

**NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
May 15, 2019**

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:

Janet Chick	Present
Brad Cousino	Present
Eamonn Dwyer	Present
Sam Iaquinto	Present
Cecilia Infante	Present
Larry Roman	Present
John Zarzecki	Present

Also present:

Building/Planning/Zoning Coordinator Mary Bird
Planning Consultant Paul Lippens, McKenna Associates
Recording Secretary Lisa Lemble
Members of the Community

4. ADOPTION OF AGENDA

- ▶ **Motion:** Roman moved, Iaquinto supported, that items 11a and 11b be heard before item 10.
Motion carried 7—0 on a voice vote.
- ▶ **Motion:** Roman moved, Iaquinto supported, that item 10c be heard before item 10b.
Motion carried 7—0 on a voice vote.
- ▶ **Motion:** Roman moved, Iaquinto supported, that the agenda be adopted as amended.
Motion carried 7—0 on a voice vote

5. FIRST CALL TO THE PUBLIC

No comments.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

Cousino read a letter from the Northfield Township Library stating they take no position on the issue of buffers between libraries and marijuana facilities. Iaquinto said he received three emails from residents.

8. PUBLIC HEARINGS

- 8A. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Conditional Use Permit (CUP) for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W**

- ▶ **Motion:** Iaquinto moved, Chick supported, to open the public hearing.
Motion carried 7—0 on a voice vote.

Tom Guffy, applicant, said he and his wife are both professional chefs, and their business currently provides meals for about 30 families per week. He said they have submitted a site plan, will have a survey done on May 24th, and if the Commission approves their proposal and will make modest improvements to the property's exterior and interior.

Lippens recalled that the Planning Commission rezoned this property to WLD-W, and he referred to his May 2nd memo. He said he recommends approval of both the CUP and the site plan, noting that removal of the existing garage will eliminate the need for a site coverage variance

Adam Olney, Whitmore Lake, said this would be a great addition to the community. He said there is not a lot of parking, but the proposed use does not require it, so it will be a good fit.

Karen Alexa, 7210 Whitmore Lake Road and owner of the subject property, said this is an ideal business for the site and Whitmore Lake needs more businesses.

- ▶ **Motion:** Roman moved, Iaquinto supported, to close the public hearing.
Motion carried 7—0 on a roll call vote.

8B. Recreational Medical Marihuana Ordinance

Roman noted this public hearing concerns recommendations from the Township Board at their April 23rd meeting as reference in Paul Lippens report.

- ▶ **Motion:** Roman moved, Iaquinto supported, to open the public hearing.
Motion carried 7—0 on a roll call vote.

Stan Wutka, 5985 Leland Drive, said he is concerned about these businesses starting up then leaving vacant buildings after a few years, whether there is sufficient power in the grid for the grow lights that will be required for grow businesses, the potential for noise, light, and other types of pollution, that these businesses will be in temporary buildings, how frequently delivery trucks will operate, the impact of

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water use on aquifers, where the waste will end up, and whether zoning requirements should be stricter.

Kathryn Mayer, 5361 Sutton Road, said concerns are valid, and a way to minimize those would be to not allow large corporate growers in favor of smaller operations.

Doug Nelson, 5314 Walnut Creek, questioned why this hearing is being held since the Commission voted on May 1st to return the proposed ordinance to the Township Board as originally recommended without any of the changes recommended by the Board on April 23rd. He said he agrees with the recommendations of the Board.

Paul Tylenda, said he is an attorney and the Commission is not alone and not the first to deal with this. He said the Commission has approached this intelligently. He said any separation requirements should correspond to the number of permits allowed. He said the Commission's view of microbusinesses is correct.

Peter Ziolkowski, 5014 Walnut Creek, said he is opposed to any medical or recreational marijuana and the Commission should accept the recommendations of the Township Board. He said the facts about absenteeism from work, juvenile delinquency, etc. due to marijuana use is well documented.

Dana Forster, 9255 Lakewood Drive, and owner of Lovely Monkey on Main Street, said marijuana is here to stay, and the issues referred to by the previous speakers are all things they will have to deal with anyway. She said she is concerned about the 1,000 foot separation recommendation, and while she understands the desire for a 500 buffer from schools, she does not see that churches need to be protected. She said she agrees with the Planning Commission's recommendations.

