

MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS
PLANNING COMMISSION HELD ON MONDAY, NOVEMBER 15, 2010

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.
2. Roll Call Showing: Daniel McAnally, Melvin Zilka, Diane Banks Lambert,
Byron Butler, Michael Prybyla, Dave Paul, Cathy Freitag
Excused: Leroy Burcroff, Mike Glotfelty
Also in attendance: Cynthia I. Lyon, AICP, Planning Director
3. Motion by Zilka supported by Prybyla to approve the agenda as presented. Roll Call
Vote: Ayes – Zilka, Prybyla, Lambert, Paul, Butler, McAnally, Freitag. Nays –
none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of the minutes of the regular meeting of the Planning Commission held
on Monday, July 19, 2010.
5. Comments from Public on Non Agenda Items
6. Public Hearings
7. Old Business
 - A. PC-2009-021/022; ROM Restaurant Inc., requesting a twelve month extension
of Planning Commission approval of the site plan for a proposed 3,143 square
foot KFC/Taco Bell fast food restaurant with a drive-thru and seating capacity
for 62 patrons located on a 1.31+- acre portion of a 2.42+- acre parcel on the
east side of Merriman Road between Smith and Ecorse Roads. Parcel# 82-80-
042-99-0071-701. (Planning Commission granted site plan approval on
November 16, 2009).
8. New Business
 - A. PC-2010-013, Capital Improvement Plan (CIP). Review and discussion of the
draft CIP plan. William Costick of OHM Engineering Advisors will be
providing a brief overview of the plan. (Action required – take action and
forward to City Council).

- B. PC-2010-014, Zoning Ordinance Update - Distribution of Draft Zoning Ordinance for review and schedule Public Hearing for Monday, December 20, 2010.
 - C. Michigan Medical Marihuana Act – Planning Director to provide a brief power point presentation on the Michigan Medical Marihuana Act and discuss moratorium.
 - D. 2011 Planning Commission Regular Meeting Dates. (Action required – review dates and make a motion)
9. Cases Involving Advice or Input from the Planning Commission
10. Reports
- A. Chairperson
 - B. City Planner
11. Reports on Interest Designation
12. Communications
- A. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on July 7, 2010.
 - B. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on September 1, 2010.
 - C. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on October 6, 2010.
13. Adjournment
4. Motion by Paul supported by Lambert to approve the minutes of the regular meeting of the Planning Commission held on Monday, July 19, 2010. Roll Call Vote: Ayes – Paul, Lambert, Prybyla, Butler, Zilka, McAnally, Freitag. Nays – none. Motion Carried.
5. Comments from Public on Non Agenda Items – None.
6. Public Hearings – None.
7. Old Business

- A. PC-2009-021/022; ROM Restaurant Inc., requesting a twelve month extension of Planning Commission approval of the site plan for a proposed 3,143 square foot KFC/Taco Bell fast food restaurant with a drive-thru and seating capacity for 62 patrons located on a 1.31+- acre portion of a 2.42+- acre parcel on the east side of Merriman Road between Smith and Ecorse Roads. Parcel# 82-80-042-99-0071-701. (Planning Commission granted site plan approval on November 16, 2009).

Cynthia I. Lyon, AICP, Planning Director, reviewed the letter received from Group Ten Management Company dated November 3, 2010 requesting a twelve month extension due to delay's with the proposed project.

Motion by Paul supported by Butler to grant PC-2009-021/022, ROM Restaurant Inc., a twelve (12) month extension on the site plan for a proposed 3,143 square foot KFC/Taco Bell fast food restaurant with a drive-thru and seating capacity for 62 patrons located on a 1.31+- acre portion of a 2.42+- acre parcel. The extension expires on November 16, 2011. The subject property is located on the east side of Merriman Road between Smith and Ecorse Roads. Parcel# 82-80-042-99-0071-701. Roll Call Vote: Ayes – Paul, Butler, Lambert, McAnally, Prybyla, Zilka, Freitag. Nays – None. Motion Carried.

8. New Business

- A. PC-2010-013, Capital Improvement Plan (CIP). Review and discussion of the draft CIP plan. William Costick of OHM Engineering Advisors will be providing a brief overview of the plan. (Action required – take action and forward to City Council).

William Costick, OHM Engineering Advisors, provided an overview of the draft Capital Improvement Plan (CIP).

