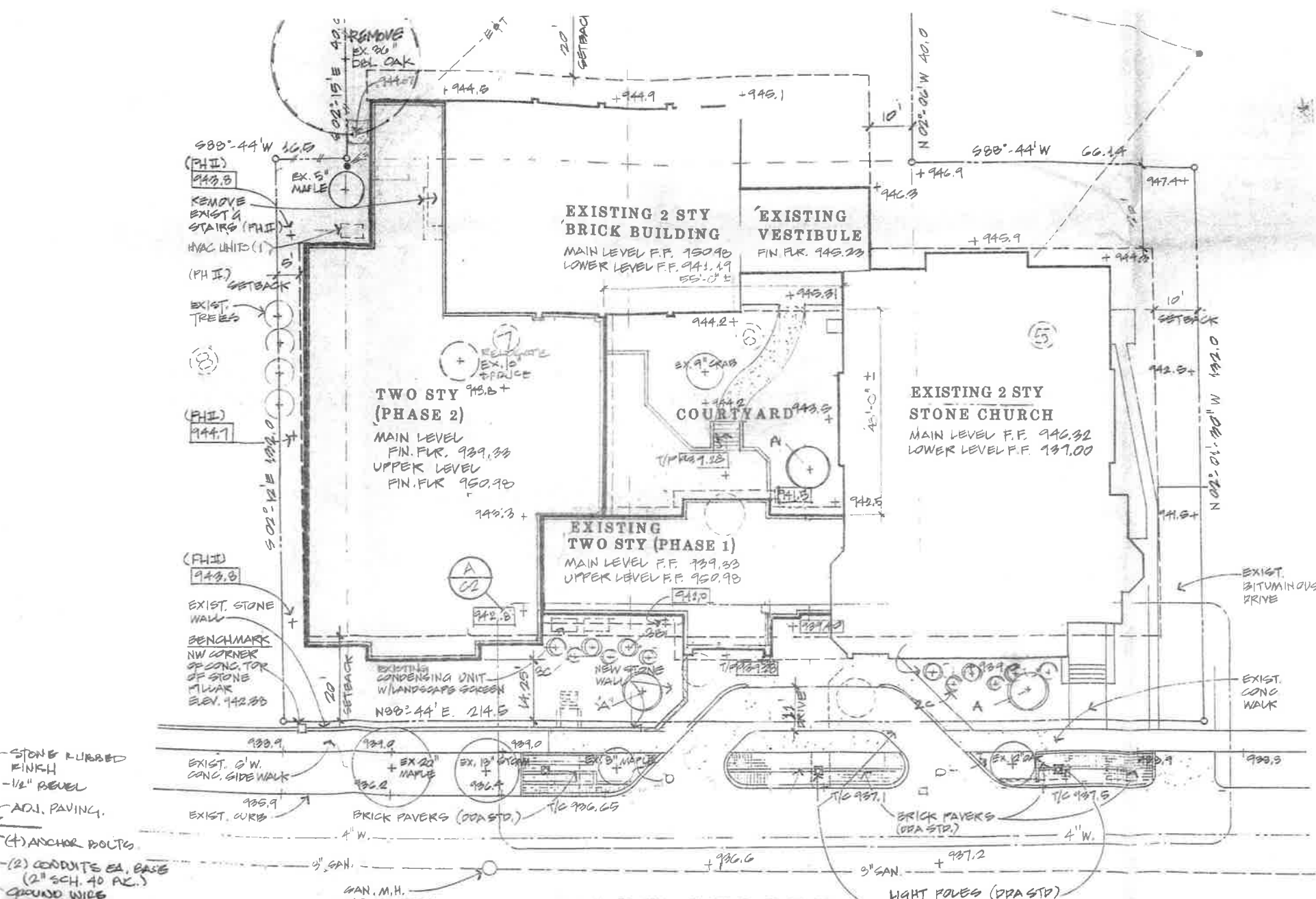
**PLANNING COMMISSION
SEPTEMBER 21, 2010**

