



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, AUGUST 8, 2017**

The Meeting was called to order at 7:30 p.m.

ROLL CALL: Maurer, Novak, Palmer, Robertson, Whitt, Wolfson

ABSENT: None

OTHERS PRESENT: Consultant Planner Deem, City Attorney Vanerian, Recording Secretary Rodgers

**PC 08-01-17 MOTION TO APPOINT COMMISSIONER BOB ROBERTSON AS
THE TEMPORARY CHAIRMAN OF THE PLANNING
COMMISSION**

Motion by Whitt, seconded by Palmer, CARRIED UNANIMOUSLY: To appoint Commissioner Bob Robertson as the temporary chairman of the planning commission.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 08-02-17 APPROVAL OF THE JULY 11, 2017 PLANNING COMMISSION
MEETING MINUTES**

Motion by Wolfson, seconded by Novak, CARRIED UNANIMOUSLY: To approve the July 11, 2017 Planning Commission minutes.

COMMUNICATION:

Commissioner Whitt said there was a letter of resignation to the Mayor and City Clerk from Matt Malone. Mr. Whitt said Mr. Malone did a great job over the years.

AUDIENCE PARTICIPATION:

Karen Kolke – 179 Spring Park - said she has a question and stated the June 13th minutes were passed and they are still not available online.

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

Open Public Hearing 7:34 p.m.

1. Ordinance Amendment C-334-17: Chapter 51: Zoning, definitions & land use regulations pertaining to marijuana facilities

Planning Consultant Deem discussed the new five facilities of marijuana as of November 2016 defined as a grower or processor, secure transport, provisioning center, and safety compliance facility. A grower license has three classifications; A, B, and C, each class defines number of plants you can grow. He explained this is now commercializing medical marijuana. He said secure transporter is how it gets to transport to dispensary. Safety compliance facility people who test the medical marijuana for potency and strength. He said the commission is reviewing the amendment to the zoning ordinance. This is a two-step process. The first is a code of radiance amendment and a zoning ordinance. The zoning is before the commission to review land use, where is permitted within the city, waste management plans, how many do you want to allow for each use. He said you do not have to allow all uses within the city. He said the city can put caps on the number of facility uses. For example, 3 dispensaries and 2 growers only in the city. He discussed the items to be reviewed and get public comment. The ordinance discusses where the approved facilities may be located. He said it discusses grower to be allowed in industrial zone. Transporter under state law is not allowed to keep marijuana on site. He explained the importance of a establishing buffer zone and most other cities are treating it like adult regulated use. The proposed amendment is 1,000 feet from a school. The buffer is from property line to property line. The 1,500 feet boundary radius is just noting if the location is within a school, dispensary church, park, or residential zone. He said it does not discuss it whether or not it is outside the boundaries.

Commissioner Palmer asked about safety compliance facilities that go through testing it and return test results to the caregiver. Can we maintain a running log, to review? Where is the requirements to maintain a numerical record of what they test and who gets it?

Planning Consultant Deem said with commission review and state review.

Audience Participation:

Craig Arinoff, an attorney with a cannabis legal group said there are three different statues enacted relating to the MMFLA Act. The Tracking Act will track seed to sale and will be on the register and tracked by state and local authorities, the same mechanisms being used for tomatoes, and lettuce. Safety compliance will be reviewed and addressed by the state. He said that is important to take the caregiver models out of people's basements. He said December 15th the state will start accepting license applications.

Christopher Shywee said he is resident of Walled Lake and was married here and lived here for ten years. He is a two-time cancer survivor. He said he was thrilled to hear there was a dispensary close to where he lived. He said he has had to travel other places that he normally would not want to go. He said is retired, travel is difficult, if he is saving and is a legal card carrier member, he asked the laws were voted on and would be applicable to him and others. He asked when is the ordinance going to be revamped and rolled out. He said he dealt with two dispensaries in town and asked when they are going to be back open for business.

Commissioner Whitt said this is land use regulation. The state regulates the sale of marijuana. Local authority can restrict the location of where the state approved facilities can be. He said he wanted to clarify that the city has never authorized the sale of marijuana, the state law allowed it. The city is trying to work in cooperation with the state laws. The ordinance is severely inept, it is not sufficient, it does not protect the church and schools.

