

CITY OF IONIA
Planning Commission
June 12, 2019
Regular Meeting Minutes

- CALL TO ORDER Due to a vacancy in the position of Chairperson and the excused absence of the Vice-Chairperson, Recording Secretary Jason Eppler called the Regular Meeting of the City of Ionia Planning Commission for June 12, 2019 to order at 4:31 PM.
- ROLL CALL Roll Call revealed Commissioners Dave Cook, Mark Jennings Ted Paton and Judy Swartz present. Commissioners Mike Donaldson, Boomer Hoppough and Gordon Kelley were excused.
- City Manager Jason Eppler, Planning Consultant Jan Johnson, DDA Director Linda Curtis and Public Safety Director Troy Thomas were also present.
- Several members of the public were present.
- The Recording Secretary stated it was necessary for the Commission to select a Commissioner to serve as the presiding member for the meeting.
- It was moved by Commissioner Paton, seconded by Commissioner Cook to select Commissioner Jennings to serve as the presiding member and chair the meeting. MOTION CARRIED.
- APPROVAL OF AGENDA Commissioner Jennings reviewed the agenda with the Commission. After review, it was moved by Commissioner Cook, seconded by Commissioner Paton to approve the agenda for the June 12, 2019 meeting as presented. MOTION CARRIED.
- APPROVAL OF MINUTES The Commission reviewed the minutes of the April 10, 2019 Regular Meeting. After review it was moved by Commissioner Cook, seconded by Commissioner Paton to approve the minutes of the April 10, 2019 Commission meeting as presented. MOTION CARRIED.
- PUBLIC HEARING #1 Commissioner Jennings opened the Public Hearing to receive comments on the request submitted by DNVK 3, LLC for Site Plan Approval/Special Land Use Permit approval for

building/property at 526 Hall Street to be used as a Medical Marihuana Provisioning Center.

Commissioner Jennings introduced Marvin Karana who, on behalf of DNVK 3, LLC, presented an overview of the project. Mr. Karana stated that the LLC has received approval to operate several facilities in other parts of the State. Between 526 Hall Street and their proposed operation at 406 South Steele Street, the LLC's total investment in Ionia will be over \$2 million. He, and the projects architect, advised that they have updated plans incorporating the vast majority of the comments offered by the City's Planning Consultant (Jan Johnson) and are awaiting the site topographic survey. They reviewed details of the business's operation, the security plan, site circulation, etc.

Commissioner Jennings recognized Mrs. Johnson and asked that she review her staff report regarding the DNVK 3, LLC project at 526 Hall Street. She stated that the existing structure on the property is non-conforming (setback encroachment) but can continue to be used since it is not being expanded per the project proposal. She also stated that the number of parking spaces proposed exceeds the minimum required by the zoning ordinance. She further stated that the Commission will need to decide how to handle site screening specifically between the street and parking lot. Mrs. Johnson also reviewed with the Commission her findings regarding the Standards for Approval for a Special Land Use Permit.

Mr. Karana addressed questions posed by the Commission including details associated with parking, handling of waste product, number of patients per day (estimated at between 80 and 100) and hours of operation (9:00 AM to 8:00 PM).

Commissioner Jennings called for public comments. Katie Seal, 545 Hall Street, expressed her concerns regarding the proposal including traffic, Hall Street/M-21 intersection safety, loss of property values, impact on children residing along Hall Street and the fact that she believes marihuana is a gateway drug.

The City Manager shared with the Commission an e-mail he received from Eileen and Ben Benbrow, 541 Hall Street, expressing their opposition to the project including additional traffic on Hall Street, reduction in property values, loitering and the impact on the Hall Street/M-21 intersection.

Chris Gordon, Great Lakes Real Estate, offered support of the project and provided an overview of his experience with similar projects (provisioning centers) in other Michigan communities.

Christine Buck stated that due to health reasons she has used marihuana for several decades. She stated that research shows that marihuana is not a gateway drug.

Commissioner Jennings closed the Public Hearing regarding the request for 526 Hall Street.

PUBLIC HEARING #2

Commissioner Jennings opened the Public Hearing to receive comments on the request submitted by DNVK 3, LLC for Site Plan Approval/Special Land Use Permit approval for building/property at 406 South Steele Street to be used as a Medical Marihuana Provisioning Center.

Mr. Karana provided an overview of the proposed project at this location which includes converting an existing industrial building (welding shop) to a medical marihuana provisioning center.

