

**City of South Lyon
Planning Commission Meeting**

May 27, 2010

Chairman Weipert called the meeting to order at 7:07 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Kurtzweil, Mosier, Weipert, Lanam, Bradley, Culbertson, Chaundy and Leimbach were present. Commissioner Chubb was excused.

Also present were Ben Tallerico (Planning Consultant), and Kristen Delaney, Director of Community and Economic Development.

APPROVAL OF AGENDA:

Motion by Bradley, supported by Leimbach

To approve the Agenda May 27, 2010.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Mosier, supported by Culbertson

To approve the Minutes for May 13, 2010 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

Blight: Vacant, Abandoned and Foreclosed Structures Registry

Chairperson Weipert called the Public Hearing open at 7:16pm.

Carl Richards, 390 Lennox

Mr. Richards had a copy of the ordinance and wondered where in the South Lyon charter it stated the Planning Commission had the power to amend an ordinance. He stated he asked a former mayor who told him there should be a town meeting.

Weipert stated this process began several years ago after a joint meeting with City Council and this was something that Planning Commissions take action on.

Richards asked if the Planning Commission had a particular mandate. Weipert stated this was not an uncommon process. The Planning Commission creates the ordinance and then recommends it to City Council.

Richards stated for something as all encompassing as this there should have been more of a sounding board. The problem of vacancies in town should be addressed but he felt this was too massive.

Weipert explained the process for changing an ordinance and noted this that was the public hearing. Richards stated this had not been advertised. He just wanted to know how this could become the law without the public knowing. Mosier explained that was the purpose of this meeting.

Culbertson stated City Council would decide on the approval of the ordinance; Planning Commission only made the recommendation. He asked Mr. Richards if there was something specific that troubled him with the ordinance.

Richards stated there was no schedule of fees and the problems South Lyon had did not represent the action this ordinance took.

Kurtzweil thanked Mr. Richards for coming and stated the Planning Commission had complaints from some of the subdivisions in town and that may be why he was not aware of the problems. The downtown area did seem a bit more stable. By looking at the ordinance the Planning Commission has the authority to prevent problems. There was a very analytical approach by this body. The point was to stabilize the value of homes in the area.

Richards noted that should be stated to the public. Kurtzweil replied they had been discussing this issue for over a year. It had been publicized and the public is always welcome.

Richards described a specific example of a home that had been boarded up and how it did not attract people to the area. Weipert noted that was exactly the purpose of this ordinance to make owners responsible for the care of their buildings. Richards noted it may or may not have a negative rippled affect.

Chairperson Weipert closed the Public Hearing open at 7:35pm. Tallericco stated the state law would circumvent a charter so the Planning Act did allow the Planning Commission the authority to create an ordinance.

Motion by Bradley, supported by Lanam

To recommend approval to City Council to adopt the Blight: Vacant, Abandoned and Foreclosed Structures Registry

VOTE

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

There was no old business.

NEW BUSINESS

Medical Marijuana

Tallerico stated the city's attorney indicated that the draft labeled option A was not an option. There were two main issues to consider 1) growing for personal use and 2) becoming a dispensary. The law was very new and case law was non-existent. The question was whether they wanted to limit personal use or dispensaries.

There were general discussions about the proximity of dispensaries to schools and major thoroughfares and which locations would be appropriate.

There was a general discussion regarding the difference between personal use and the dispensaries and the lack of case law.

Lanam asked about day cares since they were not legally considered drug free zones. Tallerico replied they could be added to the list but it could be problematic.

Tallerico asked if they would rather have building vacant or occupied and paying taxes. Leimbach asked what if a building had four apartments could each occupant be approved to grow. There was a general discussion regarding safe guarding the product.

Weipert asked what if conditions changed and the personal use no longer applied. Tallerico stated the law already prevents someone from using another's prescription; it would be the same thing in that case.

There was a general discussion regarding the options of permitting the personal use and outright banning allowing anything.

Kurtzweil stated if they wanted to outlaw the state law and the city attorney disagreed then she would reaffirm her statement they needed a new city attorney. Federal law pre-

empties state law and if Mr. Lee did not get that than it was a sad day. There was a good chance the courts would support the city supporting federal law.

Tallerico stated state law can contradict constitutional law and that had been supported by the courts so no one knew how it would work out.

Tallerico reviewed the changes he was asked to make.

Weipert stated she would be interested in hearing what Mr. Lee said about federal law pre-empting state law. Tallerico said he would ask. Kurtzweil stated he may want to ask Mr. Lee to provide case law in a legal memo regarding the preemption of state law over federal.

Winder Energy Ordinance

Tallerico reviewed the language and information regarding what was currently on the record regarding wind energy. The Governor was talking about regulating at the state level. He noted he did not like it as a permitted use; they make noise and create shadow flicker. He personally did not feel they should be permitted by right.

Culbertson asked about the maximum height. Tallerico stated he was not looking at this for the individual homeowner but at the units are cylinders and three to four feet above the roof. There was a general discussion regarding the height and decibels of sound.

There was a general discussion regarding noise ordinances. Delaney stated she would check the current ordinances to see if they covered decibel levels and time limits.

TABLED ITEMS

Annual Retreat

STAFF REPORTS

Delaney stated she would send everyone updated ordinance books.

Delaney provided an update on Oakland 40

There was a general discussion regarding an annexation notice Commissioner Culbertson received.

Weipert provided an update on City Council.

ADJOURNMENT

Motion by Culbertson supported by Bradley

To adjourn the meeting at 9:17 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Pam Weipert, Chairperson

Jennifer Knapp, Recording Secretary

Keith Bradley, Secretary