NAME

ADDRESS

Joy Barrett
Bernadette Malinoski
Ann Feeney

10 Sycamore St. Chelsea
13071 McKinley Rd. 48118
666 Washington 48118



- STONE RUBBERED FINISH
- 1/2" REVEL
- ADJ. PAVING.
- (+) ANCHOR BOLTS
- (2) CONDUITS EA. BASE (2" SCH. 40 AC.)
- GROUND WIRE



**CITY OF CHELSEA
PLANNING COMMISSION AGENDA
SEPTEMBER 21, 2010
7:00 P.M.**

**WASHINGTON STREET EDUCATION CENTER, BOARD ROOM
500 WASHINGTON ST., CHELSEA, MI**

CALL TO ORDER

APPROVAL OF MEETING MINUTES

Approval of the Meeting Minutes from August 17, 2010.

APPROVAL OF WORK SESSION MINUTES.

No Quorum for the September 7, 2010 Work Session.

PUBLIC PARTICIPATION

PUBLIC HEARING

- **Community Incubator Kitchen** - An application has been filed by Judy Radant of First United Methodist Church for a Special Use Permit of a proposed Community Incubator Kitchen on the following described parcel of land: Tax Code # 06-06-12-402-007, 128 Park Street, Chelsea, MI
- **Text Change** - Notice is hereby given that the Chelsea Planning Commission will conduct a public hearing, as the statute in such case provides, for amendment of the Chelsea City Zoning Ordinance (Ordinance No. 166). The requested change would revise the Zoning Text with the following change: Amend Article 3, Section 3.04A to add the following sentence, **USES FOR ENTERPRISES OR PURPOSES THAT ARE CONTRARY TO FEDERAL, STATE, OR LOCAL LAWS OR ORDINANCES ARE PROHIBITED:**

DISCUSSION

REPORTS

ADJOURNMENT

PLANNING COMMISSION MEETING MINUTES

SEPTEMBER 21, 2010

7:00 P.M.

WASHINGTON STREET EDUCATION CENTER, BOARD ROOM
500 WASHINGTON ST., CHELSEA, MI

Members Present: Chairman-George Kinzer, Jack Garland, Robert Stephens, Casey Blair, Darlene Stanley, Peter Feeney, Sarah Haselschwardt

Members Absent: Ann Valle

Others Present: Planning & Zoning Administrator Jim Drolett, Council Trustee Cheri Albertson, City Planner Carl Schmolt

Others Absent: City Engineer Christine Linfield (Not necessary for her attendance).

CALL TO ORDER

Chairman Kinzer called the meeting to order at 7:01 p.m.

APPROVAL OF MEETING MINUTES

Approval of the Meeting Minutes from August 17, 2010.

A motion was made by Peter Feeney to approve the meeting minutes as corrected, (under discussion, change the word visionary to visioning) supported by Darlene Stanley. 7 ayes, 0 no, 1 absent. Motion passed.

APPROVAL OF WORK SESSION MINUTES.

No Quorum for the September 7, 2010 Work Session. No minutes to approve.

PUBLIC PARTICIPATION

Chairman Kinzer opened and closed public participation. No public comments made.

PUBLIC HEARING

- **Community Incubator Kitchen** - An application has been filed by Judy Radant of First United Methodist Church for a Special Use Permit of a proposed Community Incubator Kitchen on the following described parcel of land: Tax Code # 06-06-12-402-007, 128 Park Street, Chelsea, MI

Chairman Kinzer opened the Public Hearing.

