

**CITY OF IONIA**  
**Planning Commission**  
**October 9, 2019**  
**Regular Meeting Minutes**

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CALL TO ORDER Vice Chairperson Paton called the Regular Meeting of the City of Ionia Planning Commission for October 9, 2019 to order at 4:31 PM.

ROLL CALL Roll Call revealed Commissioners Dave Cook, Mike Donaldson, Boomer Hoppough (arrived at 5:15 PM), Tim Lee, Ted Paton and Judy Swartz present. Commissioner Jennings was excused.

City Manager Jason Eppler and Planning Consultant Jan Johnson were also present.

Several members of the public were present.

APPROVAL OF AGENDA Vice Chairperson Paton reviewed the agenda with the Commission. After review, it was moved by Commissioner Cook, seconded by Commissioner Lee to approve the agenda for the October 9, 2019 meeting as presented. MOTION CARRIED.

APPROVAL OF MINUTES The Commission reviewed the minutes of the September 11, 2019 Regular Meeting. After review it was moved by Commissioner Donaldson, seconded by Commissioner Cook to approve the minutes of the September 11, 2019 Commission meeting as presented. MOTION CARRIED.

PUBLIC HEARING #1 Vice Chairperson Paton opened the Public Hearing to receive comments on the proposed 2019 Master Plan. No comments were received.

PUBLIC HEARING #2 Vice Chairperson Paton opened the Public Hearing to receive comments on the request submitted by Project 1, LLC, for Site Plan Approval/Special Land Use Permit Approval for 410 Swartz Court – Medical Marihuana Provisioning Center.

The City Manager reviewed the request and explained how it differed from the request (and associated Public Hearing) that was held regarding this property earlier in the year.

Anthony Sands, neighboring Ionia Township property owner, expressed his concerns regarding the request. He reviewed

the Special Land Use Permit approval standards with the Commission and concluded that several of the standards cannot be met. He expressed his concerns regarding the proposed hours of operations.

The City Manager reviewed the range of uses permitted in the B-3 General Business District.

Another neighboring Ionia Township property owner (unidentified) expressed concern over “use creep” whereby the applicant may begin with a provisioning center but quickly evolve into the growing and processing of marihuana.

The City Manager noted that the City had received two letters in opposition to the request – one from the owner of 440 Swartz Court, the other from the owner of a neighboring, vacant property in Ionia Township.

Randi Hermiz, on behalf of the applicant/owner of 410 Swartz Court, reviewed with the Commission details of the request. He stated that his goal is to work with the neighbors regarding hours of operation and site screening.

### PUBLIC HEARING #3

Vice Chairperson Paton opened the Public Hearing to receive comments on the request submitted by Pure Roots, LLC, for Site Plan Approval/Special Land Use Permit Approval for 916 East Lincoln Avenue – Medical Marihuana Provisioning Center.

Jared Maynard, on behalf of the applicant, reviewed the request associated with 916 East Lincoln Avenue. He explained the vast business background of the owners and stated that they currently operate eight other provisioning centers around the State as well as three grow facilities. He further stated that the request/application is in compliance with the City’s zoning standards. He explained the home delivery aspect of the business.

### PUBLIC COMMENTS

Vice Chairperson Paton called for general public comments. No comments were offered.

### OLD BUSINESS

2019 Master Plan Adoption: The City Manager advised that now that the draft Master Plan has been distributed to the appropriate neighboring municipalities for the required 63 day review period and the required Public Hearing on the draft Master Plan has been conducted, the Commission may now adopt the Plan. He reviewed with the Commission the proposed adopting Resolution. Mrs. Johnson reviewed with

the Commission the dual designation (industrial/commercial) associated with portions of Apple Tree Drive and Steele Street.

It was moved by Commissioner Cook, seconded by Commissioner Donaldson to adopt the following prepared Resolution:

**WHEREAS**, the City of Ionia has determined that it is necessary to update the City's 2012 Master Plan and that a new master plan is needed to guide the future development of the City; and,

**WHEREAS**, the Michigan Planning Enabling Act, being Act 33 of 2008, as amended, establishes the standards by which an updated master plan must be prepared; and,

**WHEREAS**, the Planning Commission has been charged with the responsibility to prepare the new master plan; and,

**WHEREAS**, the Planning Commission conducted a Public Hearing on the proposed updated master plan at its October 9, 2019 regular meeting in accordance with the requirements of the Planning Enabling Act.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Ionia Planning Commission does hereby adopt the City of Ionia 2019 Master Plan. MOTION CARRIED.

Project 2, LLC – Site Plan Approval/Special Land Use Permit Approval – 283 South Steele Street: Vice Chairperson Paton stated that the Public Hearing regarding this project was held as part of the September 11, 2019 Commission meeting. He stated that as requested, additional materials regarding the project have been submitted and reviewed by Mrs. Johnson.

Mrs. Johnson reviewed with the Commission to standards for Special Land Use Permit approval as contained in the City Code. Commissioners reviewed each standard, comparing the standard with the request.