Mrs. Johnson reviewed her report concerning the request. She stated that the existing building on the property is non-conforming (setback) but since it is not being enlarged the change of use (industrial to commercial) is permitted. She also stated that the number of parking spaces exceeds the minimum required (based on the applicant's response this is due to employee parking spaces). She also stated that the building/site is located within the flood plain so special permitting is necessary. Finally, she stated that the applicant needs to clarify if there are underground storage tanks located on the property (the applicant advised that both Phase I and Phase II reports have been prepared which revealed the one tank that was buried on the property was removed during the 1990s).

Commissioner Jennings called for public comments. Chad Listerman, business/property owner, stated that if the sale is completed the business (and employee) will be relocated to a building he owns in the vicinity of Washington and Fourth Streets in Ionia Township.

Commissioner Jennings closed the Public Hearing regarding the request for 406 South Steele Street.

PUBLIC HEARING #3:

Commissioner Jennings opened the Public Hearing to receive comments on the request submitted by Leoni Wellness, LLC for Site Plan Approval/Special Land Use Permit approval for property at 416 Brown Boulevard to be used as a Medical Marihuana Provisioning Center.

Commissioner Jennings introduced Mr. Ray Foumia, applicant, who reviewed his proposed project with the Commission. He stated that he currently owns one provisioning center in the Detroit area so he is familiar with operating this type of business. He also stated that he has now received approvals for operating three additional locations in other parts of the State. If his request is approved, he plans to hire area residents. He also stated that his proposal is for the construction of a new building on the property the appearance of which will be similar to Dr. Payne's office, located at 412 Brown Boulevard.

Mrs. Johnson reviewed her staff report with the Commission. She stated that she only recently completed the report so the applicant has not yet had an opportunity to review it. She discussed the fact that the dumpster that services Dr. Payne's office is located on 416 Brown Boulevard and either needs to be relocated or a joint dumpster arrangement between the two property owners needs to be negotiated. She also discussed the setback requirements/possible encroachment of Dr. Payne's parking lot on the property at 416 Brown Boulevard. A shared driveway agreement is also needed. She also suggested an easement be secured on the property to link the sidewalk on Brown Boulevard with the proposed board walk proposed around the detention pond (north of 416 Brown Boulevard) per the Steele Street Corridor Master Plan. She also requested information regarding the 30'x30' "restricted area" on the property at 416 Brown Boulevard which may impact the layout/site plan for the project. Finally, she suggested that the City hire a surveyor to confirm that the property is not within 1000' of the proposed new library site on Steele Street.

Commissioner Jennings called for public comments. Cathy Hoppough, real estate broker, spoke on behalf of her client, Dr. Robert Payne. She stated that Dr. Payne supports the Leoni Wellness, LLC project.

Pete Sanford, 300 South Steele Street, asked that the Commission keep in mind "real" development plans versus "potential – what if" development plans (referring to the

Steele Street Corridor Improvement Plan/future new library construction).

Commissioner Jennings closed the Public Hearing.

PUBLIC COMMENT

Commissioner Jennings called for general public comments. No comments were offered.

NEW BUSINESS

DNVK 3, LLC – Site Plan Approval/Special Land Use Permit Approval – 526 Hall Street: Commissioner Jennings introduced discussion regarding the Standards for Approval for Special Land Use Permit requests contained in Section 1274.04 of the City Code. He reminded Commissioners that all five standards shall be met in order to grant the request. Commissioners expressed concerns regarding the request including the increase in traffic on Hall Street, the difficulty in making left turns from Hall Street onto M-21, the difficulty in making a left turn onto Hall Street from M-21, and the impact that the increased traffic will have on the street (Hall Street).

After discussion, it was moved by Commissioner Cook, seconded by Commissioner Paton, to deny the request submitted by DNVK 3, LLC for a special land use permit to operate a medical marijuana provisioning center at 526 Hall Street based on the proposed project not meeting the following three 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 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.
- 2) 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.
- 3) Not create excessive additional requirements at public cost for public facilities and services.

MOTION CARRIED.

DNVK 3, LLC – Site Plan Approval/Special Land Use Permit Approval – 406 South Steele Street: Commissioner Jennings introduced discussion regarding the Standards for Approval for Special Land Use Permit requests contained in Section 1274.04 of the City Code. He reminded

Commissioners that all five standards shall be met in order to grant the request.

After discussion, it was moved by Commissioner Swartz, seconded by Commissioner Cook, to grant the request submitted by DVNK 3, LLC for a Special Land Use Permit to operate a medical marihuana provisioning center at 406 South Steele Street 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.

