



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, NOVEMBER 14, 2017**

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

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

ABSENT: Hecht

OTHERS PRESENT: Consultant Planner Deem, Recording Secretary Pesta

**PC 11-01-17 MOTION TO EXCUSE COMMISSIONER HECHT FROM
TONIGHT'S MEETING**

Motion by Whitt, seconded by Robertson, CARRIED UNANIMOUSLY: To excuse Commissioner Hecht from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 11-02-17 APPROVAL OF THE OCTOBER 10, 2017 PLANNING
COMMISSION MEETING MINUTES**

Motion by Robertson, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the October 10, 2017 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION:

Rob Titel – 1825 E. west Maple – said he is the president of Iron Laboratories and is an ISO accredited cannabis testing facility. Mr. Titel said he is concerned that when the state has their licensing period that his business is going to be forced to leave the city, that he really enjoys doing business in. Mr. Titel said at that point if he does not apply for a license in a community who opted into the state program into the Marijuana Facility Licensing Act (MFLA) that he will not be able to operate and forced to leave Walled Lake. Mr. Titel said he wants to keep his business in Walled Lake and all his business does is test medical marijuana.

Commissioner Whitt asked Mr. Titel to explain what Mr. Titel wants the planning commission to do?

Rob Titel said assuming by December 15th there will not be any ordinances on the books. Mr. Titel said he would be great to apply to the state where Walled Lake has opted in to MFLA. Mr. Titel said he would love to get something from the City. Mr. Titel said his business does not manufacture or sell, his business only test marijuana. Mr. Titel said would like to have the City give him some provisional approval to stay in the City.

Commissioner Whitt said Mr. Titel should be aware the City has an ordinance now. Mr. Whitt said the ordinance has been interpreted by other entities, the city does not prohibit certain facilities. Mr. Whitt said the ordinance provides for that, what happened was the interpretation by other enforcements agencies is that certain activities should not be in business. Mr. Whitt said the city ordinance regulates so there are certain activities it starts off and all businesses have to comply with state law. Mr. Whitt said that may be enough to meet Mr. Title's concerns with the state application. Mr. Whitt said the City is not prohibiting anything yet but if Mr. Titel is saying the ordinance has to be approved before the 15th that probably is not going to happen.

Rob Titel said he cannot make his application to the state unless the City has opted into the state program.

Commissioner Whitt said he is trying to provide Mr. Titel an option, the City has an ordinance that with certain regulation in terms of the medical marijuana it says in compliance with State law, that may be Mr. Title's only solution. Mr. Whitt does not see this getting passed for the 15th, so if Mr. Titel is looking for an immediate answer Mr. Whitt does not see that happening unless someone declares it an emergency.

Consultant Planner Mike Deem said Licensing and Regulatory Affairs (LARA) has issued two bulletins. Mr. Deem said one is clarifying how the State is going to treat existing facilities. Mr. Deem said the state has outlined a path for these existing facilities that has been approved and operate under an approved ordinance and how these businesses can remain open while this process is coming together. Mr. Deem explained the business owner has to complete pre-application process, which are two steps. Mr. Deem explained the pre-application has to be submitted by February 15, 2018 and the second step is the licensing and that is where the businesses check in with the city. Mr. Deem explained that existing facilities are allowed to remain open without penalty from the State level assuming that the applicant get their pre-application in by February 15th and the applicant has not been denied a state license and the applicant has not been issued a state license.

Commissioner Wolfson asked how does the testing process work?

Mr. Titel said every sample his business takes in is given to him from the patient and caregivers. Mr. Titel said purpose is to test the marijuana before it is placed on the shelves. Mr. Titel explained he is testing for current dispensaries, growers and processors. Mr. Titel said he test everything on the premises.

Commissioner Whitt asked if Mr. Titel had any problems with the Oakland County Sheriff Department.

Mr. Titel said no.

Commissioner Whitt said the State of Michigan declared if one is in possession with marijuana they can arrest. Mr. Whitt said dispensing is another issue. Mr. Whitt said the sheriff issued letters to all of them and put the city on notice. Mr. Whitt said the sheriff took the dispensaries to court and lost and then took another approach and on advice of an attorney the dispensaries in the city were shut down. Mr. Whitt said all are shut down and the city does not have any dispensaries.

Commissioner Wolfson asked how does Iron Laboratories get paid.

Mr. Titel said payment is from whoever has asked to test the supply.

Dewain Diacono - 1020 Decker - said he has companies like Michigan State University and Lawrence Tech waiting for a letter of intent from the city stating his property is able to have dispensary, processing, transport company and laboratory. Mr. Diacono the longer the city waits with its recommendation the longer the he will be behind on the packages coming into the City. Mr. Diacono said he will employ 15 employees. Mr. Diacono said he is looking to apply for a Class C license, if he can get multiple Class C licenses which would allow for 1500 grow plants for processing and he can stack them no problem. Mr. Diacono said it is a win-win for the city.