Chairperson Hoppough arrived.

After discussion, it was moved by Commissioner Lee, seconded by Commissioner Swartz to deny the request submitted by Project 2, LLC, for a special land use permit to operate a medical marihuana provisioning center at 283 South

Steele Street based on the proposed project not meeting the following two standards contained in Section 1274.04 of the City Code:

- 1) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing of intended character (Steele Street Corridor Plan component of the 2019 Master Plan) of the general vicinity and that such use will not significantly change the essential character of the area in which it is proposed.
- 2) Be consistent with the intent and purpose of the zoning district in which such use will be located (Steele Street Corridor Plan/future Plan PUD component of the 2019 Master Plan).

MOTION CARRIED.

It was moved by Commissioner Hoppough, seconded by Commissioner Lee to deny site plan approval for 283 South Steele Street based on the denial of a Special Land Use Permit to operate a medical marihuana provisioning center at this location. MOTION CARRIED.

Crisis Shelter Homes – Definition: The Planning Commission deferred discussion on this topic to the November meeting.

#### NEW BUSINESS

Project 1, LLC – Site Plan Approval/Special Land Use Permit Approval – 410 Swartz Court: Mrs. Johnson’s memorandum regarding this request dated September 17, 2019 was distributed to Planning Commissioners as part of their pre-meeting packet.

Commissioner Swartz shared with the Commission that she believes that she has a conflict of interest per the Commission’s Rules of Procedure and therefore needs to recuse herself from discussing/acting on this request. She further stated that she and her husband developed the Swartz Business Park and sold a lot contiguous to 410 Swartz Court to the applicant. Chairperson Hoppough reviewed with the Commission the conflict of interest provisions of the Rules of Procedure. After discussion, it was moved by Commissioner Hoppough, seconded by Commissioner Paton to find that per the Commission’s Rules of Procedure, Commissioner Swartz has a conflict of interest and needs to recuse herself from discussing/deliberating/acting on the applications associated with 410 Swartz Court. MOTION CARRIED.

Commissioner Swartz joined the audience.

Mrs. Johnson reviewed with the Commission the Standards for Approval for Special Land Use Permit requests contained in Section 1274.04 of the City Code. She reminded Commissioners that all five standards shall be met in order to grant the request.

Commissioner Cook left the meeting at 5:45 PM.

It was moved by Commissioner Paton, seconded by Commissioner Lee to grant the request submitted by Project 1, LLC for a Special Land Use Permit to operate a medical marihuana provisioning center at 410 Swartz Court based on the proposed project meeting all five standards contained in Section 1274.04 of the City Code, specifically:

- 1) The project is designed, will be constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not significantly change the essential character of the area in which it is proposed.
- 2) The project is adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- 3) The project will not create excessive additional requirements at public cost for public facilities and services.
- 4) The project does not involve uses, activities, processes, materials and equipment or conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 5) The project is consistent with the intent and purpose of the zoning district in which the use will be located.

**MOTION CARRIED.**

Mrs. Johnson continued review of her Memorandum addressing the part specific to site plan approval. She shared with the Commission a number of deficiencies in the site plan that must be addressed including labeling the portion of the building that will not be used for provisioning as “vacant”; the need to show the property lines/right of way line and address the fact that the current building/parking occupies more than one lot (possibly through a lot line

reconfiguration); and the need to show the easement to the booster pump station on the site plan.

Mrs. Johnson stated that the number of parking spaces proposed exceeds the minimum necessary by more than twenty percent. (55 total). Since the number of spaces exceeds the minimum required by more than twenty percent, Commission approval of this many spaces is required.

It was moved by Commissioner Paton, seconded by Commissioner Donaldson to permit an overage of more than twenty percent from the minimum parking spaces required, thereby permitting up to a total of 55 parking spaces. MOTION CARRIED.

Mrs. Johnson reviewed the proposed landscaping plan with the Commission. She noted that the front yard landscaping varies from the requirements of the City Code, although is comprehensive.

It was moved by Commissioner Lee, seconded by Commissioner Donaldson to approve the front yard landscaping for 410 Swartz Court as proposed by the applicant which includes 3 canopy trees, no ornamental trees, no evergreen trees and 11 shrubs (ornamental grasses). MOTION CARRIED.

Mrs. Johnson noted the landscaping/buffering requirements for the site both on the north side of the parcel and the east side of the parcel. The final site plan needs to be revised to address this deficiency.

Additional items to be included on an updated site plan include:

- 1) Parking lot/building lighting plan;
- 2) Revised lease document that does not include roof leasing;
- 3) Updated security plan which addresses comments/concerns expressed by the City's Public Safety Department;
- 4) Updated buffering zone map which reflects parcel to parcel measurements;
- 5) Submission of the pre-qualification packet that was submitted to the State (short form);
- 6) Loading/unloading space locations – clarification;
- 7) Vicinity map per Section 1276.05 of the City Code.
- 8) And, all lacking items as indicated on the site plan review checklist prepared by Mrs. Johnson.

