

Pennfield Charter Township

Planning Commission Meeting

Minutes of October 4, 2010

The meeting was called to order at 6:30 pm at the Pennfield Charter Township Annex, located at the Township Office. Members present were Paul Anderson, Jack Pooler, Joseph Weiss, Elaine Walter, Brad Messenger and Jon Bartlett. Curtis Whitaker was excused. A quorum was met.

Others present: Rob Behnke, Township Supervisor/Zoning Administrator; Russell Wicklund, Township Planner; Attorney Jim Norlander; Sandra Cummings, Recording Secretary;

The meeting opened with the Pledge of Allegiance.

Approval of Meeting Minutes of September 7, 2010

A motion was made by Jon Bartlett, seconded by Jack Pooler, to approve the September 7, 2010 meeting minutes. Motion carried.

Old Business

No old business needed to be addressed.

New Business

a) Special Use Request for Kurt Stark

The Planning Commission held a Public Hearing to consider a Special Land Use request from Kurt Stark, for a residential use within a mixed use development, as required under Chapter 13A (Capital Business District - CBD), Section 13.A.03 (Special Land Uses), item (D) of the Pennfield Township Zoning Ordinance. Mr. Stark would like to build a residential home on his 5-acre parcel located at 20234 Capital Avenue NE, Battle Creek, Michigan. He recently added 3 acres to his previous 2 acre parcel, and plans to combine all 5 acres into one parcel. Kurt Stark has already constructed a pole barn on the site. It should be noted that the property was formerly zoned Agricultural, and that a new home would have been an allowed use before the creation of the Downtown Development Association (DDA) and Capital Business District (CBD). Current CBD zoning does not provide for residential use. Mr. Stark has been planning to build a home since his initial pole barn was constructed 5 years ago, when previous zoning was in effect.

Mr. Stark presented his request to the planning commission. The home is to be located 1000 feet off the main road, which is Capital Avenue NE. He will have his own water

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well and septic system. He has his own private driveway which he maintains. The home is to be 3000 square feet in size. He will submit all building plans and permits as required if his special use request is granted.

It was pointed out by the Board that the creation of the DDA and CBD was not meant to cause a hardship to residents. Also noted was that there were no phone calls or letters received prior to the Public Hearing for Special Use Permit for Mr. Stark. Mr. Behnke received one e-mail correspondence from a neighboring owner, Annie Stetler, who was not opposed to the request.

Brad Messenger made a motion to recommend approval of Mr. Stark's Special Use Request for residential building within a mixed use development to the Township Board. The motion was seconded by Jay Weiss. The motion passed with no members opposed.

The request will now go to the Township Board of Trustees for approval.

Public Comment

No public comments.

Discussion (continued) with respect to Medical Marijuana

Discussion continued from the previous meeting with regard to the Moratorium on the issuance of permits, licenses and approvals in regard to land uses associated with the sale or dispensation of medical marijuana. The discussion was led by Russ Wicklund and Attorney Jim Norlander.

The discussion centered on the legal ramifications of licensing dispensaries, and the legal and moral challenges of allowing a commercial use in residential areas. Conflicts between Federal, State and Local regulations were discussed, in addition to the manner in which other local Municipalities are handling this matter. The discussion will continue during future Planning Commission meeting.

Commissioners Comments

Jack Pooler is unhappy that the Recycling Program may be end due to lack of funding.

Paul Anderson is looking forward to seeing the Wal-Mart site plans.

Brad Messenger wishes to thank Mr. Wicklund and Mr. Norlander for helpful input into the Medical Marijuana issue.

Jack Pooler made a motion to adjourn, seconded by Brad Messenger, at 7:54 pm. Motion carried.

Submitted by,

Sandra Cummings, Recording Secretary