

**Mt. Pleasant Planning Commission  
Minutes of Regular Meeting  
April 4, 2019**

**I.** Chair Hoenig called the meeting to order at 7:00 p.m.

Present: Dailey, Friedrich, Hoenig, Horgan, Irwin, Kostrzewa, Ortman, Rise.  
Absent: Liesch

Staff: Kain, Murphy

**II. Approval of Agenda:**

Motion by Dailey, support by Kostrzewa, to approve the agenda.

Motion approved unanimously.

**III. Approval of Minutes**

**A. February 29, 2019 Joint meeting with City Commission:**

Motion by Dailey, support by Kostrzewa, to approve the minutes from the February 29, 2019 joint meeting as submitted.

Motion approved unanimously.

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**B. March 7, 2019 Regular Meeting**

Motion by Ortman, support by Rise, to approve the minutes from the March 7, 2019 regular meeting as submitted.

Motion approved unanimously.

**IV. Zoning Board of Appeals Report for March:**

Commissioner Friedrich reported that the ZBA did not meet in March.

**V. Communications:**

Kain reported there was one communication included in packets which was from staff to Chippewa Township regarding their Draft Master Plan.

**VI. Public Hearings:**

Prior to introducing the first case, Kain noted that four out of the five public hearings appearing on tonight's agenda are for Medical Marihuana Facilities. Kain provided a review of the timeline and activities related to the Medical Marihuana Facilities process up to this point, and outlined the next steps for the applicants.

**A. SUP-19-02 & SPR-19-03 – 1005 Corporate Drive**

Kain introduced Case SUP-19-02 & SPR-19-03 submitted by 3967 Euclid LLC to allow a Medical Marihuana Facility – Class A Grower at 1005 Corporate Drive in the SD-I zoning district.

Kain reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties.

Kain provided an overview of the site along with photos showing existing conditions on the property. Kain noted that the applicant is proposing the use of an existing building, which would be shared with the current tenant.

Kain reviewed the SUP general criteria for all medical marihuana facilities, along with the specific criteria for Growers, noting that the conditions proposed by the applicant are consistent with the special use permit criteria for the proposed use.

Kain reported that the applicant also complies with the site plan information requirements listed in the zoning ordinance; however, noted that there are two non-conforming signs located on the property, which staff has recommended be removed as a condition for approval.

Kain noted that the next case the Board would be hearing is for a Provisioning Center at the same location. Kain explained that any new site plan approval replaces previous approvals; therefore, if the Board makes any modifications to the recommendation for the Grower facility then those conditions should also be included for the related Provisioning Center as well. He further commented that if the Board denies the Grower facility they would need to also deny the Provisioning Center, as Provisioning Centers are required to be co-located with a Processor or Grower if located in the SD-I (Industrial) zoning district.

Kain concluded his report recommending approval with the conditions noted in his staff report.

Commissioner Ortman asked if the OHM office that is currently on site would remain. Kain responded that it is his understanding that it would at this time but that was subject to change. Commissioner Ortman asked about security regulations as the floor plan shows a shared access door between the existing business and the proposed provisioning center. Kain suggested the applicant respond to the concern.

Samuel Kilberg from Dykema Gossett, representing the applicant, along with Gjergj Sinishtaj, the sole owner, addressed the Board, noting that they have reviewed staff recommendations and fully intend to comply.

In response to Commissioner Ortman's concern with the shared access, Mr. Kilberg stated that they will do everything needed to meet state security requirements.

Kain indicated that the Board could add a condition of approval related to this concern if they wished.

Commissioner Rise asked about the Fire Department's drive access requirements. Kain referred to the information provided by the Fire Department, noting that they have indicated that their requirements for access have been satisfied by the proposed plan.

Commissioner Friedrich asked about waste disposal. Mr. Kilberg commented that they follow the guidelines provided by the State.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Ortman, support by Friedrich, to approve Special Use Permit 19-02 and Site Plan Review 19-03 for a Medical Marihuana Facility – Class A Grower at 1005 Corporate with the following conditions:

1. The applicant shall comply with all special use permit criteria for Medical Marihuana Facilities as well as the specific criteria applying to Growers.
2. The existing sign which encroaches into the public right-of-way shall be removed.
3. The applicant shall comply with the requirements of the Divisions of Public Works (DPW) and Public Safety (DPS).
4. The cross access with the existing business be secured according to State law.

