

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
DECEMBER 14, 2017**

A regular meeting of the City of Lapeer Planning Commission was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Thursday, December 14, 2017 at 6:30 p.m.

**Members Present:** Chairman Joe Black, Vice Chairperson Jennell RaCosta, Commissioner Dale Kerbyson, Commissioner Catherine Bostick-Tullius, Commissioner Ed Jamison, Commissioner Anne Shenck and Commissioner Austin Kelly.

**Members Absent:** Commissioners Bill Sprague and Dave Sommerville.

**Also Present:** Mr. Doug Piggott and Ms. Caitlyn McGoldrick, Rowe Professional Services Company Planning Consultants.

Chairman Black called the meeting to order at 6:30 p.m.

**MINUTES**

It was moved by Commissioner RaCosta and supported by Commissioner Jamison to approve the minutes of the meeting held on November 9, 2017 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARINGS SCHEDULED**

**Rezoning – Ammori (Rayment) – Portion of Parcel #20-83-462-040-00 – B-2 to I-1**

Ms. McGoldrick reviewed the request from Ivan Ammori to rezone a portion of vacant parcel #20-83-462-040-00 from B-2 General Business to I-1 Industrial. Ms. McGoldrick reviewed the site location on the north side of Imlay City Road near Myers Road, an aerial view of the site and the diagram of the proposed property split showing the portion to remain B-2 and the portion being requested for rezoning to I-1. Ms. McGoldrick also reviewed the criteria for rezoning a parcel that is not in compliance with the City's adopted Master Plan which requires that either 1) A determination is made that there was a mistake in the plan or there is a change in conditions or City policy or 2) That the property cannot be reasonably used as currently zoned and the proposed zoning requested is the most suitable alternative based on the City's Master Plan.

Ms. McGoldrick reviewed zoning and Master Plan designations of the surrounding parcels and stated the Master Plan designates the property as Commercial – Auto. Ms. McGoldrick reported the latest retail industry research shows less floor space is being required for retail uses.

Chairman Black opened the public hearing at 6:37 p.m.

Mr. Bruce Huber, 219 W. Fair Street, Lapeer, was present and stated he represents the Rayment's who own the property and have a purchase agreement with Mr. Ammori and they concur with the rezoning request. Mr. Huber stated the Rayment's have owned the property for many years, that the property has been actively marketed for 10 years with no interest received for retail use, that the original plan was to utilize the site for some type of auto retailer, that the owners have since moved and that the proposed use of the property is the most logical since most retail users are interested in locating on M-24.

Mr. Ivan Ammori, 416 Willow Grove Lane, Rochester Hills, was present and stated he currently owns the commercial building at 1330 Imlay City Road which has vacancies and that the site is way too big for a large commercial center.

There being no further comments, the public hearing was closed at 6:40 p.m.

It was moved by Commissioner RaCosta and supported by Commissioner Kerbyson to recommend the City Commission approve the request from Ivan Ammori to rezone the 4.332 acre portion of Parcel #20-83-462-040-00 shown and described as Parcel B on the submitted site survey from B-2 General Business to I-1 Industrial based on the standards in Section 7.23.06, specifically that while the proposed rezoning is not consistent with the Master Plan, there has been a change in conditions, namely a reduction in demand for retail floor space that justifies approval of the rezoning. As part of this finding the Planning Commission proposes to review the impact of this change in conditions as part of the next 5 year review of the Master Plan.

**MOTION CARRIED.**

### **SITE PLAN REVIEW**

There were no site plans to be reviewed.

### **OTHER BUSINESS**

#### **Medical Marihuana Facilities Licensing Act (MMFLA) Ordinance – Preparation of Draft Ordinance**

Ms. McGoldrick reported the State of Michigan Department of Licensing and Regulatory Affairs (LARA) released the Emergency Rules for the Medical Marihuana Facilities Licensing Act on December 4, 2017, provided a brief summary of Emergency Rule #'s 6, 8, 9, 21, 22, 24, 25, 27, 35 & 42 and reviewed the outstanding issues in the City's process of drafting an ordinance regulating the facilities concerning odor and special land use requirements. Ms. McGoldrick and Mr. Piggott reviewed the flow chart demonstrating the approval process for both the State and City licensing procedures.

Mr. Piggott reviewed the City's intent to require all activities be conducted in a fully enclosed facility which would eliminate the need for lighting regulation for grow areas located outdoor or within a greenhouse type structure. Mr. Piggott reviewed the recommended language for each facility type including objective standards and performances standards for odor control, hours of operation, indoor activities and other activities allowed within facilities.