Comments and discussion by the Commissioners as follows:

- Mr. Paul questioned why deep strength asphalt was recommended for the material to be used to replace Goddard Road from Grant to Romaine rather than concrete.
- Mr. Costick stated that deep strength asphalt was the material recommended by Tom Wilson, DPW Director and Derrick Schuller, Assistant DPW Director.
- Mr. Zilka referred to #1 “Annual Pavement Preventative Maintenance” under “Transportation” and questioned if someone actually drove the subdivision streets in order to determine the condition of the pavement, and if so, were any streets in Oakbrook Subdivision deemed to be in need of repair and/or replacement as part of the study.
- Mr. Costick stated that staff from the City and OHM Engineering Advisors conducted a complete survey of all the subdivision streets;

however, he is not aware of the actual subdivision streets used in order to compile the “pavement condition” study report.

- Mr. Costick also stated the initial report recommended that the project be funded in the amount of \$300,000/year, but with the tough economic times the amount was reduced to \$100,000/year.
- Mr. McAnally questioned who would be making the determination of how to prioritize the projects since several of the projects were slated to happen at the same time and there is limited money in the pot.
- Mr. Costick stated the plan is designed to be utilized when preparing the budget for the upcoming fiscal year, and therefore, priority should be established each fiscal year and approved by the City Council.

Motion by Zilka supported by Lambert to grant approval to PC-2010-013 the City of Romulus Capital Improvements Plan 2011 – 2017 and forward to the City Council. Roll Call Vote: Ayes – Zilka, Lambert, Paul, Butler, Prybyla, McAnally, Freitag. Nays – None. Motion Carried.

- B. PC-2010-014, Zoning Ordinance Update - Distribution of Draft Zoning Ordinance for review and schedule Public Hearing for Monday, December 20, 2010.

Cynthia I. Lyon, Planning Director, stated changes to the major areas would be reviewed and that action needed to be taken to schedule a public hearing for next month in order to allow time for everyone to complete a more thorough review of the document and then come back for a full public hearing and further discussion at next month’s meeting.

Jeffery Purdy, LSL Planning, Inc., reviewed their memorandum dated October 21, 2010 summarizing the major changes to the Zoning Ordinance.

Comments and discussion by the Commissioners as follows:

- Mr. Paul questioned if restaurant establishments with outdoor seating/eating areas was addressed in the updated Zoning Ordinance.
- Ms. Lyon stated the updated Zoning Ordinance does address restaurant establishments with outdoor seating/eating areas.
- Mr. Butler questioned when the new provisions of the updated Zoning Ordinance would go into effect.
- Mr. Purdy stated the Planning Commission will hold a public hearing on the draft Zoning Ordinance next month and then City Council will have two (2) readings on the draft Zoning Ordinance before it will go into effect.
- Ms. Lyon stated the updated Zoning Ordinance is expected to go into effect in February 2011.

- Mr. McAnally questioned if “adult daycare” was the same as “adult group home”.
- Mr. Purdy stated an “adult group home” is where the person actually lives and is cared for 24 hours per day versus the “adult daycare” where the person lives somewhere else but is taken to during the day to be cared for while the primary care provider is unable to care for them.
- Mr. Butler questioned if there was a limit on the number of “group homes” allowed in a community.
- Mr. Purdy stated there is a provision in the Michigan Zoning Enabling Act that specifies that you can require in your Zoning Ordinance that the larger “group homes” not be located within 1500 feet of another “group home”; however, that zoning requirement has been challenged in the Federal Courts and was determined to be in violation of the Federal Fair Housing Act.
- Ms. Lyon added that in “group homes” of 6 or fewer people the City is preempted by the State.
- Mr. Paul stated it also seemed that we do not have a choice with as many as 15 people.
- Mr. Purdy stated that the City can require special land use approval for “group homes” of 7 or more people.
- Ms. Lambert stated she liked the “Uses By District” section and questioned if it would be available online.
- Mr. Purdy stated it would be available online and also be in the interactive web-based format called the izeone, which will allow someone to click on the subject zoning district on the zoning map and go to the list of “uses” for that zoning district and if any additional standards apply to that “use” you can click on them and go to those additional standards.
- Mr. Butler questioned if there was a limit on the number of “half way” houses allowed in a community.
- Mr. Purdy stated the “half way” house facilities were added to the updated Zoning Ordinance as “Community placement facility”, “Shelters and social assistance centers” and “Treatment and rehabilitation centers for chemical offender” that would not be allowed in residential districts but would be permitted with special land use approval in the C-1, C-2 and M-1 districts.
- Mr. Butler stated he is referring to the facilities where the people live.
- Mr. Purdy stated that included the above types of facilities and would require special land use approval, which included notification in a 300 foot radius, Planning Commission public hearing and final approval by the City Council.
- Mr. Butler questioned if the preexisting facilities would be required to obtain special land use approval.
- Mr. Purdy stated any preexisting facility is considered “grandfathered” and would not be required to obtain special land use approval and if it is

located in a residential area it is considered as “grandfathered as a nonconforming use”; and, in that case, they could continue but would not be allowed to expand without approval from the City.

