



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, SEPTEMBER 12, 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, City Attorney Vanerian, Recording Secretary Stuart

PC 09-01-17 MOTION TO EXCUSE COMMISSIONER HECHT FROM TONIGHT'S MEETING

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

PC 09-02-17 MOTION TO APPOINT COMMISSIONER MAURER AS THE CHAIRMAN OF THE PLANNING COMMISSION

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

PC 09-03-17 MOTION TO APPOINT ROBERTSON AS VICE-CHAIRMAN

Discussion.

City Attorney Vanerian said the State will not permit a council member serving on a board or commission to act as a chair of that board or commission.

Commissioner Whitt withdrew motion.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

PC 09-04-17 APPROVAL OF THE AUGUST 8, 2017 PLANNING COMMISSION MEETING MINUTES

Motion by Palmer, seconded by Wolfson, CARRIED UNANIMOUSLY: To approve the August 8, 2017 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION:

Karen Kolke, 179 Spring Park – explained that she watched the news and was pleased to know the Walled Lake Police assisted a mother of two children with housing through the Police Benevolent Fund. Ms. Kolke questioned why the July 2017 minutes were not being available online.

Commissioner Whitt explained that approved and signed minutes are posted online and the July minutes are not on the website. Mr. Whitt explained that Michigan law requires minutes be available at city hall and that the posting of minutes to the city website is a second phase. Mr. Whitt stated that Ms. Kolke may obtain a copy of minutes at city hall if they have not yet been signed and posted.

Dewain J. Diacono, Diacono Enterprises at 1020 Decker – said he is here today to let the Commission know of their business plan and that his group has 5 business locations for medical cannabis uses, 4 of the 5 locations have applications submitted to the local municipalities. Mr. Diacono said he has 3 acres of land east of his property at 1020 Decker that he has purchased and both properties are in the industrial zoning district. Mr. Diacono asked that when the Commission reviews the zoning districts for marijuana facilities, to keep the industrial corridor as part of the approved zoning areas. Mr. Diacono said if they are near schools have stronger regulations such as higher fencing requirements. Mr. Diacono said he and his partners have been working for over 4 years on their business plan for medical cannabis which includes harvesting medical marijuana plants. Mr. Diacono explained his groups is partnering with Lawrence Technological Institute and Michigan State University. Mr. Diacono explained that the Walled Lake location will house the growing and transporting of medical cannabis and he said he is there to let the Commission know he and his partners wish to be here in Walled Lake. Mr. Diacono stated that they want to know what the City is going to do, they want to know where their home will be; they will be investing substantial dollars in the City.

ATTORNEY'S REPORT:

City Attorney Vanerian said the Commission was provided a draft medical marijuana ordinance pertaining to the approved facilities and Zoning Ordinance at the last meeting. Mr. Vanerian said the ordinance is still in its planning stage and is again before the Commission this evening.

UNFINISHED BUSINESS:

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

Planning Consultant Deem provided the Commission boundary maps showing 500 feet, 1,000 feet and 1,500 feet buffer zones around schools, church and community service properties such as city hall, and Mercer Beach.

Mr. Deem said the State is reviewing how they are going to treat existing dispensaries. Mr. Deem explained options include requiring all of them to close prior to a certain date. Mr. Deem said the Licensing and Regulations Affairs (LARA) is suggesting the date of December 15, 2017 which is also the date the State will start accepting dispensary applications, however, there is a questionable area, how the City is going to handle them are they going to be treated as existing non-conforming uses, or be forced to close and moving forward complying with the buffer requirements.

City Attorney Vanerian said all the prior operating sites will have to be licensed through the State. Mr. Vanerian said if they do not have a state license they cannot operate regardless of local zoning.

Planning Consultant Deem said the Commission must review quantity of facilities to be permitted in each of the approved zoning districts. Mr. Deem explained under the law the City has authority to limit the number of facilities and where. Mr. Deem said the Commission has the ability to put a cap on the quantity.

Chairman Maurer asked about neighboring communities, what if they have a park or trailway nearby?

City Attorney Vanerian said the Commission can add into ordinance the trailway properties.

Commissioner Wolfson asked about the existing dispensaries and if they are selected to be provided a license.

Planning Consultant Deem said they must comply with the City ordinance. Mr. Deem said most of the municipalities he is working with have buffers in place, some more stringent than what is proposed for the City.

Chairman Maurer said regardless of what buffer is chosen, they could still go for a variance.