Discussion was held regarding whether to require the same standards for provisioning centers as applied to grow and processing facilities, requiring security measures comply with the State Emergency Rules, current odor standards for City industrial uses and the fact existing odor standards in the City's zoning ordinance address dangerous or hazardous odors. The language concerning odors included in the Restrictive Covenants for the Lapeer Industrial & Research Park and the fact existing MIOSHA rules will apply to employee working conditions within the facilities was also discussed.

Mr. Piggott outlined two alternatives to address odors including the performance standard approach that is included in other current zoning ordinance provisions and the objective standard approach outlined in the MSU Extension model ordinance that only requires the applicant to install specific odor control equipment. The odor measuring Olfactometer equipment was reviewed and Mr. Piggott reported the Police Chief has expressed concerns regarding the level of training that would be required for his staff to use the equipment.

Mr. Piggott reviewed the Special Land Use process which is generally required in instances where either the use is of a character where public transparency is warranted or the use is proposed in a district where the size or character of the use may in certain circumstances not be appropriate in a specific location. The summary of how the uses are regulated in the 12 sample/draft ordinances of other communities and organizations obtained by Planning Department was reviewed. Mr. Piggott also reviewed the Matrix showing the recommended licensed facility types to be allowed in various zoning districts as uses permitted by right and by special land use.

Discussion was held on whether to require provisioning centers to control odor in the same manner as applied to grow and processing facilities, cost of the carbon filtration systems required and the fact that requiring special land uses for certain facility types is due to the need to control the potential size, traffic and scale of operations in certain districts and not due to odor concerns. Discussion was also held on the restriction for grow operations to be conducted internally and referencing the security plans for all facilities be required to comply with standards issued by the State of Michigan.

After discussion, it was moved by Commissioner Kerbyson and supported by Commissioner Shenck to include the Objective Standard recommended language regulating odor for MMFLA Grow Facilities in the City of Lapeer. **MOTION CARRIED.**

It was moved by Commissioner RaCosta and supported by Commissioner Shenck to include the Objective Standard recommended language regulating odor for MMFLA Processing Facilities in the City of Lapeer. **MOTION CARRIED.**

Discussion was held including odor control language for provisioning centers, secure transporter and safety compliance facility operations with the intent being to review the requirement after additional cost information is received on the carbon filtration systems.

It was moved by Commissioner Shenck and supported by Commissioner RaCosta to include the Objective Standard recommended language regulating odor for MMFLA Provisioning Centers in the City of Lapeer. **MOTION CARRIED.**

It was moved by Commissioner Kerbyson and supported by Commissioner Jamison to include the Objective Standard recommended language regulating odor for MMFLA Secure Transporter Facilities in the City of Lapeer. **MOTION CARRIED.**

It was moved by Commissioner RaCosta and supported by Commissioner Shenck to include the Objective Standard recommended language regulating odor for MMFLA Safety Compliance Facilities in the City of Lapeer. **MOTION CARRIED.**

The Matrix Table showing the five MMFLA facility types allowed as either permitted uses or special land uses in certain zoning districts was reviewed with the consensus being to require Special Land Use approvals for Safety Compliance Facilities in the OS-1 and B-2 zoning districts and for Secure Transporter Facilities in the B-2 and B-3 zoning districts.

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Kelly to adopt the Matrix Table of MMFLA Facilities as presented and recommended by the Planning Consultant including the Special Land Use recommendations for Safety Compliance and Secure Transporter facilities. **MOTION CARRIED.**

It was moved by Commissioner Kerbyson and supported by Commissioner Bostick-Tullius to schedule a public hearing for 6:30 p.m. on January 11, 2018 to consider the proposed Chapter 68 Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities and related amendments to various sections of the Zoning Ordinance. **MOTION CARRIED.**

The Planning Commission requested Mr. Piggott obtain and provide information on the cost of the equipment required for odor control under the objective standards. Discussion was held regarding the right of applicants to apply for variances, grounds for revoking MMFLA City licenses, the need for the City Attorney to determine whether a facility is allowed to continue to operate during the appeal process for a revoked license and ensuring the City is consistent with the State of Michigan rules.

### **ADJOURNMENT**

There being no further business, it was moved by Commissioner Kerbyson to adjourn the meeting at 7:53 p.m. **MEETING ADJOURNED.**

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Ms. Anne Shenck  
Secretary