

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
AUGUST 10, 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, August 10, 2017 at 6:30 p.m.

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

**Members Absent:** None.

**Also Present:** Mr. Scott Kree, Rowe Professional Services Company Planning Consultant.

Chairman Black called the meeting to order at 6:31 p.m.

**MINUTES**

It was moved by Commissioner Sommerville and supported by Commissioner Bostick-Tullius to approve the minutes of the meeting held on July 13, 2017 as presented.  
**MOTION CARRIED.**

**PUBLIC COMMENTS**

Marlana Swindell, Pleasant Street, was present and distributed various examples of ordinances both currently active and under consideration regulating medical marihuana facilities in other communities and stated many communities are currently in the same position as the City of Lapeer, that she doesn't want the commissioners to hear only the Planning Consultant's position on the issue and that the more information the better.

Jen Zielinski, of Dunaskiss Consulting & Development, 535 Cushing Dr., Lake Orion, MI, was present and stated she is in attendance to see what the commission is thinking, that her firm encourages the City to consider creating green zones within the City boundaries using the zoning map to identify where the various facilities could locate, that they don't recommend putting a cap on the number of licenses, that the free market approach will work that out and reduce potential litigation and that it is up to the State to determine whether or not an operator is worthy of obtaining a license.

**PUBLIC HEARINGS SCHEDULED**

There were no public hearings scheduled.

**SITE PLAN REVIEW**

There were no site plans to be reviewed.

## **OTHER BUSINESS**

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

Mr. Kree reviewed the five types of facilities addressed in the State of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), the City's Zoning Map and the districts he recommends eliminating from allowing the five facilities to potentially locate within resulting in the remaining districts of OS-1, B-2, B-3, CBD-1, CBD-2, I-1, I-2, Mixed-Use Overlay and PUD for consideration. Mr. Kree reported the State of Michigan has not yet issued their rules and regulations addressing the MMFLA facilities which may affect the City's draft ordinance.

Mr. Kree reviewed the Zoning District Intent Statements for the districts to be considered and the existing use buffer spacing requirements and recommendations for various properties/uses including schools, religious, park areas, County, State and Federal. Discussion was held regarding whether the State will require a buffer from State owned properties/uses, the current 1,000 foot required Drug Free School Zone required for K-12 schools and the recently introduced House Bill 4837 restricting facility locations from certain types of uses. Commissioner Sprague inquired what types of uses require a buffer by the State or the MMFLA. It was determined only K-12 schools and federal properties are considered by law to require buffers.

Mr. Kree reviewed individual maps identifying buffer zones from park areas (500 ft.), schools (500 ft. & 1,000 ft.), religious uses (500 ft.), County properties (500 ft.), State properties (500 ft.) and Federal properties (500 ft.) and a map combining all buffer zones and indentifying remaining areas available for MMFLA facilities/uses to locate.

Discussion held regarding the fact grow facilities are required by the State to locate only within agricultural or industrial districts, the need to decide which facilities and where to permit the facilities to locate in the City, unknown environmental issues and odors potentially associated with the various types of facilities/uses, potential for certain types of facilities to follow the City's Industrial Pretreatment Program as well as other environmental agency requirements and the need to consider facility decommissioning rules.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Bostick-Tullius to allow all five types of licensed uses facilities/uses included in the MMFLA to operate within the City.

#### **ON A ROLL CALL VOTE**

**Yeas:** Commissioners RaCosta, Kelly, Bostick-Tullius, Black, Kerbyson, Sprague and Sommerville.

**Nays:** Commissioner Jamison.

**Abstain:** Commissioner Shenck.

**Absent:** None.

**MOTION CARRIED.**

Discussion was held regarding which existing zoning districts to allow each of the five types of facilities/uses to locate within and various issues associated with each of the use operations with the consensus of the commission being as follows:

**Grow Facility** – Allow in I-1 and I-2 districts;

**Processor / Processing Facility** – Allow in I-1 and I-2 districts;

**Safety Compliance Facility** – Allow in OS-1, B-2, I-1, I-2 and Mixed-Use Overlay Districts;

**Provisioning Center** – Allow in B-2, B-3, CBD-1, CBD-2 and Mixed-Use Overlay Districts; and

**Secure Transporter** – Allow in B-2, B-3, I-1, I-2 and Mixed-Use Overlay Districts.

Discussion was held regarding whether or not to require buffer zones restricting location of the various MMFLA facilities/uses to certain types of uses including K-12 schools, nursery schools, day care centers, park areas with playgrounds, linear walking trails, religious facilities, County owned properties/uses, State owned properties/uses and Federal owned properties/uses with the consensus of the commission being as follows:

**Schools (K-12)** – 1,000 ft. buffer required;

**Registered Nursery Schools** – 500 ft. buffer required;

**Park Areas** – The commission will review revised maps showing only park areas with playgrounds and showing park areas with playgrounds and linear trails with a 200 ft. buffer for further consideration;

**Religious Uses** – No buffer zone required;

**County Uses** – No buffer zone required;

**State Uses** – No buffer zone required; and

**Federal Uses** – 500 ft. buffer required.

Mr. Kree reported he will produce new buffer zone maps as directed and begin developing the regulations for each type of facility/use for discussion at the September meeting.

## **ADJOURNMENT**

There being no further business, it was moved by Commissioner Sommerville and supported by Commissioner Bostick-Tullius to adjourn the meeting at 7:58 p.m.

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Ms. Anne Shenck  
Secretary