

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
November 9, 2015

Approved: November 23, 2015

The meeting was called to order by Mr. Conflitti at 7:00 p.m.

Roll Call: Patricia Carcone, Board Liaison
Michael Conflitti, Chairman
Kris Enlow, Secretary
Stephan Hoffman
Carl Towne, Vice-Chairman

Absent: Jim Chuck

Guests: 4

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates

**Motion by Towne, second by Carcone
To excuse the absence of Jim Chuck.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

APPROVAL OF AGENDA

Mr. Doozan added a New Business item regarding parallel plans.

**Motion by Towne, second by Carcone
To approve the agenda as revised.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the October 26, 2015 Minutes

**Motion by Towne, second by Hoffman
To approve the October 26, 2015 minutes as presented.**

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None

PUBLIC HEARINGS

1. **AP-15-59, Medical Marijuana Regulations. Public hearing to consider revisions to the Zoning Ordinance to allow cultivation and use of medical marijuana on a limited basis.**

Mr. Doozan reviewed the McKenna Associates memo dated October 7, 2015. He explained that the approach they are proposing for dealing with medical marijuana is to treat it as an accessory use. Accordingly, a qualifying patient may grow marijuana plants as an accessory use within any structure zoned for residential use in which the person resides as his, or her principal residence or within any accessory structure located on the same lot. A primary caregiver may grow marijuana plants as an accessory use within any structure zoned R-1.0 in which that person resides as his or her principal residence or within any accessory structure located on the same lot, or within any structure zoned for industrial use but only as an accessory use to the operation of a greenhouse or plant nursery that is operated as a principal use on the same lot.

Mr. Doozan explained a list of prohibited uses in Section 12.02(B), which includes medical marijuana dispensaries, cooperatives grow facilities, and compassion clubs. Although the MMA does not authorize these uses, they feel that it is best to be clear that they are not permitted in the Township.

**Motion by Towne, second by Enlow
To open public hearing at 7:11 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Stephen Emsley, 51824 Eight Mile – Mr. Emsley explained he was a caregiver for his aunt, and typically caregivers do not want a sign in their front yard saying “Come Rob Me”. They don’t want people to know they are there, since it can create a safety concern. He thought this proposed amendment was well done. He did not think they would have any issues with HIPAA laws. He was not sure if there is an option to put in a distance.

Shirley Baker, 27239 Stancrest – Ms. Baker questioned if they hadn’t just discussed an ordinance regarding how close such a use could be to schools. Mr. Doozan stated that a decision hasn’t been made on that yet.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley stated that he wasn’t sure if it is an

option to put in a distance restriction, due to HIPAA laws.

Mr. Towne asked, hypothetically, if you were a qualifying patient that lived across from a school, could you grow your plants but not sit on your porch and smoke? Ms. Kimberlin stated yes.

Mr. Towne stated that he was looking at restricting use within 1,000 feet from a school. Mr. Doozan stated that we will never know who the patient is, so it's unrealistic to have a restriction.

Ms. Kimberlin stated that in some other municipalities, they have a permitting process for qualified caregivers that would address the restriction.

**Motion by Enlow, second by Carcone
To close the public hearing at 7:21 p.m. due to no further comments.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Mr. Enlow stated he does have concerns about someone smoking marijuana on their front porch by a school. Ms. Kimberlin explained this does not change anything; it does not open the door to people.

Mr. Conflitti asked if the number of caregivers was limited. Mr. Doozan stated no.

Ms. Carcone stated she agreed with Mr. Towne, but she didn't see how it could be handled. It's a sensitive subject.

Mr. Towne stated he didn't think it would hurt to put in a 1,000 feet restriction.

Ms. Carcone suggested tabling this item in order to find more information from other municipalities on how they are handling this.

Mr. Hoffman stated that Detroit is charging a tax for dispensaries and wondered if this is within their realm to decide if they can do that. Mr. Doozan stated that Detroit is not charging a tax yet, but the discussion is happening in Lansing. He added that it's interesting that the City of Detroit is allowing dispensaries because the legislation that is on the books is not allowing it.

