

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION
November 17, 2016

At a regular meeting of the Attica Township Planning Commission held on the 17th day of November, 2016, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Chairman Penzien at 7 p.m. The following members were PRESENT: Dave Penzien, Phil Madeline, Geri Berry, Robert Stockwell, and Maureen Lemons. ABSENT: Two (Gierman and Ochadleus). ALSO PRESENT: Planner Dave Birchler, Planner Jason Bibby, Attorney Gildner and the public per the attached sheet.

REVIEW MINUTES:

The Board having reviewed the minutes of the October 27, 2016 regular Planning Commission meeting minutes and there being no corrections, additions or deletions:

MOTION by Berry, seconded by Stockwell to approve the October 27, 2016 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: Two (Gierman and Stockwell). **MOTION CARRIED.**

PUBLIC HEARINGS: Chairman Penzien opened the Public Hearing at 7 p.m. to amend Article 2 Definitions, Section 3.4 Notes to District Standards, and Section 5.18 of the Attica Township Zoning Ordinance to propose front yard setbacks for lake front lots and minimum setbacks from wetlands and watercourses. Chairman Penzien closed the Public Hearing at 7:01 p.m.

OLD BUSINESS:

1. **Motion to Approve Front Yard Setbacks for Lake Front Lots and Minimum Setbacks:**

MOTION by Lemons, seconded by Stockwell to recommend to the Attica Township Board the amendment of Article 2 Definitions, Section 3.4 Notes to District Standards, and Section 5.18 of the Attica Township Zoning Ordinance to propose front yard setbacks for lake front lots and minimum setbacks from wetlands and watercourses. A vote was taken. Ayes: All. Nays: None. Absent: Two (Gierman and Ochadleus). **MOTION CARRIED.**

2. **Lapeer County Animal Ordinance and Michigan Dangerous Animal Act:**

Planner Bibby reported that after reviewing the Lapeer County dangerous animal ordinance and the State of Michigan dangerous animal ordinance Attica Township is protected by those ordinances. Planner Bibby said it is up to the Planning Commission to decide if they want to pursue an ordinance or to take no action due to the fact that the township is covered by the Lapeer County and State of Michigan ordinances. No action was taken.

3. **Medical Marijuana Act:**

Planner Bibby reviewed his prepared memo regarding researched studies on the possible impact of medical marijuana in communities in which it is permitted. Crime, property values, law enforcement, taxes, fees and other revenues and social perceptions were discussed.

4. **Recommendation Concerning Noise Ordinance and ORV Track:**

Planner Bibby reviewed information to pursue zoning amendments to the noise ordinance and allow Special Land Uses for Off-Road Vehicles (ORV). This was initiated based on a residential noise complaint at the October 27, 2016 Planning Commission meeting. Planner Bibby recommended ordinance enforcement measures due to the fact that currently ORV facilities are not permitted as an accessory use to residential-agricultural zoned properties.

Residents Sharon and Laurence Baker of 5881 Reynolds Road stated that the noise of the ORVs is loud enough to hurt their ears and spoke of the danger as the vehicles are not only in the open field but on the road.

Attorney Gildner stated that this is a zoning violation that needs to be taken up with the township deputy to handle enforcement. Attorney Gildner stated that the noise ordinance does not need to be changed as it covers this issue. Attorney Gildner will speak with Supervisor Ochadleus and the Attica Township deputies to resolve this issue.

5. **Carport Definition:**

Planner Bibby reviewed the ordinance and stated that carports fall under the accessory structure section 5.1 of the zoning ordinance and is enforceable under the current zoning ordinance.

NEW BUSINESS:

1. **Mr. Andy Shango of RYO Distribution:**

Andy Shango of RYO Distribution distributed his business and operations

plan for Shango Park-Industrial Park to the board members and discussed his desire to secure a Michigan State License for the Growing, Processing and Provisioning of medical marijuana under Public Acts 281-283 which were recently signed into law by Governor Snyder. Mr. Shango reviewed the potential operations at his facility at 1 Mountain Drive in Attica. There was lengthy discussion.

Attorney Gildner explained the legal aspects of the township granting a medical marijuana license.

COMMUNICATIONS AND SECRETARY REPORT: None.

PLANNER'S REPORT: None.

PUBLIC TIME: None.

ATTORNEY REPORT & CONSULTANTS REPORT:

Attorney Gildner stated that he wrote a letter to Hillary Shank at the request of Supervisor Ochadleus regarding the addition she put on her accessory building without a permit. Ms. Shank plans on submitting an application to the Zoning Board of Appeals after the holidays.

Attorney Gildner gave a brief review of the issue with Greg Eastin's special land use and stated that Mr. Easting is fully prepared to submit his special land use application.

There being no further business before the Planning Commission, **MOTION** by Berry seconded by Stockwell to adjourn the meeting at 7:41 p.m. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

Maureen Lemons, Secretary of the
Attica Township Planning Commission

Valerie Schultz, Recording Secretary