James Trunko, 9255 Lakewood Drive, agreed with the previous speaker's comments. He said he does not see why a separation from school, churches, etc. is needed noting that it is not required for liquor stores.

Craig Warburton, 450 W. Joy Road, agreed that the motion to return the original proposed ordinance to the Township Board is an issue, but he understands that the Commission did this because it is obvious the Board did not read the proposal. He said the proposal the Commission prepared is insightful, detailed, and well thought out, but the Commission should have accepted the Board's offer to meet with them to discuss the proposal. He said the downtown could benefit from these businesses, and he hopes the Commission stands their ground and sends the original proposal back to the Township Board.

Marissa Prizgint, 32 Schrumm, said the Board's recommendations were not well thought out, and she agrees with the Commission's proposal.

Adam Olney said he teaches children and has his own children and he supports the Commission's proposal. He said he agrees microbusinesses belong in the AR district, he noted the Library is not concerned about a marijuana ordinance, and he has spoken to people with churches who are also not concerned. He said the Commission should return their original proposal to the Township Board.

Bruce Price, 605 Six Mile Road, said as a former law enforcement officer he has always been in favor of medical marijuana, but not recreational marijuana. He said he is not very familiar with the proposal, but he wants there to be rules for having these businesses. He noted the federal government still considers marijuana use to be illegal.

Stephen Safranek, 5359 Hilltop Court, ZBA Chair, said he is a lawyer, has been a City Councilman, and has argued cases before supreme courts, and the Commissioners do not have the competence, intelligence, or ability to make decisions about this. He said it is mudheaded and idiotic, Commissioners do not have the prudence to wait to do the right thing, and if they spent time considering what is happening nationally they would think twice about allowing marijuana in the community. He said with alcohol and tobacco communities have local, state, and federal police backing up communities. He said the Township thinks they are going to get revenue from this, but they are going to get a few crummy businesses, and every accident that happens due to marijuana use will be on their heads.

Jim Nelson, 7777 Sutton Road, said it was sad to just see the Planning Commission insulted by the Zoning Board of Appeals Chair.

Wayne Davidson, 8015 Coyle Road, said the more permits the better for the Township due to the revenue that will be received, a 500 foot buffer from schools is good and up to 300 feet from other public uses is okay, there is no reason to have a separation from child care centers because children do not use marijuana and being close to it is no more dangerous than children being taken into pharmacies with their parents, and a lot of land is not needed to grow marijuana since it is done indoors.

Tawn Beliger, 8365 Earhart Road, Township Trustee, thanked Commissioners for executing the task given them by the Township Board. She said he has heard from many Township citizens who are not in favor of marijuana businesses in the Township, and she remains unwavering in her opposition. She said such businesses pose unnecessary risks and are not in keeping with the family friend character of the community. She said the marijuana Act says governments may charge up to \$5,000 to defray application, administrative and enforcement costs, but it does not say the money can be used for roads, etc. She said the amount of revenue distributed from the State will probably not be significant.

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- **Motion:** Roman moved, Iaquinto supported, to close the public hearing.
Motion carried 7—0 on a roll call vote.

9. REPORTS

9A. Board of Trustees

Chick reported that on May 14th the Board heard a residential and park proposal for the North Village site, decided on some of the 2019 road projects, and passed a motion confirming that any projects assigned to the Planning Commission must be made by motion by the entire Township Board.

9B. ZBA

Cousino noted the ZBA will meet on May 20th.

9C. Staff Report

Nothing to report.

9D. Planning Consultant

No report.

9E. Parks and Recreation

Iaquinto reported there are five new picnic tables in the North Village park and there will be trash cans and a porta-potty. He noted that for large group events Jennifer Carlisle in the Township office should be contacted and anyone interested in renting a community garden plot should also contact her.

9F. Downtown Planning Group

Infante said she had a work conflict with the DDA's meeting on Monday, so she will provide a summary from the minutes at the next meeting.

11. NEW BUSINESS (Heard out of order)

- 11A. Case #JPC190004; Pearl Onions, LLC
(Small Potatoes), Applicant; 9230 Main Street,
Conditional Use Permit (CUP) for commercial
food service kitchen. Parcel B-02-05-368-006;
zoned WLD-W**
- 11B. Case #JPC190004; Pearl Onions, LLC
(Small Potatoes), Applicant; 9230 Main Street,
Site Plan for commercial food service kitchen.
Parcel B-02-05-368-006; zoned WLD-W**

Lippens recommended approval of the CUP subject to final site plan approval.