- Ms. Freitag questioned if the facility changed ownership would it still be considered as “grandfathered”.
- Mr. Purdy stated the nonconforming status runs with the land and as long as the new owner operated the facility in the same manner, scale and size the facility could continue.
- Ms. Freitag questioned if the new owner changed the “use” then could the City require approval for the new “use”.
- Mr. Purdy stated if the new owner changed the “use” then the City could restrict them from expanding the “use”.

Motion by McAnally supported by Paul to schedule a public hearing for the updated Zoning Ordinance for Monday, December 20, 2010. Roll Call Vote: Ayes – McAnally, Paul, Lambert, Prybyla, Butler, Zilka, Freitag. Nays – None. Motion Carried.

- C. Michigan Medical Marihuana Act – Planning Director to provide a brief power point presentation on the Michigan Medical Marihuana Act and discuss moratorium.

Cynthia I. Lyon, Planning Director, provided a power point presentation on the Michigan Medical Marihuana Act and discussed the City of Romulus Resolution to authorize a moratorium on the development, establishment and operation of medical marihuana facilities, such as, but not limited to; dispensaries, distribution facilities, compassion clubs, grow houses and smoke houses.

Comments and discussion by the Commissioners as follows:

- Mr Prybyla questioned if the Planning Commission would be able to provide regulations for the locations of medical marihuana facilities/activities and not allow the sale of medical marihuana out of the back of a party store.
- Ms. Lyon stated if the City does nothing then no, but if the City moves forward by holding a public hearing and going through the workshop sessions then the City would be able to adopt regulations relative to where medical marihuana can be sold, grown and possessed, which would all be under the Medical Marihuana Act but regulated how the City wanted as a community.
- Ms. Lyon stated one issue that needed to be addressed during the process is dispersion versus concentration of the use.
- Mr. Prybyla stated another issue that needed to be addressed during the process is the nurseries.

- Ms. Lyon agreed and stated that the City Council was also concerned about allowing these “uses” within residential areas.
- Mr. Prybyla stated if a person is selling medical marihuana from their home it would be considered a business, which is not permitted in a residential district.
- Ms. Lyon stated this is one of the unknown areas because 1 caregiver can have 5 patients plus themselves, which allows 72 plants to be grown in their possession.
- Ms. Lyon stated in some communities the above scenario is considered a home occupation and regulated under their business licensing process, which would require licensing fees, inspection fees and annual inspections of the home to ensure that the proper building, mechanical, plumbing and fire codes are in compliance.
- Ms. Lyon also stated another possible regulation is that if a caregiver is located in a residential district then the patient cannot come to the home of the caregiver, the caregiver would be responsible for delivering the product to the patient.
- Mr. McAnally agreed it would be best to obtain an expert in the Michigan Medical Marihuana Act to protect our community but believed that because the law is so new that there would be a lot of legal changes in the upcoming future.
- Ms. Lyon stated there are some amendments pending that would change some of the issues, but no matter what the courts decided the issue is not going away; and therefore, the City needed to protect the health, safety and welfare of the residents within our community.
- Mr. McAnally stated concerns with adopting regulations for medical marihuana facilities to protect the health, safety and welfare of the residents within our community that could result in litigation.
- Ms. Lyon stated establishing regulations for medical marihuana facilities could result in litigation; however, other communities that are being more proactive are seeing less of a challenge than those that adopt a “do nothing” or “prohibitive” approach.
- Mr. McAnally questioned when the Medical Marihuana Act expert would be selected.
- Ms. Lyon stated the proposals are due on November, 29th, which will be reviewed and then a recommendation forwarded to the City Council.
- Mr. Paul questioned if the Committee would be selected after the Michigan Medical Marihuana Act expert is approved by the City Council.
- Ms. Lyon confirmed and stated that the Planning Commission would then be asked to select two (2) members to sit on the Committee to help with making recommendations to the Planning Commission and the City Council.