Motion approved 7:1, with Commissioner Irwin voting nay.

#### **B. SUP-19-03 & SPR-19-04 - 1005 Corporate**

Kain introduced SUP-19-03 & SPR-19-04 submitted by 3967 Euclid LLC to allow a Medical Marihuana Facility – Provisioning Center in the SD-I zoning district.

Kain noted that this is the same site as the previous case and again shared the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties along with the overview and site

Kain reviewed the general SUP Criteria that applies to all Medical Marihuana Facilities along with the specific criteria for Provisioning Centers.

Kain noted that the conditions proposed by the applicant are consistent with the special use permit criteria for the proposed use and the site plan also complies with the zoning ordinance, again noting the recommendation to remove the existing non-conforming signs. Kain reminded the board that any conditions that were applied to the previous case should remain consistent.

Kain concluded his report with the recommendation to approve with conditions noted in the staff report.

Commissioner Friedrich questioned odor control within the building. Kain noted that the zoning ordinance addresses odor impact outside the building. Interior odor control would be handled by the property owner.

Mr. Kilberg and Mr. Sinishtaj again addressed the Board offering to answer questions. Mr. Kilberg reiterated that they would meet all the conditions noted in the recommendation to approve.

Commissioner Friedrich referred his question regarding odor control within the building to the applicant. Mr. Kilberg responded that each area will be equipped with odor control devices.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Commissioner Rise asked about including a provision for public transportation. Kain noted that all of the proposed facilities provide a waiting/reception area where patrons could wait for public transportation.

Motion by Dailey, support by Friedrich, to approve Special Use Permit 19-03 and Site Plan Review 19-04 with the following conditions:

1. The applicant shall comply with all special use permit criteria for Medical Marihuana Facilities as well as the specific criteria applying to Growers and Provisioning Centers.
2. The existing non-conforming signage shall be removed.
3. The applicant shall comply with the requirements of the Divisions of Public Works (DPW) and Public Safety (DPS).
4. The cross access with the existing business be secured according to State law.

Motion approved 7:1, with Commissioner Irwin voting nay.

### **C. SUP-19-04 & SPR-19-05 – 309 W Michigan**

Kain introduced SUP-19-04 & SPR-19-05 submitted by Cary Investments to allow a Medical Marihuana Facility – Provisioning Center in the CD-4 zoning district.

Kain reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties.

Kain provided an overview of the site along with photos showing existing conditions on the property, noting that the building has been vacant for quite some time. The applicant has made significant improvements to the building since it has been under their ownership.

Kain reported that the building occupies the entirety of the site and shared the site plan and floor plan, noting the proposal includes a waiting/reception area.

Kain noted that the conditions proposed by the applicant are consistent with the special use permit criteria for the proposed use and the site plan also complies with the zoning ordinance.

Kain concluded his report with the recommendation to approve with conditions noted in the staff report.

Deborah Cary and Caleb Cary, applicants, addressed the Board offering to answer any questions.

Commissioner Friedrich commented that they had done a nice job on the building updates.

Chair Hoenig opened the public hearing.

Jennifer Peter, owner of a neighboring property, spoke to the Board. She commented that she would like to see the property kept nice and clean, with no pulsating large signs. She stated she would like to see the building look respectful and stated that the applicant has already done that.

There being no one else who wished to speak, the public hearing was closed.

Kain noted that there are specific sign regulations for Medical Marihuana Facilities that should address the concern expressed during public comment.

Motion by Kostrzewa, support by Rise, to approve Special Use Permit 19-04 and Site Plan Review 19-05 for a Medical Marihuana Facility – Provisioning Center with the following conditions:

1. The applicant shall comply with all special use permit criteria for Medical Marijuana Facilities as well as the specific criteria applying to Provisioning Centers.
2. The applicant shall comply with the requirements of the Divisions of Public Works and Public Safety.

Motion approved 7:1, with Commissioner Irwin voting nay.

#### **D. SUP-19-05 & SPR-19-06 – 2157 S. Mission**

Kain introduced SUP-19-05 & SPR-19-06 submitted by HG Lansing to allow a Medical Marijuana Facility – Provisioning Center in the CD-5 zoning district.

Kain reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties.

Kain provided an overview of the site along with photos showing existing conditions on the property and the suites that the applicant would occupy. He further shared the floor plan for the proposed facility.