It was the consensus of the Commission not to require parking lot islands due to the parking lot/parking lot surface already being constructed.

It was moved by Commissioner Paton, seconded by Commissioner Lee to table action of the Site Plan for 410 Swartz Court as submitted by Project 1, LLC to a future meeting so that the applicant can address the identified deficiencies. MOTION CARRIED.

Commissioner Swartz rejoined the Commission at 6:58 PM.

Pure Roots, LLC – Site Plan Approval/Special Land Use Permit Approval – 916 East Lincoln Avenue: Main Street Planning Company’s memorandum regarding this request dated September 30, 2019 was distributed to Planning Commissioners as part of their pre-meeting packet.

Chairperson Hoppough shared with the Commission that he believes that he has a conflict of interest per the Commission’s Rules of Procedure based on a business relationship with the owner of 916 East Lincoln Avenue and therefore needs to recuse himself from discussing/acting on this request. Chairperson Hoppough reviewed with the Commission the conflict of interest provisions of the Rules of Procedure. After discussion, it was moved by Commissioner Paton, seconded by Commissioner Donaldson to find that per the Commission’s Rules of Procedure, Chairperson Hoppough has a conflict of interest and needs to recuse himself from discussing/deliberating/acting on the applications associated with 916 East Lincoln Avenue. MOTION CARRIED.

Chairperson Hoppough joined the audience (7:00 PM), Vice Chairperson Paton assumed the Chair.

Mrs. Johnson reviewed with the Commission the Standards for Approval for Special Land Use Permit requests contained in Section 1274.04 of the City Code. She reminded Commissioners that all five standards shall be met in order to grant the request.

It was moved by Commissioner Donaldson, seconded by Commissioner Lee to grant the request submitted by Pure Roots, LLC for a Special Land Use Permit to operate a medical marijuana provisioning center at 916 East Lincoln Avenue based on the proposed project meeting all five

standards contained in Section 1274.04 of the City Code, specifically:

- 1) The project is designed, will be constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not significantly change the essential character of the area in which it is proposed.
- 2) The project is adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- 3) The project will not create excessive additional requirements at public cost for public facilities and services.
- 4) The project does not involve uses, activities, processes, materials and equipment or conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 5) The project is consistent with the intent and purpose of the zoning district in which the use will be located.

MOTION CARRIED.

Mrs. Johnson continued her review of the Main Street Planning Company memorandum, addressing that part specific to site plan approval. She identified four items that need to be addressed as follows:

- 1) Relocation of a tree at the south west corner of the property so that it will not conflict with an existing utility pole;
- 2) Updated vicinity map identifying the municipality in which neighboring properties are located;
- 3) Clarification of whether Pure Roots, LLC intends to provide home delivery (City ordinance permits this, the applicant stated that they would if approved by the Commission);
- 4) Submission of the pre-qualification packet that was submitted to the State (short form).

The City Manager noted that additional information was provided by the applicant addressing the concerns expressed by the Public Safety Director in his memorandum dated October 2, 2019. The Public Safety Director issued an

updated memorandum dated October 7, 2019 stating that his concerns have been addressed.

The Commission discussed the matter of home delivery. The applicant shared that if approved, hours of home delivery would be the same as the hours of operation of their store – 9:30 am to 9:30 pm.

After further discussion, it was moved by Commissioner Lee, seconded by Commissioner Donaldson, to approve the site plan submitted by Pure Roots, LLC, for the conversion of the existing building, and associated site improvements, located at 916 East Lincoln Avenue to a medical marihuana provisioning center with home delivery (same hours of operation as the store) subject to final administrative approval of the site plan based on compliance with the Site Plan Standards of Approval contained in Section 1276.07 of the City Code and subject to the applicant gaining approval from the State of Michigan for licensure as a medical marihuana facility. MOTION CARRIED.

Chairperson Hoppough assumed the Chair at 7:26 PM.

#### COMMISSIONER COMMENTS

John Dinehart addressed the Commission regarding the Live Local Realty building located at 428 West Washington Street. He stated that the property is currently zoned B-2 Community Business District but the future land use map in the 2019 Master Plan identifies it as high density residential. He requested that the map be amended to reflect the future land use of this property as general commercial. Mrs. Johnson reviewed the map with the Commission and noted it was likely an oversight.

It was moved by Commissioner Paton, seconded by Commissioner Donaldson to revise the future land use map contained in the 2019 Master Plan to reflect the future land use of 428 West Washington Street as general commercial rather than high density residential. MOTION CARRIED.

Commissioners discussed long-term maintenance and preservation of landscaping at sites receiving Commission site plan approval.

ADJOURNMENT

It was moved by Commissioner Lee, seconded by Commissioner Paton to adjourn the meeting at 7:36 PM. MOTION CARRIED.

Respectfully Submitted,

Jason Eppler  
City Manager  
Recording Secretary for Dave Cook, Secretary