- Mr. Butler believed that this was not what the voters expected when this issue was passed and that there is a lot to think about with allowing medical marihuana facilities in our community.
- Ms. Freitag stated that regulations needed to be established because at this point we cannot tell an approved patient that that they cannot have a medical marihuana operation.
- Ms. Lyon stated that of the 100,000 medical marihuana applications in the State of Michigan there are most likely several in Romulus that have medical marihuana operations occurring currently.
- Ms. Lyon stated there have been some reports that medical marihuana operations are occurring in some of our commercial and/or industrial districts, which have been dealt with through the police and fire departments.
- Ms. Lyon stated this could also be occurring in residential districts and a patient on their own is one issue but the issue of a caregiver with 5 patients and themselves who is allowed to have 72 plants to be grown in their possession is the issue that needs to be regulated in order to protect our residents and neighborhoods.
- Mr. Butler stated having one patient on their own versus a business being conducted out of a home is the big difference.
- Ms. Freitag questioned if the caregiver is the person responsible for growing enough product for patients that do not want to grow the product for themselves.
- Ms. Lyon confirmed and stated that once a patient has assigned themselves to a caregiver then they have given up the right to grow the product themselves.
- Ms. Freitag questioned if the people that have requested approval to grow the product in our community are caregivers.
- Ms. Lyon stated everyone that has contacted the City requesting approval to grow the product in our community is either a caregiver, connected to a caregiver or connected to a certification clinic.
- Ms. Lyon stated what is happening is that due to the economic downturn and high foreclosure rates someone can purchase a 100,000 square foot industrial building for a fairly reasonable price and accommodate 10 – 30 caregivers under one roof where they collectively grow their product, which is affecting Romulus because we have a lot of vacant industrial buildings.
- Mr. Butler stated another issue would be how to tax each caregiver if there were 10 – 30 caregivers growing their product in one building.
- Ms. Lyon stated that those are the types of questions that we need answers too; an option could be to address it under our licensing regulations and charge an annual fee based on the square footage, or the amount of caregivers, or the way the space is divided, etc.

- Ms. Lambert questioned what is being done with the current caregivers that have operations in the community.
- Ms. Lyon stated she is not currently aware of any caregivers within the community.
- Mr. McAnally believed the caregiver should be charged a fee based on the maximum amount of product they are allowed to grow.
- Ms. Lyon stated initially the issue should be monitored as a separate stand alone Ordinance in the Code, which would be similar to what we do with a lot of our licensing regulations that deal with a specific issue.
- Mr. Prybyla questioned if it would be a good idea to have someone from the Police Department sit on the Committee to help with establishing regulations for this issue.
- Ms. Lyon stated the Committee would include, but not be limited to, staff from the Building, Fire, Police, Economic Development and Planning Departments.
- Ms. Lambert questioned if the people that have submitted applications to the City for medical marihuana facilities are on hold because of the moratorium.
- Ms. Lyon stated that no one has actually applied to the Planning Department for any particular “use”, however, there have been a lot of inquiries on whether medical marihuana facilities are permitted and we have taken the stance that medical marihuana facilities are in violation of Federal Law and would not be permitted to operate in Romulus.
- Ms. Lambert questioned when the moratorium would expire.
- Ms. Lyon stated the moratorium would expire in April 2011.

Comments and discussion by the audience as follows:

- Mr. William Runco, 30160 Orchard Lake, Farmington Hills, MI stated that his medical marihuana talk show educates people on the Michigan Medical Marihuana Act and teaches them what they are legally allowed to do and not do.
- Mr. Runco stated that from January 1, 1995 to January 1, 2005 there were 12,719 deaths caused from pharmaceutical drugs and during that same time frame zero deaths were caused from marihuana, so if a patient can qualify and be able to help themselves without using a pill then they should be allowed.
- Mr. Runco stated that a patient should be allowed to grow their own product but if a caregiver is going to take on the responsibility of 5 patients then it should be done in a zoned monitored area.
- Mr. Runco discussed how other communities have addressed regulations for medical marihuana facilities in their communities.
- Mr. Runco discussed other forms of ingesting medical marihuana that would not be so offensive to other people.

