

**CITY OF WAYLAND
PLANNING COMMISSION
MINUTES**

**Tuesday, January 12, 2010
City Hall - City Council Chambers**

Chair J.D. Gonzales called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Chair Gonzales led the Pledge of Allegiance to the American Flag.

ROLL CALL

Members Present: Chair Gonzales, Commissioners Sam Dykstra, Joel Frederickson, John Frigmanski, Ann Kilmartin, Jim Ramey, Arny Rodriguez & Kelle Tobolic and Ex-Officio Commissioner Ron Kobish

Members Absent: None

Others Present: City Planner Mark Sisson, City Manager Chris Yonker & Mayor Tim Bala

PUBLIC HEARING: Proposed Amendments to Zoning Ordinance: Regulation of Installation of Wind & Solar Energy Systems

Chair Gonzales opened the Public Hearing on the Zoning Ordinance amendments at 7:01 PM. The amendments would provide for the regulation of the installation of wind & solar energy systems. Proper notice of the hearing had been placed in the Penasee Globe newspaper, as well as posted at City Hall.

No comments were offered from the public. Chair Gonzales closed the hearing at 7:02 PM.

APPROVAL OF MINUTES

Commissioner Frederickson moved, seconded by Commissioner Frigmanski to approve the Minutes of the Regular Meeting held December 8, 2009 as distributed with the meeting packet. **All Yes; motion carried.**

OTHER MINUTES FOR REVIEW

Chair Gonzales acknowledged for the file the following Minutes of the Regular Meetings of the:

- City Council held December 7 & 21, 2009
- Allegan Co. Planning Commission held December 14, 2009

Commissioners inquired about the comment from the December 7th City Council minutes regarding a church in the downtown area. The City Manager reported that the issue involves a church that has located on the first floor of a building on S. Main St. Under the City's zoning ordinance, the location of churches as permitted in any zoning district is subject to a special use permit. Staff understands that no special use permit process was ever conducted. This is a sensitive First Amendment land use issue that is further complicated by the passage of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by Congress in 2000. Staff will be consulting with the City Attorney & City Planner to review the process necessary to consider a special use permit for the facility.

CITIZENS APPEARING BEFORE THE COMMISSION

None

COMMUNICATIONS

The City Manager distributed a flier from the MI Association of Planning (MAP) announcing several regional training workshops to be held in February & March on "Planning & Zoning Essentials."

OLD BUSINESS: ZONING ORDINANCE AMENDMENTS: WIND & SOLAR ENERGY SYSTEMS

Chair Gonzales opened the floor for additional discussion on the proposed zoning ordinance amendments. Mr. Sisson summarized the changes made to the proposed ordinance since its original draft last fall. The ordinance permits solar energy systems as accessory uses, with the first 40 square feet of a ground-mounted solar panel would be exempt from the calculation of maximum lot coverage for detached accessory buildings (which stands at 25% of the rear yard area.) The ordinance revisions have addressed most of the concerns originally raised by Mark Bauer of Bauer Power at the first public hearing last September.

Commissioner Kilmartin moved, seconded by Commissioner Ramey to recommend adoption of Proposed Ordinance 2010-225 "Regulating Wind and Solar Energy Systems" to the City Council. **All Yes; motion carried.**

NEW BUSINESS

None.

PUBLIC COMMUNICATIONS AND COMMENTS

Chair Gonzales questioned whether the Planning Commission was ready to explore the issue of medical marijuana use as now permitted by the initiative approved by the state's voters in 2008. General discussion ensued about the many unknowns surrounding the implementation of this new law. Only a handful of larger communities have attempted to tackle the issue primarily due to the legal & other costs associated with crafting a defensible ordinance with little consensus on methods and without any court tests to those ordinances that have been crafted. Staff will prepare a summary of the issue & determine the City Council's interest in further pursuing the issue.

General discussion was held regarding the need to conduct a review of the City's Master Plan (required every 5 years by State law); the current Plan was adopted in January 2005. Funding will need to be requested in the Commission's upcoming FY 2010-11 budget. In response to a question, Planner Sisson stated that if the Commission desires to consider the use of the concept of a "form-based" zoning code, then the Master Plan update should include that desire as a goal. The Plan could then include an outline of the steps needed to prepare such amendments to the zoning ordinance over the next couple of years.

The Commission also asked that Mr. Sisson and the City Manager revisit the 2009 Commission work plan & prepare a revised plan for the Commission's review & consideration.

Chair Gonzales reminded the Mayor that the Commission was still in need of an appointment to fill the vacant seat to bring the Commission up to full membership.

There were no additional public communications or comments.

ADJOURNMENT

Being no further business before the Commission, Chair Gonzales adjourned the meeting at 8:03 PM.

Respectfully Submitted,

Chris A. Yonker
City Manager

J.D. Gonzales
PC Chair