Commissioner Jennings introduced discussion regarding the proposed site plan for the project. He reviewed the concerns raised by Mrs. Johnson in her staff report.

Parking – parking exceeds the minimum required by the ordinance. It was moved by Commissioner Cook, seconded by Commissioner Paton to permit the applicant to construct the parking lot with a total of 31 parking spaces. MOTION CARRIED.

Landscaping – the applicant has proposed a few modifications from the standards contained in the zoning ordinance. It was moved by Commissioner Paton, seconded

by Commissioner Cook to approve the landscaping plan for the project as submitted by the applicant. MOTION CARRIED.

State Pre-Application – it was the consensus of the Commission to request the condensed version of the applicant’s pre-application package submitted to the State for a State issued license.

It was moved by Commissioner Paton, seconded by Commissioner Cook, to grant DNVK 3, LLC a Special Land Use Permit and Site Plan Approval to convert the existing building at 406 South Steele Street into a medical marihuana provisioning center based on the request complying with the Standards for Approval for a Special Land Use Permit contained in Section 1274.04 of the City Code and based on the site plan complying with the Site Plan Standards of Approval contained in Section 1276.07 of the City Code subject to the following conditions:

- The applicant providing the City with copies of the Phase I and Phase II environmental reports prepared for 406 South Steele Street;
- The applicant providing the condensed version of the pre-application package submitted to the State for a State issued license to operate a provisioning center at this location;
- Revisions to the site plan, consistent with the recommendations prepared by the City’s Planning Consultant and outlined in her review memorandum (with the exception of action taken by the Commission pertaining to the number of parking spaces and the site landscaping plan) with the City Manager and City’s Planning Consultant to determine final compliance

MOTION CARRIED.

Leoni Wellness, LLC – Site Plan Approval/Special Land Use Permit Approval – 416 Brown Boulevard: Commissioner Jennings introduced discussion regarding the Standards for Approval for Special Land Use Permit requests contained in Section 1274.04 of the City Code. He reminded Commissioners that all five standards shall be met in order to grant the request.

After discussion, it was moved by Commissioner Swartz, seconded by Commissioner Paton, to grant the request submitted by Leoni Wellness, LLC for a Special Land Use Permit to operate a medical marihuana provisioning center at

416 Brown Boulevard 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.

Commissioner Jennings introduced discussion regarding the proposed site plan for the project. He reviewed the concerns raised by Mrs. Johnson in her staff report.

After discussion, it was moved by Commissioner Cook, seconded by Commissioner Paton to table action on the site plan for 416 Brown Boulevard as submitted by Leoni Wellness, LLC until a future meeting so that the applicant can address the following issues:

- 1) Revise the site plan per Mrs. Johnson's review memorandum;
- 2) Further research and explain the 30'x30' "restricted area" identified on the site plan;
- 3) Arrive at a legal arrangement with Dr. Payne pertaining to the shared driveway and dumpster enclosure.

And provide the City an opportunity to confirm the distance from the 416 Brown Boulevard property and the proposed new library site on Steele Street and secure a legal opinion concerning the interplay between the Drug Free School Zone

regulations, the siting of a medical marihuana facility and the construction of future public facilities (ie library) within 1000' of a medical marihuana facility. MOTION CARRIED.

OLD BUSINESS

Ventra Ionia Main Parking Lot Site Plan Approval Request: The City Manager reported that he has not received updated plans from Ventra regarding their proposed parking lot on Beardsley Road.

Master Plan Update: The City Manager reported that the Master Plan has been distributed to the appropriate reviewing agencies and the 63 day review period is currently underway. Likely the Commission will be able to conduct the Public Hearing on the Master Plan at the August meeting.

2020 Reconstruction of Steele Street: The City Manager reported that survey work is complete and the base map for the project is being developed.

COMMISSIONER COMMENTS The Commission discussed the process for reviewing the applications received for medical marihuana facilities. It was the consensus of the Commission to not hold special meetings or work sessions to process the applications. The Commission prefers that the public hearings/Commission review of the applications not occur until Mrs. Johnson has deemed the applications substantially complete.

ADJOURNMENT

It was moved by Commissioner Cook, seconded by Commissioner Paton to adjourn the meeting at 8:05 PM. MOTION CARRIED.

Respectfully Submitted,

Jason Eppler
City Manager
Recording Secretary for Dave Cook, Secretary