Kain reviewed the general SUP Criteria that applies to all Medical Marijuana Facilities along with the specific criteria for Provisioning Centers. Kain noted that the conditions proposed by the applicant are consistent with the special use permit criteria for the proposed use.

Kain noted that the applicant is not proposing any exterior changes and the site plan also complies with the zoning ordinance, noting that the applicant will store waste inside the building.

Kain concluded his report with the recommendation to approve with conditions noted in the staff report.

Doug LaBelle, Jr., owner of the property, and Lawrence Jaramillo, applicant with HG Lansing, addressed the Board offering to answer questions.

Commissioner Kostrzewa addressed the applicant regarding a recent licensing regulation problem where they were found to have traces of contaminants and asked if their product is tested for safety.

Mr. Jaramillo explained that currently the state is allowing care giver products to be sold through licensed provisioning centers and the product is untested and is sold with a waiver so the patient knows that the product they are buying has not been tested. Mr. Jaramillo commented that this is happening statewide through all licensed facilities.

Commissioner Dailey questioned that the state is knowingly selling contaminated product. Mr. Jaramillo responded that currently licensed facilities can sell untested product; however, he noted that they expect that to end shortly.

Kain explained that the State has faced challenges in the transition from the caregiver model for Medical Marijuana to the addition of the commercial grow model in maintaining patient access to medical marijuana. He explained that there were Medical Marijuana facilities operating prior to passage of this law and those facilities were given several deadlines to shut down in order for those facility owners to be eligible to operate legally under the new Medical Marijuana Facilities Licensing Act. Kain further explained that the state has made accommodations so that folks who needed Medical Marijuana still had access to it. He noted that this situation was created by the nature of the transition and not a result of any action by the applicant. He noted that the marketplace has not caught up with the new state law and new

regulations. Kain further commented that this is happening across the state and the State of Michigan has been working to rectify the situation.

Mr. Jaramillo commented that there were no penalties or sanctions against their license and they did everything required to rectify the situation. He noted that this has happened to several license holders and is the result of transitioning from a non-regulated industry to a regulated industry.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Commissioner Rise asked if it would be feasible to ask that a pedestrian walk be installed connecting with the parking area behind the shopping center as the parking lot tends to get quite congested since Texas Roadhouse opened. Kain noted that the area in question is not owned by the same property owner and cautioned that it would not be possible to require the applicant to make improvements to someone else's property.

Motion by Rise, support to Kostrzewa, to approve SUP-19-05 & SPR-19-06 for a Medical Marihuana Facility – Provisioning Center at 2157 S. Mission with the following conditions:

1. The applicant shall comply with all special use permit criteria for Medical Marihuana Facilities as well as the specific criteria applying to Provisioning Centers.
2. The applicant shall comply with the requirements of the Divisions of Public Works (DPW) and Public Safety (DPS).

Motion approved 7:1 with Commissioner Irwin voting nay.

#### **E. TC-19-01**

Kain referred to the proposed ordinance amendment introduced to the Board last month that would amend Section 154.414.B.4.k of the zoning ordinance to correct a scrivener's error. He explained that a cross-reference in Subsection 154.414.B.4.k. to Subsection 154.414.5.e should instead reference Subsection 414.414.B.4.e. Kain noted that if the board recommends approval, this would then go to the City Commission for adoption.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Friedrich, support by Ortman to recommend that the City Commission adopt Text Change 19-01.

Motion approved unanimously.

#### **VII. Public Comments**

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

#### **VIII. Site Plan Reviews:**

None

**IX. Unfinished Business:**

None

**X. New Business:**

None

**XI. Other:**

**A. Staff Report:**

**1. Administrative Review report.**

Kain noted that there was one site plan approved administratively since the last meeting for 510 & 610 West Pickard to remove, regrade and resurface and expand an existing paved area and replace an existing gravel drive to help with storm water drainage.

**2. May Meeting**

Kain reported we will have one special use permit and site plan review for a new two-unit rooming dwelling on S. Washington Street.

Kain further reported that we may also be receiving a text change request via the City Commission for a change regarding small cell nodes.

Kain reported that we will also be having a work session to discuss parking lots and parking lot reconstruction following the regular meeting and asked that if there are specific questions, comments or concerns regarding this topic that they be provided to him prior to the work session.

**XII. Adjournment**

Motion by Dailey, support by Friedrich, to adjourn.

Motion approved unanimously.

Meeting adjourned at 7:55 p.m.

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