He also recommended approval of the site plan subject to administrative review and approval of the final site plan showing compliance with the lot coverage requirement and documentation of an easement on the site.

Iaquinto asked whether the applicants would be interested in either reducing the size of the garage or getting a variance for the lot coverage rather than removing it. Mr. Guffy said the lot coverage regulations

would allow for a 215 sq. ft. building of some site, but they are trying to expedite the approval process, so they may present a revised site plan showing a 200 sq. ft. structure to allow them to build one in the future. Lippens said the Commission could approve the project subject to that plan revision.

Regarding the tree on the site Roman said he would be in favor of mitigation not being required.

Dwyer asked if walk-in business could be accommodated even though it is not anticipated at this time. Duffy said they do not plan on that type of operation. Lippens said that use would, however, be consistent with the zoning since it is a walking district and there is some limited parking on that back of the site.

- **Motion:** Roman moved, Iaquinto supported, in Case # JPC190004 to recommend approval of the Conditional Use Permit for Pearl Onions at 9230 Main Street, Parcel B-02-05-368-006.
Motion carried 7—0 on a roll call vote.
- **Motion:** Roman moved, Chick supported, to approve the site plan in case JPC190004, Pearl Onions, 9230 Main street, Parcel B-02-05-368-006, subject to the McKenna report dated May 2, 2019, with its three recommendations, and submittal of a revised site plan to the planning consultant showing the potential for a future garage on the site and waiving mitigation for the tree removal.
Motion carried 7—0 on a roll call vote.

10. UNFINISHED BUSINESS

10A. Procedural Guidelines for Planning Commission and Board of Trustee Recommendations

Lippens noted that the Planning Commission made a motion at their May 1st meeting to return their original proposed marijuana ordinance to the Board without the revisions recommended by the Township Board, but that they saw value in holding the public hearing on the Township Board's recommendations. He said the Commission may decide to make a different recommendation to the Board, but it would first have to pass a motion to rescind the prior motion, which would have to be made and seconded by the two people who made and seconded the prior motion, and only those who voted on that motion could vote on the motion to rescind, which would mean that Zarzecki could not vote on that motion.

There was discussion about possible scenarios for eventual disposition of the proposed ordinance should the Commission and Board not come to an agreement. Lippens said from his reading of the State Act substantive changes by the Board to a recommendation made by the Planning Commission is subject to a public hearing at the Planning Commission. Cousino said he is concerned that this will result in an unending back and forth between the Board and Commission.

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Lippens said from his reading of the State Act the Board would eventually have to act on the proposal recommended by the Commission. He urged the Commission to really consider the recommendations of the Board, and that the Board do the same regarding the Commission's recommendations, working collaboratively to find a recommendation that is in the best interest of the community based on the input provided.

Infante said the Commission made a recommendation to the Board after months of intense work, and it appears the Board was pressed for time and under pressure following the public input they heard when they made their recommendations on April 23rd. Chick said there was no time pressure as the Board received the Commission's proposal weeks before their April 23rd meeting.

Iaquinto said he will not agree to rescind the motion he made to send the proposal back to the Board. He said the Commission prepared an ordinance based on many hours of work and research. He noted the Library Board and at least one church have stated they do not have an issue with the proposed 500 foot buffer for marijuana facilities only from schools.

Cousino said the Board listened to the public, a drug enforcement agent, and someone who operates a medical marijuana business before making their recommendations for changes. He said he asked for law enforcement, zoning enforcement, and the Clerk's office to be asked for input, and the Commission did not do any of that. He said he believes the Commission did not do its due diligence.

Roman said he feels the Commission did do their due diligence, it is not fair to ask staff for input, the Clerk said she is not an expert on this, and Chief Wagner said he is not an expert but would enforce the law.

**10C. Recreational Medical Marihuana Ordinance
(Heard out of order)**

Commissioners discussed some of the recommendations from the Board of Trustees made at their April 23rd meeting which were summarized in the April 30th McKenna letter.