Commissioner Wolfson asked what are the pros and cons from police and fire department. Commissioner Whitt explained that the police and fire departments will not take a position. Mr. Whitt said it will be City Councils decision and they will enforce it. Mr. Whitt stated emphatically that any approved locations should be far away from schools, churches or parks. Mr. Whitt said the City Council will ultimately make the policy decisions.

Commissioner Wolfson asked how the current dispensaries were permitted. City Attorney Vanerian said churches were removed from the buffer requirement because the City is relatively small and there are so many churches it would be prohibitive.

Chairman Maurer asked what the process is for changing the quantity of the caps. Planning Consultant Deem said the ordinance can be amended.

Chairman Maurer asked if the Commission can set the buffer to 500 feet and zero out all existing dispensaries then take each one on a case by case basis.

Planning Consultant Deem said the proposed State law will prohibit facilities to be by schools, churches, daycare centers, and youth group centers.

Commissioner Wolfson said if the Special Land Use approval is applied a public hearing required, the majority voice they do not want a facility there.

Planning Consultant Deem said public participation is one aspect of the review however, if the Commission makes the buffer so large it then becomes unfeasible to locate any site in the City.

City Attorney Vanerian said if the buffer is so erroneous, he suggested the Commission just say they do not want them.

Commissioner Wolfson asked if the Commission has the right to say they do not want them.

City Attorney Vanerian said Council already approved the five types of facility uses. Mr. Vanerian recommends the Commission move forward with creating regulations and buffers to present to Council.

Chairman Maurer asked about revenue sharing. Planning Consultant Deem explained 3% goes into a pool and 25% of that goes to the local municipality with facilities and then that is divided depending on how many facilities you have. Mr. Deem explained the revenue sharing is across the board and there is a \$5,000 application fee. Mr. Deem recommends the Commission not focus on the revenue aspect, it depends on the market, the free market hits then anticipated revenues will drop.

Chairman Maurer asked how the distance is measured for the buffer. City Attorney Vanerian said the City has an ordinance in place that explains how to measure distance.

Chairman Maurer asked if the City receives 4 applications and only 3 facilities are allowed how that would be addressed. Planning Consultant Deem said it could be on a first come first serve basis and that the State has not provided direction on this.

Commissioner Wolfson asked about policing and any past issues. Commissioner Whitt opined that the marijuana law is not clear and that there has been arrests but they are not related to dispensaries. Mr. Whitt said he is inclined to not allow anything, however he noted that the people of Michigan voted for medical marijuana, so the emphasis should be on protecting the churches and schools.

Commissioner Whitt said the discussion of revenues should not be had, this is not based on this. Mr. Whitt said the Commission must make a decision and recommend it to Council. Mr. Whitt

said the 500 feet does pass at the State level and the State will more likely shut everything down then they will have to re-apply. Mr. Whitt stated he would prefer a 1,000 feet buffer requirement. City Attorney Vanerian said the focus of the Commission needs to be the distance requirement, approval process whether Special Land Use approval or something else, and what districts to allow them in.

The Commission agreed to treat as Special Land Use and 1,000-foot buffer.

Commissioner Palmer said the Special Land Use allows for questions and an open forum for audience.

City Attorney Vanerian said the Commission can set the allowed quantity, all five facility types were approved by Council to be applied for; it is the cap on the quantity of each that needs to be decided. Mr. Vanerian said that the Commission will need to make recommendation to Council for final approval and that a grower must be in the industrial or agricultural zone, other than that there are no zoning requirements in the State law; the other four facilities can be permitted to certain zoning districts.

City Attorney Vanerian said if the Commission moves towards making application a Special Land Use requirement, specific criteria will need to establish specific to each type of facility. Mr. Vanerian said City Council will need to see those prior to accepting or rejecting the recommendation.

Commissioner Palmer asked how to expedite this.

City Attorney Vanerian said a recommendation could be made to make it a Special Land Use.

Planning Consultant Deem said the Commission may limit locations to I-1 Industrial and C-2 General Commercial zoning and require the 1,000-foot boundary.

The Commission requested the color pdf maps be forwarded to further research potential sites within the City for facilities.

NEW BUSINESS: None

ADMINISTRATIVE REPORT:

1. Code Enforcement Report – August

Commissioner Palmer thanked Code Enforcement Officer Rondeau for his work. He works to get issues addressed without going to court.

COMMISSIONERS COMMENTS: None

PC 09-05-17

ADJOURNMENT

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:48 p.m.



Jennifer Stuart
Recording Secretary



Michael Maurer
Chairperson