

CITY OF IONIA
Planning Commission
July 14, 2021
Regular Meeting Minutes

CALL TO ORDER

Chairperson Hoppough called the Regular Meeting of the City of Ionia Planning Commission for July 14, 2021 to order at 4:55 PM.

ROLL CALL

Present: Commissioners David Cook, Judy Swartz, Ryan Videtich, and Boomer Hoppough.

Absent: Commissioners Mike Donaldson, Tim Lee

Also Present: Interim Planning Consultant Brad Kotrba, City Manager Precia Garland, DDA Director Linda Curtis, Assistant to the City Manager Jonathan Bowman, Deputy Mayor John Milewski, and several members of the public.

APPROVAL OF AGENDA

Chairperson Hoppough introduced the agenda and asked if there were any requested changes. No changes were requested. It was moved by Commissioner Cook and seconded by Commissioner Swartz to approve the agenda as presented. MOTION CARRIED.

APPROVAL OF MINUTES

Minutes from the regular meeting of June 9 were reviewed. It was moved by Cook, seconded by Videtich to approve the minutes from June 9. MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

Public Hearing to receive comments on rescinding Chapter 1267 Ionia Springs Planned Unit Development District of Title Six – Zoning of Part Twelve – City of Ionia Planning and Zoning Code and rezoning Lot 7 of the Orchard View Industrial Park from Ionia Springs PUD back to I-1 Light Industrial District. Lot 7 is located at 520 Apple Tree Drive.

Chairperson Hoppough opened the floor to receive comments on the Public Hearing.

Resident from 850 North State Road was present and asked a couple questions about the reason for rezoning and the exact location of the rezoning. Her questions were answered and she had no concerns.

Chairperson Hoppough closed the Public Hearing at 5:05 PM.

It was moved by Commissioner Cook, seconded by Commissioner Swartz to recommend to City Council the rescinding of Chapter 1267, reserving it for future use, and the rezoning of

Lot 7 in the Orchard View Industrial Park from Ionia Springs PUD back to I-1 Light Industrial District. MOTION CARRIED.

Public Hearing to receive comments on requests for both site plan and special land use permit approval, submitted by Leoni Wellness, LLC for permission to operate an adult use marihuana retailer establishment at 416 Brown Boulevard.

Chairperson Hoppough opened the floor to receive comments on the Public Hearing.

Rita Farrow, manager at American Inn and Suites located at 423 Brown Boulevard submitted the following concern via email that was read aloud by Chairperson Hoppough.

I am writing to address concerns I have for the proposed Adult Marijuana Dispensary at 416 Brown Blvd. As Manager of American Inn and Suites hotel, I feel it would be detrimental to our business. As a business that caters to families and out of town guest, having an Adult Dispensary next door, our business would be perceived in an unflattering light. Many of our guests bring their children here to play in the pool and have a night or weekend away from home. A dispensary will make our guests consider other options for their stay. We have been working very hard to upgrade our business and reputation. This dispensary would be a considerable setback in that plan. I would urge you to consider not allowing an Adult Marijuana Dispensary at this address. Thank you for your consideration.

Ray Fomua on behalf of the applicant spoke addressing this concern. He mentioned that all activities will be conducted inside the building and marihuana related paraphernalia is not allowed by law to be seen from the outside. The building will look like any other retail establishment.

The Commission discussed the concern and cited that the medical provisioning center special land use has already been approved for this property. As marihuana will be on the site for medical provisioning it does not seem to make a difference if it is being used for recreational purposes as well. The time for this complaint to be made would have been better suited before the medical provisioning center special land use was granted.

Chairperson Hoppough closed the Public Hearing at 5:12 PM.

Interim planning consultant Brad Kotrba from Williams and Works provided a detailed report on the proposal for 416 Brown Boulevard. He highlighted the changes made in the site plan since the preliminary plans were reviewed. Kotrba referenced the preliminary staff report and identified the corrections made to the plans in lieu of this report. He also outlined a list of conditions the applicant would need to address if the site plan and special land use were approved by the Commission.

The Commission discussed the sign for the property and agreed in the revised calculations presented by Consultant Kotrba. It was mentioned that it could be beneficial for the sign ordinance to address permissible sizes for sign support structures.

The Planning Commission discussed consistency with previous decisions especially as the Commission approved a medical provisioning center special land use at the same location. Consistency is needed in regards to the listed conditions and method of approval.

The following standards were reviewed and motion made in connection with this agenda item:

1274.04 Standards for Approval (Special Land Use)

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. The Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

- (a) Be designed, 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 such use will not significantly change the essential character of the area in which it is proposed.
- (b) Be 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.
- (c) Not create excessive additional requirements at public cost for public facilities and services.
- (d) Not involve uses, activities, processes, materials and equipment or conditions of operation 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.
- (e) Be consistent with the intent and purpose of the zoning district in which such use will be located.