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS:

1. Discussion: Public Act 281 Medical Marijuana Facilities Licensing Act

Consultant Planner Mike Deem said LARA issued two bulletins and the first one is about how the process of licensing is going to happen. Mr. Deem said there are two steps: the pre-application and the license application. Mr. Deem explained license will not be approved without city approval first. Mr. Deem discussed the draft ordinance he called the DNR and left several messages with no return call. Mr. Deem said he has updated the uses to treat them as Special Land Use. Mr. Deem said the commission has limited the number of provisional centers keeping two (2) facilities in the C-2 and one (1) in the C-3 district. Mr. Deem discussed in the industrial zoning would recommend allowing two (2) of each: processing, testing, transportation safety compliance, and provisioning and with the setback requirements it limits itself to two as it is. Mr. Deem explained the planning commission exempted the Airline Trail from the 1,000-foot setback. Mr. Deem said there are two maps to consider how the setbacks are measured, it is from door to property. Mr. Deem said the properties are measured from schools, churches, daycares and youth groups. Mr. Deem explained that there is a house bill that proposes a 500-foot setback. Mr. Deem said what was previously approved does not have to be approved under the new State law. Mr. Deem said Mr. Titel said his business is in the C-2 district on Maple Road. Mr. Deem expressed that some communities see testing facilities as the least intrusive. Mr. Deem said there is the option to change the ordinance to allow and address this Mr. Title's business.

Commissioner Whitt suggested the planning commission immediately amend the draft ordinance so not to run off a local business that already exists. Mr. Whitt explained the elected officials may want to change that but what the planning commission sends council tonight the commission should not send the guarantee that the planning commission just sent a business walking. Mr. Whitt said the city is hurting for businesses. Mr. Whitt suggested to allow the testing facility business in the C-2 district. Mr. Whitt said the end of the story the elected officials of the city should make the final call. Mr. Whitt said he would prefer the business owners take their case to the elected officials because it is a political issue.

**PC 11-03-17 TO AMEND ARTICLE 10 OF THE DRAFT ORDINANCE TO
ALLOW THE SAFETY COMPLIANCE FACILITIES IN THE C-2
DISTRICT AS A SPECIAL LAND USE AND CAP THOSE
FACILITIES AT TWO**

Motion by Whitt, seconded by Robertson, UNANIMOUSLY CARRIED: To amend Article 10 of the draft ordinance to allow safety compliance facilities in the C-2 district as a Special Land Use and cap those facilities at two.

Consultant Planner Mike Deem said the way the ordinance reads the setback is only measured from provisional centers. Mr. Deem said in the C-3 district there is previously approved dispensary that would not meet the setback requirements. Mr. Deem explained nothing in the C-3 district would meet the setback requirements. Mr. Deem explained if the planning commission would like to give the downtown business owner the opportunity to apply he would recommend removing the setback restriction only in the C-3 district.

Chairman Maurer recommended the planning commission to choose 500-foot setback requirement.

**PC 11-04-17 TO AMEND THE ORDINANCE TO HAVE THE SETBACK
REQUIREMENT SET TO 500 FEET**

Motion by Robertson, seconded by Palmer, UNANIMOUSLY CARRIED: To amend the ordinance to have the setback requirement to 500 feet.

**PC 11-05-17 TO SEND THE DRAFT ORDINANCE TO CITY COUNCIL WITH
AMENDMENTS**

Motion by Robertson, seconded by Wolfson, UNANIMOUSLY CARRIED: To send the draft ordinance to city council with amendments.

**PC 11-06-17 TO HAVE THE CONSULTANT PLANNER WRITE A LETTER OF
INTENT FROM THE PLANNING COMMISSION WITH THE
STATEMENT OF FACTS WITH ALLOWED ZONING AREAS
INCLUDING THE CAPS OF EACH FACILITY TYPE,
AVAILABLE TO PICK UP AT CITY HALL**

Motion by Palmer, seconded by Robertson, UNANIMOUSLY CARRIED: To have the consultant planner write a letter of intent from the planning commission with the statement of facts with the zoning areas including the caps of each facility type, available to pick up at city hall.

NEW BUSINESS: None

ADMINISTRATIVE REPORT:

1. Code Enforcement Report – October

PC 11-07-17 TO RECEIVE AND FILE THE MONTHLY CODE ENFORCEMENT REPORT

Motion by Whitt, seconded by Robertson, UNANIMOUSLY CARRIED: To receive and file the monthly code enforcement report.

COMMISSIONERS COMMENTS:

Commissioner Whitt said the economy is what drives this and the economy is improving. Mr. Whitt said in regard to the Community Education Center (CEC) the city will know after the 29th of this month and if the city has a case for slowing the demolition of the building and allowing the DDA time to find a public/private partnership to develop the property. Mr. Whitt put a time frame together that have ability to fix the property. Mr. Whitt said the argument is the building actually improves the property and is worth more with the building and the CEC board own documents say the building is worth more. Mr. Whitt said the school is using mileage money as a surplus.

Commissioner Maurer thanked the Consultant Planner Mike Deem for all the work he put in the to amend the ordinance.

PC 11-08-17 ADJOURNMENT

Motion by Wolfson, seconded by Robertson, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:32 p.m.

Chelsea Pesta
Recording Secretary

Michael Maurer
Chairperson