- Mr. Runco stated that medical marihuana facilities should be considered a business and not be allowed in residential areas.
- Mr. McAnally agreed that medical marihuana facilities should not be allowed in residential areas because like any commercial business there is the potential for robbery and once there is the knowledge that a facility is located in a residential neighborhood it could be a threat to the neighborhood.
- Ms. Lambert questioned if a person could be a caregiver without being a patient.
- Ms. Lyon stated that a person could be a caregiver without being a patient.
- Ms. Lambert questioned if a person is a caregiver but not a patient could they have 6 patients.
- Ms. Lyon stated a caregiver can only have 5 patients.
- Mr. Runco stated the only way a person can grow 72 plants is if they are a patient and a caregiver.
- Ms. Lambert questioned how a person can become a caregiver.
- Ms. Lyon stated the caregiver has to be named on the patient's application.
- Mr. Runco stated a caregiver can also be added to the patient after their application is approved by submitting an "Add Change" form to the State.
- Ms. Lambert questioned who monitors that each caregiver only has 5 patients.
- Mr. Runco stated the Community Health Department regulates each caregiver and how many patients are under their care.
- Mr. Butler questioned if there was a limit to the amount of caregivers per one location.
- Mr. Runco stated there is not a limit to the amount of caregivers per one location.
- Mr. Runco discussed the approximate amount of medicine that can be produced by caregivers in a growth facility and the guidelines on how to distribute the medicine to the patients.
- Ms. Lambert questioned if caregivers are trained on how to grow the medical marihuana and where the training is provided.
- Mr. Runco stated there are no training facilities but the internet and books are sources of how to learn to grow medical marihuana.
- Mr. Runco discussed different options of how caregivers and/or patients obtain medical marihuana plants, seeds and ready to use medical marihuana.
- Mr. Runco stated the issue that needed to be dealt with is how to monitor the growth and distribution of medical marihuana in order to ensure public safety for the community.
- Mr. Runco stated that his radio show is very informative on this matter and that everyone should tune in to 107.5 FM WGPR on Sunday nights.

- Andrey Mosley, 1182 Stacy, Canton, MI came forward and stated that the THC in medical marihuana is also in other forms of medicine currently used to help patients and it does help with the patient's appetite and mobility.

D. 2011 Planning Commission Regular Meeting Dates. (Action required – review dates and make a motion)

Motion by Zilka supported by Lambert to approve the 2011 Planning Commission Regular Meeting Dates. Roll Call Vote: Ayes – Zilka, Lambert, Paul, Butler, McAnally, Prybyla, Freitag. Nays – None. Motion Carried.

9. Cases Involving Advice or Input from the Planning Commission – None.

10. Reports

A. Chairperson

- Ms. Freitag wished everyone a Happy Thanksgiving.

B. City Planner

- Ms. Lyon stated that there would be a Planning Commission meeting next month and that there will be a lot of upcoming activity relative to the updated Zoning Ordinance, end of year report and the Michigan Medical Marihuana Act.
- Ms. Lyon also thanked all of the employees and families that volunteered their time to decorate the downtown area for the holidays.

11. Reports on Interest Designation

- Mr. Prybyla stated that the Airport Authority is replacing runway 22R, which is the second runway east of Wayne Road.
- Mr. Prybyla clarified that the Wayne County Airport Authority did not take over the Gateway Apartments, formerly known as Sky Harbor Apartments, the apartments were taken over by Resource Real Estate Company from Philadelphia, Pennsylvania through a sheriffs sale in 2008.
- Ms. Freitag reminded everyone to get their flu shots and stated they can call the Wayne County Health Department to schedule an appointment.
- Ms. Lambert stated the new Hope Urgent Care facility located at Wayne and Ronald Roads also provides flu shots for a relatively inexpensive fee of \$15.00.
- Mr. Zilka stated Sav On Drugs located in downtown Romulus also provides flu shots.
- Ms. Freitag stated Sav On Drugs charges a fee of \$25 for flu shots, but if you have MediCare the flu shot is free no matter what facility you go to.

12. Communications

- A. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on July 7, 2010.
 - B. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on September 1, 2010.
 - C. Minutes of the Regular meeting of the City of Romulus Board of Zoning Appeals held on October 6, 2010.
13. Adjournment– Motion by Zilka supported by Prybyla to adjourn the meeting at 8:57 p.m. Roll Call Vote: Ayes – Zilka, Prybyla, Butler, McAnally, Paul, Lambert, Freitag. Nays – None. Motion Carried.

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Daniel McAnally, Secretary
City of Romulus Planning Commission