

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, May 6, 2015
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Pattie McNeilly, Ilene Thayer, and Bruce Walker.

Member absent: Roger Cargill, and Coe Emens III.

Other Persons present: Supervisor Jesse Ramey, and Consultant Mark Eidelson.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair Thayer.

II. Pledge of Allegiance

The audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

There were no changes to the Agenda.

IV. Approval of Minutes: Regular Meeting 4-8-15 and Special Meeting 4-21-15

April 8, 2015 regular meeting minutes – No amendments were offered.

April 21, 2015 Special Meeting Minutes – No amendments were offered.

MOTION Cady, seconded by Walker, to approve the April 8, 2015 regular meeting minutes as amended; and to approve the April 21, 2015 special meeting minutes as submitted.

CARRIED 5-0.

V. Brief Public Comment

Gary Gierke lives on West Columbia – there has been a question about his business storing his 5 trucks on his just under 2 acre parcel. When the trucks have been parked at night off of his property, they have been vandalized and had items stolen. Trucks are used during the day, and parked only at night. He has looked into renting space for parking, but has been unable to find any business able to park his trucks. He has been told that he needs to pursue a text amendment to the Zoning Ordinance.

Chair Thayer – informed him that he needs to file a petition, which costs \$300, and he may also need to establish an escrow fee. He will need to specifically note what section of the Ordinance, and what language he’s proposing to change. The Commission would then need to look into his request.

Mr. Eidelson – if he submits a petition, he is encouraged to be very specific as to exactly what section of the Ordinance he would like to see amended, and precisely what the wording change is being proposed. Many folks seek legal counsel before proceeding.

VI. Reports

A. April 2015 AGS Building/Zoning Report

The report indicated that there had been 7 permit applications: construction of two pole barns, a porch addition, a fireplace, a deck, a new home, and a storage building. There were 5 complaints/authorizations to enforce: 4 complaints of blight; and legal counsel contacted a resident's attorney requesting compliance with a 2002 consent judgement court order.

B. Special Land Use (SLU) Check-off Sheets for June renewal

SLU permit #10 – Thomas Plumhoff – 1858 Columbia Road – Radio Tower

The operations are active and the annual fee has been billed but not yet paid. There have been no complaints and no change in operations.

SLU permit #35.01 – Larry Albert – Tomlinson/Service – Eagle View Golf Club

The operations are active, and the annual fee has been billed but not yet paid. There have been no complaints and no change in operations.

SLU permit #72 – Michigan Trapshooting Association – 1534 Service Road - Trapshoot

The operations are active, and the annual fee has been billed but not yet paid. There have been no complaints and no change in operations. The 2015 schedule of events (shooting days) was not available for review.

SLU permit #124 – Tele-Site/Verizon Wireless – W. Columbia near Ives – Cell Tower

The operations are active, and the annual fee has been billed but not yet paid. There have been no complaints and no change in operations.

MOTION Cady, seconded by McNeilly, to recommend to the Township Board renewal of SLU permits #10, #35.01, #72, and #124.

CARRIED 5-0.

C. Master Plan Community Survey – Update (no enclosures)

Chair Thayer – Clerk Kean had reported to her that the surveys had been mailed on Friday, May 1, and that several were returned during the May 5 election, people bringing the completed surveys to the polls to hand in. The mugs and cookbooks were very popular as an incentive, and about 50 surveys have been received so far.

VII. Pending Business

A. Special Land Use Application for In Home Dog grooming

Alissa Pawlowski – 1366 W. Dexter Trail, Mason

Ms. Pawlowski – works for Vision Real Estate as an agent, has been to dog grooming school and would like to start her business, especially during the real estate off season. She envisions only one client at a time, and no employees. Her immediate neighbors are her mother-in-law and her sister-in-law.

B. Set Public Hearing Date for In Home Grooming SLU (No enclosure)

MOTION Walker, seconded by McNeilly, that the Commission schedule a public hearing on the Pawlowski SLU permit application to be held during the regular Commission meeting on June 3.

CARRIED 5-0.

C. Discussion of Updated Zoning Map

Mr. Eidelson – distributed updated color copies of the updated zoning map. No changes are on the map except for zoning changes that have been previously approved. The Township hall is zoned Agriculture, and so stands out from its neighboring parcels. Some of the colors have been modified as to tone. He encouraged members to look over the map before the June meeting, so a public hearing can then be scheduled during the regular July meeting.

COMMISSION – had discussion on the colors and various details of the proposed map.

D. Potential Medical Marijuana Ordinance – Discussion

Chair Thayer – If the Commission has an interest in amending the Ordinance to address marijuana growing, the Board would need to authorize the drafting of language, and approve associated expenditures of LANDPLAN and legal counsel involvement.

COMMISSION – had discussion on the state of the interpretation of the statute, zoning ordinance amendments adopted by other jurisdictions, health concerns, indoor moisture concerns, requiring the approval of appropriate building and health authorities, whether existing uses would be “grand-fathered in”, whether any authorization should be an owner-only operation as the SLU goes with the property, what uses would be authorized, and enforcement capabilities of the Township.

Mr. Eidelson – in working with other jurisdictions since the most recent Michigan Supreme Court decision in *Ter Beek v. City of Wyoming*, he sees the trend being to clearly delineate what activities would be allowed, and in what manner. Most jurisdictions treat marihuana growing as a home occupation. Jurisdictions have focused more on what can’t be done versus what can be done, and everything must be done in accordance with the Michigan Medical Marihuana Act (MMMA). Amendments have addressed specified locations, locks, etc. In his experience very few, if any, persons in other jurisdictions have applied for permits or SLU permits to grow marihuana. The law also grants a significant level of confidentiality to growers.

Mr. Eidelson – has been thinking about best approaches to regulating marihuana growing under the MMMA. He is considering drafting language for allowance of marihuana growing pursuant to the MMMA, not as a home occupation, but within certain guidelines so long as the MMMA is adhered to fully. He would not craft language allowing for storefronts or other prohibited

activities. He cautioned that Ordinance enforcement cannot be just reactive, but must also be done proactively. Courts have clearly ruled that local units of government have a responsibility to actively enforce as well as responding to complaints.

Mr. Eidelson – in response to questions, noted he would anticipate his time could run in the range of 5-10 hours; legal counsel would also need to be contacted as to how much time they think they might need. He believes he can have a rough draft of an Ordinance amendment for the June meeting if the Board authorizes funding to proceed.

MOTION Thayer, seconded by Walker, to request the Board to authorize funding for the Commission to work with LANDPLAN and legal counsel to develop and draft zoning ordinance amendments addressing medical marihuana growing operations conducted pursuant to the MMMA along the lines of a restricted home occupation, or perhaps as a “general provisions” approach.

CARRIED 5-0.

VIII. Any Other Business

No other business was discussed.

IX. Additional Public Comment

Greg Shaw – It’s been five years since he asked about signage, but is he allowed a memorial sign? There would be no telephone number, but only noting 55 years of family business and the names of the owners throughout the years.

He was encouraged to talk with the Zoning Administrator. Mr. Eidelson’s initial thoughts are that the Zoning Administrator would make that decision, and therefore this is not a Commission matter of discussion.

X. Adjournment

There being no further business, the meeting was adjourned at 8:28 p.m.

John Lazet, Secretary