Bernadette Melonoski, President of Community Incubator Kitchen gave a brief overview of the Special Land Permit request. The purpose of their organization is to allow an individual the opportunity to start up a business with a food idea without the expense of a commercial kitchen. If the product takes off, the individual would have to provide a different location for the business. While the organization does not have anyone committed yet, some of the interest has included a mother and daughter making pies, someone with a family recipe to make chowder, etc. To get started the
PC Minutes 9.21.10

organization requires licensing, food protection managers certification, and the program insists they have product liability insurance. Perspective users will have full knowledge of the rules before they are accepted as clients.

In regards to the church, Planning and Zoning Administrator Jim Drolett said to keep in mind there is no parking on that site, only a turnaround. For loading purposes, Carl Schmolt asked if a driver was waiting, would they wait in the circle drive. Bernadette said they will do whatever the Planning Commission wants.

It was mentioned that the Zoning Ordinance does address the number of employees, and hours of operation. This operation will be from 6:00 a.m. to 10:00 p.m. Jim noted that no food would be sold onsite, and that this use is not for cooking for another business already off site.

George Kinzer closed the Public Hearing

A motion was made by Jack Garland to approve the Special Use Permit located at the First United Methodist Church, 128 Park St., Chelsea, MI, supported by Darlene Stanley. 7 ayes, 0 no, 1 absent. Motion carried.

- **Text Change** - Notice is hereby given that the Chelsea Planning Commission will conduct a public hearing, as the statute in such case provides, for amendment of the Chelsea City Zoning Ordinance (Ordinance No. 166). The requested change would revise the Zoning Text with the following change: Amend Article 3, Section 3.04A to add the following sentence, USES FOR ENTERPRISES OR PURPOSES THAT ARE CONTRARY TO FEDERAL, STATE, OR LOCAL LAWS OR ORDINANCES ARE PROHIBITED:

Chairman Kinzer opened the Public Hearing.

James Drolett gave an overview of the text change request. In 2008 the State of Michigan approved Medical Marijuana which has caused numerous problems for municipalities and law enforcement. It is still illegal at a federal level and there are very few and confusing rules and regulations to regulate Medical Marijuana Dispensaries and patients. For example, if you get stopped and tell police that you have filed for a medical marijuana card they have no way to check. The Dept. of Public Health has applications in the thousands and do not have the manpower to process those applications.

Much discussion between the Planning Commissioners on this issue. Some commissioners feel that this is an issue for City Council and not the Planning Commission. Casey Blair asked why this is not going directly to City Council under a moratorium. His concern is that we are using zoning to enforce a law change. Carl Schmolt said that this is a land use question, and that sooner or later the Zoning Ordinance is going to have to deal with this. Does the city want to be pioneers in figuring this out until there are better regulations in place? Planning and Zoning Administrator Jim Drolett said that council still has the option to deny the language. He went on to say that almost every zoning districts allows medical clinics and he would have to give them a permit. Is that what the Planning Commission wants?

PC Minutes 9.21.10

Cheri Albertson said the question to City Council should be does Council want the Planning Commission to deal with this as a zoning issue?

Chairman Knzer closed the Public Hearing

Darlene Stanley was concerned that the way the public hearing was posted residents would not realize what this is really in reference to and that we would have had more of an audience.

A motion was made by Casey Blair, supported by Robert Stevens to table the issue till the next voting meeting. 4 ayes, 3 no (Peter Feeney, George Kinzer, Sarah Haselschwardt), 1 absent. Motion passed.

Cheri Albertson said it will get a thorough discussion at the council level and asked the commission why they are tabling the issue so she could report that to council. Jack Garland said it's not a simple text change to our Zoning Ordinance. When medical marijuana was brought up it complicated the issue. It's not fair that we have to deal with this tonight. They want more time to research and discuss this issue. Darlene Stanley said that the public should know the specifics of what we are discussing

A motion was made by Peter Feeney, seconded by Sarah Haselschwardt to take the issue off the table. 3 ayes, 1 absent, 4 no (Darlene Stanley, Casey Blair, Robert Stevens, Jack Garland). Motion failed for lack of support.

Sarah Haselschwardt asked what methods were used for the other communities that are not allowing the use. Has it been done through a moratorium or a text change? Jim Drolett will have to check with the Police Chief.

DISCUSSION

Casey Blair attended a three day Gateway Planning Workshop. He will get information to the Planning Commission for the work session. The class focused on all of the surrounding communities in an effort to promote tourism, individual communities and preserving natural resources. Jim Drolett added that the **dollars and sense of protecting commuity character portion of the seminar** was taped, and that Clerk Terri Royal has two copies if the Planning Commission would like to view the meeting.

ADJOURNMENT

A motion was made by Casey Blair, supported by Sarah Haselschwardt to adjourn the regular Planning Commission Meeting at 8:10 p.m. 7 ayes, 1 absent, 0 no. Motion passed.

Sincerely,



Karon R. Barbour
Planning and Zoning Technical Administrative Assistant



CITY OF CHELSEA

NOTICE OF PUBLIC HEARING ON PROPOSED SPECIAL USE

An application has been filed by **Judy Radant** of **First United Methodist Church** for a Special Use Permit of a proposed Community Incubator Kitchen on the following described parcel of land:

TAX CODE: # 06-06-12-402-007
128 Park Street, Chelsea, MI

The application for a Special Use Permit will be considered by the Chelsea Planning Commission on **Tuesday, September 21, 2010, at 7:00p.m.** in the **Board Room, Washington Street Education Center, 500 Washington Street, Chelsea, MI.**

Signed, written comments, concerning the application will be accepted prior to the Planning Commission meeting, and will be read at the meeting. Comments should be addressed to the Chelsea Planning Commission, 305 S. Main St., Suite 100, Chelsea, Michigan 48118.

Persons requiring reasonable accommodations to disabilities in order that the hearing be accessible to them, are requested to notify the Chelsea Planning Commission Chairman no later than five (5) business days prior to the date of the hearing of such disability.

CHELSEA CITY PLANNING COMMISSION
George Kinzer, Chair

City of Chelsea
Washtenaw County, Michigan

Application for Special Land Use Permit

Application No _____

Please print of type (if additional space is needed, use the back side of form)

1. Application is hereby made by: Name(s): Judy Radant c/o CFUMC
Address: 128 Park Street Chelsea, M.
Phone: 734-475-8119
To obtain a Special Land Use Permit Judy Home 734-475-1157
Cell 734-929-7309

2. The applicant (s) is/are: () owner(s) of the property involved.
(X) Acting on behalf of the owner(s) of the property involved.

3. Address of the property involved: 128 Park STREET

Legal Description: on file

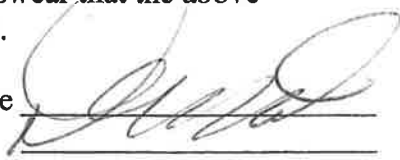
4. The property identified above is presently zoned: residential

5. The proposed use(s) and nature(s) of operation is/are: Kitchen rental through
Chelsea Community Kitchen

Note: An accurate survey drawing of said property **must** be attached to this application.
The drawing shall show all existing and proposed buildings and structures, the types thereof, their uses, and the drawing scale.

I/We Lennis Durrhal - Trustee ^{CHMR} do hereby swear that the above information is true and correct to the best of my/our knowledge.

Date: 7/29/10

Applicant(s) Signature 

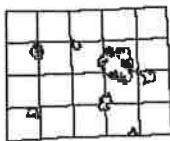
.....
Fee Received: \$ _____ City Clerk's Signature: _____

Date Received: _____

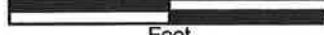
Action taken by the Planning Commission shall be noted on the reverse side of this form.



Location Map



0 120 240



1 inch = 147.1 feet



Geographic Information System

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

NOTE: PARCELS MAY NOT BE TO SCALE

GIS Map Print

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.

Date Printed: 08/05/2010

06-06-12-402-007