

**Planning Commission
Minutes
August 10, 2017**

Meeting called to order by Chairman Stalmack at 7:00 pm. Showing present: Bardell, Belinski, Borden, Cichewicz, Clark, Oddy, Pokerwinski, Stalmack, Sherwood. Also showing present: Planner Atkin, Attorney Young, Deputy Clerk D. Hadyniak and approximately 20 residents.

4. Minutes: Motion by Oddy, supported by Pokerwinski to approve the Regular Planning Commission Minutes of July 13, 2017. Motion carried.

Stalmack addressed the residents regarding the previous Planning Commission meeting concerning Abraham property on Carleton West and stated it wasn't on the agenda for this evening. Mr. Abraham did not get the information previously requested from the Planner Atkin back to him yet. Mr. Abraham has been postponed until further notice per Planner Atkin.

5. Public Hearing:

A. The Public Hearing on Proposed Amendments to the Township Zoning Ordinance relating to the repeal of Section 6.55 and that portion of Sections 4.15.2 and 4.16.2 relating to Regulation, Location and Operation of Medical Marijuana Provisionary Center(s)

Motion by Borden, supported by Oddy to open Public Hearing. Public Hearing opened at 7:05 pm. Motion carried.

M. Oddy asked Chairman Stalmack if he could give a quick overview. M. Oddy stated that this ordinance that we are looking at repeal was put in place for future provisionary center(s) for trying to plan for Township related caregivers. What transpired was the State did not move in that direction. The State created a new law MMFLA which requires a separate license to open a dispensary center, grow or transport medical marijuana. So under MMMA which is what the ordinance was drafted under, there is no enacting law that requires that activity and so the repeal is to remove activity from the ordinance. The repeal is to remove an ordinance which is just sitting out there and doesn't govern anything. Under the new law, Township would have to opt in or out for the new medical marijuana legislation. The NTA has recommended that all Township review their ordinances and make sure anything on their books that could be construed as acknowledging or opt in to that new regulation. The Attorney and Planner reviewed the Township ordinance and seen this was still out there and it has no enacting law, so they recommended the Township repeal the ordinance. Stalmack asked if there were any questions or comments from the audience.

Sumpter Resident asked Oddy to explain further in detail. Oddy stated that a current caregiver under the MMMA is allow to grow for 5 patients and allow to sell that product to those 5 patients. If you were going to grow outside of your residences; commercially you would need to do so with the Light Industrial District. Sumpter Township choose the light industrial district for caregivers who grow commercially, so the Township had to come back to the Planning Commission last year and approve it as a special land use. The second part on tonight's agenda said that if you are a caregiver who grows outside of your primary residents within Sumpter Township you will need to grow in the Industrial District.

Attorney Young recommended the following verbiage be used:

Motion by Oddy, supported by Borden to add to the Township Board Meeting for August 22, 2017 at 7:05 recommend that the Board repeal Section 6.55 and that of Sections 4.15.2 and 4.16.2 relating to the referencing the location, and operation of a Medical Marijuana Provisionary Center (s).

Motion by Belinski, supported by Pokerwinski to close the Public Hearing at 7:14 pm. Motion carried.

B. To Receive Public Comments on Proposed Amendments to the Township Zoning Ordinance amending the current Zoning Ordinance regarding the Use and Operation of a Medical Marijuana Facility: Modify Section 2.2 Definitions, Modify Section 4.6: AG

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Agricultural District, Modify Section 4.7: RF, Rural Small Farm District, Modify Section 4.8 R-1, Country Home District, Modify Section 4.9: R-2 Single-Family Residential District, Modify Section 4.10: MR, Two-family and Multi-Family Residential District, Modify Section 4.5 LL, Light Industrial District, Modify Section 4.16: GL General Industrial District, Modify Article 6: Special Provisions

Motion by Bordon, supported by Oddy to open Public Hearing at 7:15 pm. Motion carried.

Oddy recapped that is piece of ordinance that was being modified to tie together with the current caregiver ordinance, if the caregiver chooses to sell their product outside of the house it would need to take place in the Light Industrial District. This is the ordinance that putting all that together, if you are going to sell commercially you will only be able to sell in the Light Industrial District. All the sections that were listed by Madam Chairperson Stalmack are being modified to state that if a caregiver grows in those districts it is a home business.

Sumpter Township Resident asked when you say home business does that mean your property?

Oddy replied yes, under the home business rules and regulations you're allowed to use up to 49% of the square footage to be used as a home business. That square foot includes your primary structure or secondary structure up to 49% to be used to grow. Under the caregiver law, you would need to apply for a license and then the Township would need to come measure the square footage of where you intend to grow to make sure you comply with the home business square footage.

