



Rochester Hills

Minutes

Planning Commission

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Chairperson William Boswell, Vice Chairperson Deborah Brnabic
Members: Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas O. Kaltsounis,
David A. Reece, C. Neall Schroeder, Emmet Yukon

Tuesday, June 7, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Meeting to order at 7:30 p.m. in the Auditorium.

ROLL CALL

Present 9 - William Boswell, Deborah Brnabic, Gerard Dettloff, Dale Hetrick, Greg Hooper, Nicholas Kaltsounis, David Reece, C. Neall Schroeder and Emmet Yukon

APPROVAL OF MINUTES

2011-0260 May 3, 2011 Regular Meeting

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

COMMUNICATIONS

- A) Planning & Zoning News dated April 2011
- B) Trailways from the Friends of the Clinton River Trail for September 17, 2011
- C) City Council Districts

NEW BUSINESS

2007-0221 Request for Recommendation of the Extension of the Tentative Preliminary Plat for Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Parcel Nos. 15-34-402-066 & -057, until April 20, 2012, William Mosher, Apex Engineering, applicant.

(Reference: Memo prepared by Ed Anzek, dated June 1, 2011 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Gwen Bismak, owner of the property, 2742 Powderhorn Ridge Rd., Rochester Hills, MI 48309.

Mr. Anzek advised that there had previously been Extensions granted for Grace Parc, and there were new owners now. The property had returned to the bank before Mr. and Mrs. Bismak purchased it. Mrs. Bismak submitted a letter stating that they would bring the development into compliance with new Engineering standards. They were requesting a one-year Extension, which would ultimately go before City Council.

Chairperson Boswell asked Ms. Bismak if she had anything to add. She indicated that Mr. Anzek had summarized everything well.

Mr. Schroeder noted the vacant lot to the west of the property, and he recalled that the owners had been before the Commission because they might develop something there in the future. Mr. Schroeder asked if anything was happening with that.

Ms. Bismack said that she believed they were waiting until she got her property developed before investigating anything further. Mr. Schroeder asked if the same two young people owned it, and Ms. Bismak said that they did, as far as she knew.

Chairperson Boswell commented that everyone should be fairly familiar with the proposal. Hearing no further discussion, Mr. Kaltsounis moved the following motion:

MOTION by Kaltsounis, seconded by Hetrick, in the matter of City File #04-011 (Grace Parc Subdivision), the Planning Commission recommends that City Council approve an Extension of the Tentative Preliminary Plat until April 20, 2012.

Mr. Kaltsounis said that he was a little concerned about setting a precedent because it had gone on so long, but he acknowledged that it was still a tough market.

Mrs. Bismak said that they hoped to get the Final in by August.

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Chairperson Boswell wished Ms. Bismak good luck.

2010-0441 Request for a six-month extension of the Moratorium for medical marihuana uses (to January 16, 2012).

Mr. Anzek stated that a year ago, Staff was before them to discuss the issues regarding Medical Marihuana, including implementation, developing regulatory standards, the sale, cultivation, delivery and others. At that time, little was known about the Medical Marihuana Act and what other communities were doing, and they had hoped that other communities would take the lead on setting a course of action that would be defensible. The Planning Commission supported a Moratorium for six months, allowing Staff and Mr. Staran to do extensive research into various Ordinances and looking at how other communities were dealing with it. Six months later, they recommended another Extension because at that time, there was much chaos, and Staff could not provide clear guidance. There were concerns, and Staff did not want to take the City and its officials down a path resulting in a court date and liability. He and Mr. Staran continued to monitor the situation. He recalled that the Planning Commission had written letters to State Legislators, asking them to provide guidance for implementation at the local level. They subsequently learned from one Council member that the State Legislature had no interest in taking up the matter with a new administration. There were economic issues to deal with, and medical marihuana was not on the front burner. Staff had continued to watch things, share articles, and Mr. Staran attended conferences by the Michigan Association of Municipal Attorneys. The matter was discussed at great lengths, and although Mr. Staran had learned a lot, he had not learned enough to help set a clear path for implementation. Mr. Anzek stated that it was very challenging.

Mr. Anzek advised that recently, there was a 180 degree change in direction from the Federal Government regarding how they viewed the Controlled Substance Act for marihuana at the local level. He had included a memo from 2008 that stated that the Federal Government would not enforce controlled substance materials in states that had approved medical marihuana referendums. There had recently been a rash of letters to State Attorney Generals from the Federal Government, and copies had been provided in the packet. He had underlined the key language from the letters that was outlined in his memo to the Planning Commission. There were statements discussing whether State officials