Mr. Doozan explained that they can get information about the caregivers, just not the patients. Mr. Doozan stated that he felt a lot of communities go overboard, since they are only allowed 72 plants. There is electricity and watering of the plants, but he didn't know if that would necessitate a Fire Department and Building Department review.

Ms. Kimberlin questioned the real need for a permitting process. She stated that she will check with some municipalities who do require permitting and bring that information back to the Planning Commission.

**Motion by Towne, second by Carcone
To postpone until the December 14, 2015 Medical Marijuana Regulations,
AP-15-59 to find out more information on permitting.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

OLD BUSINESS - None

NEW BUSINESS

2. Presentation on Parallel Plans

Mr. Doozan reviewed the McKenna Associates memo dated November 5, 2015. He explained that the Township Board has identified the need to require a parallel plan to help determine the number of units that could be developed under conventional zoning in a proposed Planned Development. He briefly reviewed the two proposed revisions that would incorporate the parallel plan requirement into the Zoning Ordinance.

A letter was received from Dan LeClair and he requested a few amendments to what Mr. Doozan put together. It deals with wetlands, useable and non-useable and wanting a distinction made. The parallel plan should exclude non-useable wetland areas, but allow for the impact of "usable" wetland areas which would more accurately align the ordinance with property owner's rights and ability to impact a wetland permit from the MDEQ.

Mr. LeClair wants to make conceptual review optional. Mr. Doozan did not agree with this option.

Mr. Towne stated he is confused as to what the parameters are in a conceptual review. He questioned why the Planning Commission can't tell applicants not to come back until the preliminary plans are together, all contracts are signed, and everyone is on board. Mr. Doozan stated that the idea of conceptual is to allow people feedback before a lot of money is spent so the applicant can get an idea if their plan would be approved or not.

Mr. Doozan stated that some applicants have come to the Planning Commission without completing all the requirements of the conceptual review. Basically, the applicant submits their documents 21 days prior to the meeting so they can be on the agenda. We review it, and the case appears on the agenda. It's hard to gage by the time it's on the agenda; sometimes the review isn't even done by then.

Ms. Carcone stated that different developers have different visions of what they think we should get and what we would like to see. When there is a 4 page review letter, it shouldn't go to the Planning Commission or the Board. That is not acceptable.

Mr. Doozan stated something that is not in sync with the Zoning Ordinance should not

be at the Planning Commission level, but if it did get here due to deadlines, it would be appropriate that they haven't met the conceptual requirements and they will have to come back at another time.

Mr. Enlow stated that he wants the conceptual in there, it is a good tool so the developer does not have to fork out a bunch of money. Usable and non-usable wetlands seems reasonable. The other thing is to better define non-usable and usable open space.

**Motion by Towne, second by
To schedule a public hearing for the parallel plan requirement to the
planning amendment on December 14, 2015.**

Stephen Emsley, 51824 Eight Mile – Mr. Emsley stated that he is in favor of parallel plans. The Township used to require parallel plans. At some point, applicants stopped providing them; it has not been decades since the Township has seen one. If all of a sudden an applicant has to do a parallel plan after already going through conceptual, that is too bad. There were some serious questions too, and he thought they should heavily consider that almost all of these new developments are past this phase. A parallel plan should happen during preliminary, not just conceptual. He questioned why a gas pipe easement that is not buildable is allowed to be used as open space even though it can never be used. Consider the affects that if the Township now requires it while, historically, you have required it.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

COMMUNITY REPORTS

Ms. Carcone brought the Planning Commission up to date regarding the last Board meeting.

Mr. Doozan provided an article about why people live where they do.

ADJOURNMENT

**Motion by Towne, second by Carcone
To adjourn the meeting at 8:23 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

The Planning Commission meeting was adjourned at 8:23 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary