



**CITY OF WALLED LAKE
PLANNING COMMISSION
JANUARY 14, 2014**

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

Pledge of Allegiance to the flag.

ROLL CALL: Present: Ankrom, Cheney, Gersten, Malone, Mendelsohn, Novak,
Robertson, Wolfson
Attorney: Vanerian
Absent: Palmer
Planner: Haw

There being a quorum present, the meeting was declared in session.

**PCM01-01-14 MOTION TO EXCUSE COMMISSIONER PALMER FROM
TONIGHT'S MEETING**

Motion by Gersten, seconded by Ankrom to excuse Commissioner Palmer from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

Commissioner Gertsen questioned page 7, paragraph 5, and comments made by Mr. Jackson regarding text amendments for restaurant and bars to be permitted in all commercial districts, especially C-3 Central Business District, and parking modifications in the C-3 District. He asked if the suggested text amendments were going to be included in tonight's meeting discussion. Ms. Haw said no, they were not; but they could be for next meeting.

Commissioner Ankrom said he didn't recall the discussion either and requested it be stricken from the minutes. Commissioner Robertson agreed.

Attorney Vanerian said the discussion was had at the end of the last meeting just as the meeting was wrapping up. Ms. Haw agreed and said Mr. Jackson briefly spoke about them to introduce the concept.

Commissioner Ankrom retracted his request and the minutes were approved and submitted.

**PCM01-02-14 MOTION TO APPROVE THE DECEMBER 10, 2013
MINUTES AS SUBMITTED**

Motion by Gersten, seconded by Robertson to approve the December 10, 2013 minutes as submitted.

VOTE: UNANIMOUSLY CARRIED

COMMUNICATIONS: None

AUDIENCE PARTICIPATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

PUBLIC HEARING

Open public hearing 7:35 p.m.

City Attorney Vanerian said the proposed changes outlined in ordinance amendment, C-311-13 Conditional Rezoning, were designed to streamline the process for developing and rezoning properties. He explained this ordinance was generated at the request of City Council and it is before the Planning Commission tonight as a public hearing. Conditional rezoning under the statute is entirely optional and requested by the landowner. The landowner may offer, in writing, to the local unit of government and the local government may approve specific use and development of the land as a condition to the rezoning.

Vice Chairman Malone inquired about Section 24.05 Item B-6, “the offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by owner”. He asked if the Planning Commission approves the conditional rezoning and it is then referred to City Council and they withdraw it, would the applicant then have to come back before the Planning Commission. He is concerned that when it is referred to Council and a withdrawal of conditions is made, the Planning Commission would not have the opportunity to review it again. Attorney Vanerian said it would be up to Council and it could or could not come back before the Planning Commission. The ultimate decision lies with Council.

1. Text Amendments to the Zoning Ordinance - Section 24.05 Conditional Rezoning
 - C-311-13 Conditional Rezoning

Audience Participation: None

Close public hearing 7:43 p.m.

COMMISSIONER COMMENTS: None

PCM01-03-14 MOTION TO APPROVE TEXT AMENDMENT TO SECTION 24.05 CONDITIONAL REZONING AS PRESENTED, ORDINANCE C-311-13 AND REFER TO CITY COUNCIL

Motion by Gersten, seconded by Robertson to approve the text amendment to Section 24.05, Conditional Rezoning as presented, Ordinance C-311-13 and refer to City Council.

VOTE:

UNANIMOUSLY CARRIED

PUBLIC HEARING

2. Text Amendments to the Zoning Ordinance - Section 2.01 Construction of Language
 - Measuring Separation Requirements

Open public hearing 7:46 p.m.

Ms. Haw, McKenna Associates, stated the addition of item J, as provided in the August 8, 2013 memo, "*J. Where certain uses are required to be separated from other use(s) by a specific distance, the required distance shall be measured as the shortest distance between the building that is occupied by the regulated use to the nearest property line of the protected use, unless some other method of measurement is expressly provided by the ordinance regulating the specific uses.*" will define the distance between two uses when separation is required.

Commissioner Gersten said it is confusing because the August 8, 2013 review letter discusses the City Code of Ordinances and Zoning Ordinance. Ms. Haw said the first part of the memo goes through different areas that contain "separation requirements" and how this text amendment will help streamline them. Article 2.00, Section 2.01, Construction of Language pertains to the Zoning Ordinance.

City Attorney Vanerian said it would just apply to the Zoning Ordinance. He anticipates making some sweeping changes to the Medical Marijuana Ordinance due to the new state legislation that was recently voted on.

Close public hearing 7:48 p.m.

COMMISSIONER COMMENTS:

Commissioner Ankrom said at last month's meeting the separation requirements from locations such as: public playgrounds, parks, or Safari Playground were discussed. He referred the August 8, 2013 McKenna review letter, page 1, item (C) states "*A medical marijuana dispensary... measured 1,000 feet from "school"*". He asked the Commission what was their vision for the word "school". He asked if there is a more comprehensive definition of the term "school". He said page 2, item (D), number 2 provides very specific language which includes... "*public, private or parochial school, library, park, playground or other recreational facility which admits minors, day-care center, or nursery schools*". He would like to incorporate this language into the Zoning Ordinance when the term "schools" is used.

Commissioner Gersten said the Code of Ordinances and the Zoning Ordinance are two different items. Vice Chairman Malone agreed and said this is just for the descriptions of uses in the Zoning Ordinance. The Planning Commission could not manipulate the City Code of Ordinances.

Commissioner Ankrom asked about page 1, "*The separation requirements of adult regulated uses and medical marijuana dispensaries are based on –secondhand- reports that demonstrate*

COMMISSIONER COMMENTS:

Commissioner Mendelsohn said Oleg Motors had a tow truck parked in the fire lane over 24 hours. Why are they not ticketing this vehicle in broad view of a violation? It was there all day. How many times do we have to approach this business and inform them they are in violation? Is it the Fire Department or Police Department who issues the ticket?

Commissioner Robertson said the Planning Commission originally approved the site some time ago, it was reviewed by the Planning Commission recently because of repeated violations and a motion was made to address this issue. We need to make sure everything we want addressed is included in the motions. We have a Code Enforcement Officer who does not have any backing to approach the property owner that they are in violation.

Attorney Vanerian said it is the Code Ordinance Enforcement Department that could issue a municipal civil infraction. An injunction could be issued to make the property owner come into compliance. If the City chose to pursue, a court order could be issued.

Commissioner Gersten - None

Commissioner Novak - None

Vice Chairman Malone said the DPW, Police, and Fire did a great job during the storm.

Commissioner Ankrom - None

Commissioner Robertson - None

Commissioner Wolfson – None

Chairman Cheney wished everyone a Happy New Year.

PCM 01-05-14 Motion to adjourn

Motion by Robertson, seconded by Wolfson to adjourn.

VOTE:

UNANIMOUSLY CARRIED

Meeting adjourned at 8:20 p.m.

Jennifer Stuart, Recording Secretary

Reuben Cheney, Chairman