

1 TYRONE TOWNSHIP PLANNING COMMISSION
2 REGULAR MEETING AND PUBLIC HEARING MINUTES
3 April 9, 2024 7:00 p.m.
4

5 **This meeting was held at the Tyrone Township Hall**
6 **The meeting was temporarily closed to hold a Public Hearing**
7

8 **PRESENT:** Steve Krause, Kurt Schulze, Garrett Ladd and Kevin Ross
9

10 **ABSENT:** Bill Wood and Jon Ward
11

12 **OTHERS PRESENT:** Ross Nicholson, Charles Widmaier, Laura Genovich, and Matteo
13 Passalaqua (CWA)
14

15 **CALL TO ORDER:** The meeting was called to order at 7:00 by Chairman Steve Krause.
16

17 **PLEDGE OF ALLEGIANCE:**
18

19 **APPROVAL OF THE AGENDA:**

20 Chairman Steve Krause moved to approve the agenda as presented. Commissioner Kevin
21 Ross seconded. The motion carried.

22 **APPROVAL OF THE MINUTES:**
23

- 24 • 03/12/2024 Regular Meeting Minutes: Vice-Chairman Kurt Schulze moved to
25 approve the minutes as presented; Commissioner Rich Erickson supported
26 the motion. The motion carried by unanimous voice vote.
27

28 **CALL TO THE PUBLIC:** Several public comments were heard.
29

30 **NEW BUSINESS:**
31

32 **1) McGinn Caregiver Operation Special Land Use**
33

34 Vice-Chairman Kurt Schulze moved to open the Public Hearing; Commissioner Kevin Ross
35 seconded. Chairman Krause read aloud the public notice:
36

37 *A request by Cameron McGinn for a proposed MMMA Caregiver Operation Special Land Use*
38 *Permit at the property located at 9165 Faussett Road, Fenton, MI. Parcel ID: 4704-29-300-*
39 *029. The property is zoned RE – Rural Estates. Reference Tyrone Township Zoning Ordinance*
40 *#36, Section 21.55, and Articles 22 and 23.*

41
42 Chairman Krause invited the applicant's representative up to the front to address the
43 board. He introduced himself as Attorney Thomas La Vigne. Chairman Krause asked about
44 the police visiting the site and if there were any plants. Mr. La Vigne stated that the police
45 were there by invitation and that there are currently no plants.

46
47 Planner Matteo Passalaqua summarized the request. He explained that when he first
48 received the application for review, there were some changes needed. The applicant made
49 the requested changes and then there were additional changes needed. The updated site
50 plan that was received approximately five weeks ago as well as some email clarifications
51 were used to develop the review that they have tonight at the meeting. After that review
52 was published, the applicant reviewed it and sent some information late last week
53 addressing some of the items. This didn't give him enough time to review the updated
54 clarifications, but they were able to give it a general overview. The initial take on the
55 information provided late last week was that most of the items were addressed but there is
56 still some more to review.

57
58 Mr. Passalaqua summarized his review.

59
60 The Planning Commissioners asked Mr. La Vigne several questions regarding the property,
61 including about the generator and the reason for choosing that property. Many of the
62 Planning Commissioners felt this was a commercial operation. Mr. La Vigne explained the
63 difference between commercial licenses and Caregiver/Patient operations.

64
65 Chairman Krause asked attorney Charles Widmaier about the difference between
66 commercial and non-commercial. Mr. Widmaier explained that the State of Michigan has
67 different types of licenses for growing marijuana.

68
69 Chairman Krause asked about odor control and Mr. La Vigne explained all the steps the
70 applicants have taken to control odor, including carbon filters, no outside venting, and no
71 windows.

72
73 Mr. La Vigne also explained how water runoff will not be an issue and that the bright lights
74 that were there from the previous owners have been removed.

75
76 Chairman Krause asked attorney Charles Widmaier what their options were to deny this
77 Special Land Use. Mr. Widmaier said their choices are to approve, deny, or table the
78 application. If they feel they don't have sufficient information, they can table it. He
79 explained they can deny it if they feel it shouldn't be granted based on the information they
80 have. If they've satisfied all the requirements under the ordinance, they can grant the
81 Special Land Use. He explained they could approve with conditions, as well.

82
83 Mr. La Vigne said he believed they had addressed all of the planner's issues in the most
84 recent submittal.
85
86 Commissioner Ladd asked Mr. La Vigne why they chose that property to run this operation.
87 Mr. La Vigne said they wanted to live there where the business is.
88
89 Mr. La Vigne explained that Arborvitae plants are being put in all along in between the
90 driveway that they have an easement on and the grow facility.
91
92 Mr. Passalaqua continued going through the Special Land Use regulations. He explained
93 that when it relates to Special Land Use standards, the Future Land Use designation is
94 conducive to a low-density residential which is currently permitted in the residential
95 districts. He said that the environmental measures that they're putting into place seem
96 appropriate. CWA can't say whether they will work. They've talked about nuisance
97 litigation, wastewater, the pond, etc. The information that they have indicates that they
98 meet those criteria, but they would also defer to additional studies.
99
100 He continued to summarize his review, addressing Public Services, Health, Safety and
101 Welfare.
102
103 Vice-Chairman Schulze asked about the proximity of the bus stop to the operation.
104 Chairman Krause said that is something they'd like to know.
105
106 Mr. La Vigne said they've complied with the ordinance and answered the various questions
107 and they've been conferring with the County Building Department, as well. He said they'll
108 do whatever it takes to be sure that it complies with the ordinance.
109
110 Mr. Passalaqua went through the specific requirements for Medical Marijuana Caregiver
111 Operations. They included the right of the Township to inspect during business hours, site
112 control, qualifying patients, no appearance of a caregiver operation, no signage, no on-site
113 transfer of product, and no paraphernalia sales on site. Only the registered patient who is
114 also a caregiver can consume on-site. They are growing indoors with no windows, so there
115 is no lighting issue. They must meet the County and Township safety requirements and
116 codes. That concluded Mr. Passalaqua's review.
117
118 Chairman Krause asked the public to be courteous to the applicant and to remember the
119 3-minute speaking limit.
120