1276.07 Standards for Approval (Site Plan)

- (a) Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and the other requirements noted in this section or in other City ordinances are met, the site plan shall be approved.
- (b) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
- (c) Landscaping shall be provided and designed in accordance with the City's landscape provisions.
- (d) All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code.
- (e) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the

requirements of this Zoning Code. A development shall respect the natural resources of the City.

- (f) Areas of natural drainage, such as swales, wetlands, ponds, or swamps, shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- (g) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- (h) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the City Fire Department.
- (i) In recognition that a sidewalk system along City streets would enhance pedestrian safety and conserve energy through non-motorized transportation opportunities, sidewalks shall be required as determined by the Planning Commission during the site plan review process. Sidewalks, if required, shall be constructed in accordance with the City of Ionia sidewalk standards. Additions to or renovations of buildings, existing as of the effective date of this chapter, which require site plan review, shall be subject to the requirements herein. In determining the need for a sidewalk, the following criteria shall be considered:
 - 1. The amount of current and future pedestrian traffic passing by the site.
 - 2. Whether a sidewalk would enhance the safety of pedestrians currently walking by the site as well as the safety of future pedestrians.
 - 3. The existing and future volume of traffic on the street abutting the site.
 - 4. The existence or probability of sidewalks being constructed on adjacent properties in order to create or complete a usable sidewalk system.
 - 5. The location of the proposed use.
 - 6. The location of pedestrian attractors such as schools, churches, public buildings, and shopping opportunities.
- (j) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.
- (k) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion, particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. The Planning Commission may, in its discretion, require catch basins to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- (l) Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.

Street lights which conform to the City of Ionia specifications for street lighting shall be installed within the right-of-way along all streets abutting the parcel. The Planning Commission may, in its discretion, require these same street lights to be installed on the parcel at locations which are close to the street in order to maintain a consistent lighting theme along City streets.

- (m) Outside storage areas, including areas for the storage of trash shall conform to the regulations contained in Chapter 1060 of these Codified Ordinances.
- (n) Maneuvering space for trucks using on-site loading areas shall be provided on-premises and shall not necessitate the use of the public right-of-way.
- (o) Site plans shall conform to all applicable requirements of County, State and Federal statutes, and approval may be conditioned on the applicant receiving necessary County, State and Federal permits before final site plan approval or any occupancy permit is granted.

1290.10 Standards for Approval

An approval of a marihuana Establishment in the City of Ionia shall only be made when in substantial compliance with the following standards:

- (a) The standards for approval for all special land uses in Section 1274.04.
- (b) The standards for approval of all site plans in Section 1276.07.
- (c) Compliance with any requirements for public safety as stated in writing by the public safety officials of the City of Ionia, Ionia County, and the State of Michigan.
- (d) Compliance with all requirements and conditions of this Chapter 1290.00.
- (e) Compliance with all applicable requirements of the City of Ionia Codified Ordinances.
- (f) Compliance with all requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- (g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

Staff Listed Conditions

1. Before issuing any City permits, the applicant shall have paid all applications, permits, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, Engineer, Fire Department, Police Department, or other approval from City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall obtain a building permit prior to occupancy of the building. No occupancy permit shall be issued until all applicable permits are received.
5. The applicant shall apply for and receive two dimensional variances in accordance with Section 1290.11 of the Zoning Ordinance:
 - a. The existing dumpster enclosure shall be allowed to be shared and be located 1 foot off the property side line instead of 10 feet.
 - b. The existing and proposed parking spaces shall be allowed to be closer than 5 feet from the side lot line.

6. The applicant shall submit a signed copy of the final Reciprocal Easement Agreement to the City.
7. The applicant shall update the parcel number on the site plan and special use documents from 201-040-000-650-04 to 201-040-000-650-05, reflecting the parcel split.
8. The applicant shall submit final architectural building elevations to the City Manager and Commission Chair for approval.
9. Title Blocks and Note 13 on Sheet C-1 shall be updated to include a marihuana “Retail Establishment” as an intended land use on the site.
10. The facility shall not open until appropriate operating licenses have been obtained from the State of Michigan.
11. In the event of any conflict, the terms of this approval are preempted by and the controlling authority shall be the statutory regulations set forth by the MMFLA, MRTMA, or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

Motion:

Moved by Commissioner Swartz and seconded by Commissioner Cook that based on finding the proposed use complies with the standards of Section 1274.04 (a) through (e) and Sections 1276.07 and 1290.10 of the Code of Ordinances, as detailed and discussed above, the special land use permit and site plan for the adult use marihuana retailer establishment be approved at 416 Brown Boulevard, subject to approval by staff of the resolution of remaining site plan and binder issues, as noted in the above staff conditions. MOTION CARRIED.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMISSIONER COMMENTS

None.

ADJOURNMENT

It was moved by Commissioner Swartz and seconded by Commissioner Cook to adjourn the meeting at 5:29 PM. MOTION CARRIED

Respectfully Submitted,

Precia Garland, Recording Secretary,
for David Cook, Secretary