Attorney Young stated he has one numerical clarification to give to the Board but asked Chairperson Stalmack to see if any of the Township residents had any comments or questions.

Unknown Resident asked if Sumpter Township is going to allow provisionary centers?

Oddy replied that currently the Township is opted out but doesn't mean in the future Sumpter Township won't opt in. Right now the law doesn't exist.

Andre Watson asked the Board what their opinions would be when it relates to the commercial opportunities within the Township?

According to Oddy the Planning Commission won't decide on that decision, it would need to be brought up to the Sumpter Township Board on whether it was opted in or out. Mr. Watson stated right now there isn't enough information out there; he felt the committee could do a better job at providing the information.

Attorney Young cited to the Board about the clerical clarification to the ordinance to repeal would be section 6.55, and then the new ordinance as it relates to the Industrial section and home business would be 6.56. Attorney Young wanted this information to be on record that 6.56 would be the next ordinance number to take place. Attorney Young wanted to clarify on Trustee Oddy's statement regarding the Townships position. Currently the Township has no formal position, it's still being reviewed what are the proper course(s) of action. Attorney Young addressed Mr. Watson's concerning regarding information as it related to the Township. He believes there is a lot of information & misinformation floating around. Attorney Young emphasized to the residents if they have any questions as to what is happening, he would glad speak to you after the Planning Commission Meeting. This new law may turn out to be something positive for the Township but we are currently in the stages of reviewing it. Tonight is just to expand the rights of people who want to grow and be constant with future plans with the State and by in way what the State as enacted as Constitutional approval.

Trustee Oddy pointed out another clerical mistake modifying section 4.9, 4.9.3 is accessory land uses but in the publication it states it was accessory building uses. Planner Atkin was to confirm the correct section number to be modified.

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Bardell asked Attorney Young if there was going to be another meeting or committee against these new laws which were being reviewed. According to Attorney Young he really doesn't have an answer as of yet, most Municipalities are waiting until more information is provided.

Andre Watson addressed the Board again coming off what Attorney Young stated about how we need to be proactive and do our research. Stalmack stated to Mr. Watson that a committee was formed a few years back to stay on top of this information. Oddy stated that the Township enacted the caregiver's ordinance back in 2011. Mr. Watson commended the Board for being proactive and doing research.

Motion by Oddy, supported by Bardell to close the Public Hearing at 7:27 pm. Motion carried.

Motion by Oddy, supported by Bordon to add to the Township Board Meeting for August 22, 2017 at 7:05 pm recommend that the Board to establish Zoning Ordinance regarding the Use and Operation of a Medical Marijuana Facility: Modify Section 2.2 Definitions, Modify Section 4.6: AG Agricultural District, Modify Section 4.7: RF, Rural Small Farm District, Modify Section 4.8 R-1, Country Home District, Modify Section 4.9: R-2 Single-Family Residential District, Modify Section 4.10: MR, Two-family and Multi-Family Residential District, Modify Section 4.5 LL, Light Industrial District, Modify Section 4.16: GL General Industrial District, Modify Article 6: Special Provisions and change section to 6.56 and language change from 4.9.3 to accessory land uses.

6. New Business:

7. Open Floor:

Andre Watson stated his questions were answered during the meeting and nothing to add.

Resident Phillip R. stated he thought the Abraham zoning issue on Carleton West Road was on the agenda for tonight.

Resident Randy stated that there is a neighbor who lives two doors on Carleton West & Haggerty on the north side who will shot guns all weekend. During the weekends this guy will shot thousands of rounds of ammunition all weekend long. He stated that he contact the Police Department earlier this year regarding this issue. According to the Police they can't do anything because Wayne County can't prosecute due to manpower. Resident Randy state there is a law against this and if the Police Department won't handle it, he will take it higher up.

Oddy asked the resident for his address because he doesn't believe this is something our Police Department would tell a resident. Oddy stated that our Chief of Police and Attorney have been working on a law to help prevent such things in the Township. No actual address was given at time. Clark asked resident Randy how much acreage does this neighbor have and exactly where is it located?

Resident Randy said north of Judd, east of Haggerty on Carleton West Road.

Oddy asked that the Deputy Clerk forward these minutes to the Police Chief Luke to look into the matter.

8. Adjournment: Motion by Bardell, supported by Oddy to adjourn at 7:40 pm. Motion carried.

Respectfully submitted,
Dawn Hadyaniak
Deputy Clerk
Sumpter Township