121 The first speaker identified himself as Chris and expressed his opposition to the Special
122 Land Use due to concerns over noise, venting, and possible discharge getting into the
123 septic.
124

125 The next speaker did not give his name. He was opposed to the Special Land Use and
126 expressed concerns over who the patients were and what their ailments were.
127

128 Daisy Borreson spoke next in opposition to the Special Land Use and expressed concerns
129 about the waterways and the proximity of the facility to a bus stop.
130

131 Scott Dietrich spoke about his concerns about odor and whether the owners would be
132 living at the property.
133

134 C.J. Callahan of 9225 Faussett Road was opposed to the Special Land Use and spoke
135 about his concerns about the age of the septic, wanting a drug-free zone, and, the
136 proximity of the facility to a bus stop.
137

138 Stacy from Sheridan Park spoke next. Her concerns were about the traffic volume and the
139 proximity to a bus stop.
140

141 Dean Haase of Walnut Shores spoke about his concerns with groundwater and runoff.
142

143 Jim Combs of 6295 Linden Road spoke about his concerns about the type of people this
144 operation brings and the fact that they've lied before so they're going to do whatever they
145 want.
146

147 Randy Pierce spoke about his concerns about groundwater contamination and the lakes
148 being affected.
149

150 The next speaker, who did not identify himself, said he was concerned about groundwater
151 contamination and the fact that the applicants were not doing things right in the first place.
152 He felt they should be denied.
153

154 The next speaker identified herself as Jannette and expressed her concerns about the bus
155 stop being near the facility.
156

157 A resident who identified herself as Erica spoke next. She was in opposition to the Special
158 Land Use; she was concerned for the kids nearby.
159

160 (inaudible) spoke next. He was concerned about the crime rate going up and asked for the
161 Planning Commission to deny the application.

162
163 Greg Carnes spoke next and said he felt this was a commercial business that belonged in a
164 commercial district.

165
166 Chairman Steve Krause closed the public comment section of the meeting and moved on
167 to the Planner comments. He invited Mr. La Vigne to return to the front of the room. He
168 told Mr. La Vigne he was concerned about his lack of truthfulness. Mr. La Vigne stated that
169 he did not know they were growing six months ago and they're not growing now. He
170 explained that they did not realize a Special Land Use was needed and they stopped
171 growing when they found out they needed one. He told the Planning Commission they
172 shouldn't have created an ordinance allowing these if they don't want them. He asked that
173 they grant the Special Land Use with conditions so they can get the proper inspections. Mr.
174 Passalaqua explained that the Planning Commission makes a recommendation of
175 approval or denial to the Township Board.

176
177 Commissioner Rich Erickson asked about all the squares shown on the overview of the
178 inside of the building. Mr. La Vigne explained that they were the drip trays and there is also
179 PVC piping that captures all of the water and recycles it to reuse it to water the plants.

180
181 Commissioner Kevin Ross made a motion to recommend to the board a denial because it
182 is not compatible with residential, and it is based on public opinion and it's just not
183 compatible. Commissioner Garrett Ladd supported the motion. The motion carried by
184 unanimous voice vote.

185
186 Vice-Chairman moved to close the public hearing portion of the meeting and move back
187 into the regular meeting. Commissioner Ross supported the motion. The motion carried by
188 unanimous voice vote.

189
190 Chairman Krause made a motion to amend the agenda to move Old Business number two
191 (Utility-Scale Solar Facilities) to the first item of Old Business since the attorney was there
192 for that topic. Vice-Chairman Schulze supported the motion. The motion carried by
193 unanimous voice vote.

194
195 **OLD BUSINESS:**

196
197 **2) Utility-Scale Solar Facilities:**

198
199 The Planning Commission summarized the latest draft ordinance text with Attorney Laura
200 Genovich and Mr. Passalaqua. The Planning Commission will review the revisions at the
201 next regular meeting.

202

203 **3) Utility-Scale Wind & Battery Storage:**

204

205 The Planning Commission discussed the items and requested that Mr. Passalaqua and Ms.
206 Genovich draft language to be reviewed at the next regular meeting.

207

208 **1) Master Plan:**

209

210 The Planning Commission went through the Livingston County review of the draft Master
211 Plan. They discussed the changes they would like to make and provided direction to Mr.
212 Passalaqua to make the changes to be reviewed at the next regular meeting.

213

214 **CALL TO THE PUBLIC:**

215

216 Several public comments were heard.

217

218 **MISCELLANEOUS BUSINESS:**

219

220 The Planning Commission and Ross Nicholson briefly discussed potential future agenda
221 items. The possibility of holding a workshop on 04/17/2024 was discussed (will be held
222 assuming information is available for review and discussion and enough Planning
223 Commissioners can be available to attend).

224

225 **ADJOURNMENT:**

226

227 The meeting was adjourned at 9:40 p.m.

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