There was general agreement on the following items. Lippens said, however, that he believes them to be minor enough that the changes could be made at the Board level without further input from the Commission. He said he will consult with the Township attorney about these:

- *Security cameras and air scrubbing/filter changing.* Commission response: While the State has not released their requirements yet, and while there would be no harm in adding the wording recommended by the Board, the language in the Commission's original proposal is adequate and will have to conform to any rules eventually issued by the State.

- *Clerk may delegate permit processing.* Commission response: The Clerk is the proper person to be responsible for processing zoning applications, although the Clerk may delegate responsibilities covered under the marijuana permit regulations, which are not zoning regulations and are not subject to public hearings.

Commissioners also discussed:

Number of licenses; zoning districts for microbusinesses, provisioning centers, and retail centers. Dwyer said this is his greatest concern because the 56 proposed by the Commission is too many, there could be a demand for 20 of those to be grower permits for up to 2,000 plants, important potential issues (sufficient power in the grid, pollution of various kinds, effect on the aquifer levels, etc.) were brought up during the public hearing, and the \$5,000 per license that could be charged should not be a consideration. Infante said the proposed ordinance addresses these valid concerns because applications will need to have complete site plan and CUP review. Chick said applications must also be reviewed by a variety of State and County agencies.

Zarzecki said the 20 growers, the retail facilities, and provisioning centers are different in character from micro businesses, and the testing, processing, and transporter businesses will be relatively small in comparison. He said he would rather see microbusinesses in AR areas rather than downtown, but there would only be six of those permits. He also noted some of the permits would be for medical facilities.

Chick said a wide variety of products are sold in microbusinesses which are do not resemble the traditional image of a "head shop." She added that micro-businesses are preferred over medical marijuana home occupations because the former are regulated and the latter are not.

Cousino said the number of permits can be set by the Board regardless of the Commission's recommendation. Roman confirmed that is true.

Signage. Regarding signs, Lippens said the marijuana Act allows reasonable sign regulations to be set, and although care should be taken in doing so to avoid litigation, this is a matter of local preference and sign character.

Zarzecki said it appears the Board was adding sign regulations only for medical marijuana provisioning centers.

10B. Planning Commissioner's Letter to Township Board of Trustees Regarding Marihuana Regulations

Commissioners briefly discussed the letter to the Township Board drafted by Iaquinto in response to the Board's recommendations for changes to the proposed ordinance.

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- **Motion:** Roman moved, Iaquinto supported, that the Planning Commission send forward this document, to be revised by Iaquinto, with the addition of the items discussed tonight, including the information regarding microbusiness being preferable to home occupations because they are regulated, to the Board of Trustees as a official Planning Commission document.
**Motion carried 5—1—1 on a roll call vote,
Cousino abstaining, Dwyer opposed.**

12. MINUTES

- **Motion:** Roman moved, Iaquinto supported, that the minutes of the May 1, 2019, regular meeting be approved as presented, and to dispense with the reading. **Motion carried 7—0 on a voice vote.**

13. SECOND CALL TO THE PUBLIC

Regarding marijuana businesses being required to follow regulations, Stan Wutka, 5985 Leland Drive, said one of the presenters at the April 23rd Board meeting said he has been an Ann Arbor resident for a year, but came to the meeting driving a car with Indiana license plates, so his claim that he follows rules is questionable.

Kathryn Mayer, 5361 Sutton Road, said anyone who applies to operate in Northfield Township will already have had to comply with many State requirements, such as having cameras.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners:

- questioned whether they are serving the Board well,
- said the Commission also serves the public in addition to the Board,
- said this is a very difficult topic, which can lead to displays of emotion, but Commissioners did a good job of having a non-emotional conversation with respect for each other.
- thanked the public for their participation, and said public comments were very helpful, so the public should continue to give input to the Township Board.
- said applicants for marijuana operations will have to comply with a myriad of regulations, they require a conditional use permit at the Township level, and these are the only businesses in the State that have to apply for their licenses annually.
- said there are very smart people on the Commission and they did their homework, and it was verbally abusive to have to listen to an appointed official imply otherwise.

15. ANNOUNCEMENT OF NEXT MEETING

June 5, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

- **Motion:** Roman moved, Chick supported, that the meeting be adjourned.
Motion carried 7—0 on a voice vote.

The meeting was adjourned at 9:29 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is stricken through;

Wording added is underlined.

Adopted on _____, 2019.

Larry Roman, Chair

John Zarzecki, Secretary

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<http://www.twp-northfield.org/government/>