Close Public Hearing 7:58 p.m.

Discussion:

Planning Consultant Deem said another important item to discuss is that this is a principle permitted use complete with valid site plan and not a special land use process which requires a public hearing.

Chairman Robertson said school and churches leaves out a lot of areas in particular, if adding beaches and parks this includes the trailway which is a linear park.

Commissioner Whitt said there needs to be discussion about. The economy is going to drive this. Commissioner Maurer asked if this is a draft.

Commissioner Whitt said this is an early draft, the city will need to comply with state law.

Planning Consultant Deem said this is an early draft to begin discussions. Consistent standards found in communities treat as a special land use and a buffer requirement.

Commissioner Whitt said it needs to be more than 1,000 feet.

Planning Consultant Deem said with the three dispensaries and then you place a 1,500-foot buffer and the community parcels, there is essentially two other places left.

Commissioner Maurer referenced attorney Aironoff and asked if we are looking for a dispensary or a grow or processing facility.

Planning Consultant Deem said there is going to be another ballot initiative for full legalization in 2018.

Commissioner Wolfson said it is breaking down the type of facilities and where they can be and the buffer zone from schools.

Commissioner Whitt there is going to be another ballot proposal in 2018. There needs to be a conservative approach to this. He said state wide if it does pass, you already have them in. He said that needs to be consider before we send to city council. He said that the Michigan vote will pass. He stressed again, a conservative approach is necessary.

Commissioner Mauer requested maps be provided to clarify.

Planning Consultant Deem said he would like to show a map of 1000-foot buffer and 1500-foot buffer so the commission can see the difference. He said it would be a good visual.

Commissioner Wolfson said can we restrict the square footage, size and where the location is.

Commissioner Whitt said as a City, thru the Planning Commission and City Council have a lot of power to restrict this and comply with state law. He said this ordinance needs a substantial amount of work and review to protect the schools, churches and parks.

Planning Consultant Deem said the Commission does not have to pick all 5 uses, the City can pick which one's work for the City and can put a limit on number.

Chairman Robertson said he would like to have further discussions and have city attorney present discussions.

Commissioner Palmer said to have a block statement on how it works and what the City wants to control. He said it needs to say why the City is doing this and have that in writing. He said it needs to be more read-able.

Commissioner Maurer asked if the Commission can put anything in the ordinance concerning signage. Planning Consultant Deem said this question has not been answered because of the legality of it and he deferred it to the city attorney. Mr. Deem asked what level of risk does the City want to take.

**PC 08-03-17 MOTION TO TABLE ORDINANCE C-334-17 CHAPTER 51:
ZONING, DEFINITIONS & LAND USE REGULATIONS
PERTAINING TO MARIJUANA FACILITIES**

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To recommend approval to amend ordinance C-334-17 Chapter 51: Zoning, definitions & land use regulations pertaining to marijuana facilities.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report June

Commissioner Whitt said code enforcement is working on Sundays now. He said the city placed signs at the Salvation Army, if people were caught dropping bags they would be ticketed. He said there were no drop offs. He stated there was a residential property where a contractor had

dispute with the owner, everything inside was ripped out and dropped in the front yard. It was cleaned up quickly by the City and action is being treated as a felony of commercial dumping charges putting the community at risk. He complimented Code Enforcement Officer Rondeau and DPW for addressing the situation promptly.

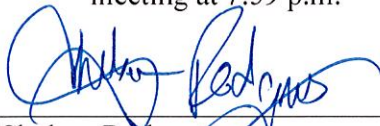
COMMISSIONERS COMMENTS:

Commissioner Wolfson thanked Mr. Malone for his years of service.


Commissioner Palmer said the Commission needs to spend time on the ordinance presented tonight. He said it is important to do it right. He said the City should have its intent in the zoning ordinance, have a good handle on the rules, and in addition make a comprehensive form.

PC 08-04-17 ADJOURNMENT

Motion by Whitt, seconded by Palmer, CARRIED UNANIMOUSLY: To adjourn the meeting at 7:59 p.m.



Chelsea Rodgers
Recording Secretary



Bob Robertson
Chairperson