

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
JANUARY 11, 2018**

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, January 11, 2018 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, Commissioner Bill Sprague, Commission Dave Sommerville and Commissioner Austin Kelly.

**Members Absent:** None.

**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 Bostick-Tullius and supported by Commissioner Kerbyson to approve the minutes of the meeting held on December 14, 2017 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARINGS SCHEDULED**

**MMFLA Licensing Act - Ordinance Chapter 68 to Authorize and Regulate the Establishment of Medical Marihuana Facilities & Related Amendments to Chapter 7 Zoning**

Mr. Piggott reviewed a flow chart showing both the State of Michigan and proposed City of Lapeer review and approval process in order to obtain a license to operate a medical marihuana facility in the City of Lapeer. Ms. McGoldrick reviewed the proposed Chapter 68 Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities and reported the City Attorney has reviewed the proposed ordinance and submitted language changes to various sections which are shown in yellow on the copies submitted to commission. Ms. McGoldrick reviewed the proposed language amendments to Sections 68-01, 68-03, 68-04, 68-05 and the effective date of April 1, 2018.

Discussion was held regarding the proposed language of Section 68.05.B.(4) concerning the basis for revocation of a license due to conviction of an applicant or applicant's employees of a crime. Commissioner Kerbyson stated City Attorney Nolan has submitted a proposed amendment to his suggested language for Section 68.05.B.(4).

Discussion was held regarding the proposed language restricting facilities from operating during an appeal process and the notification process for a notice of decision to deny or revoke a license. It was the consensus of the commission to amend the language to require proof of service of the notification mailing rather than mailing the notification by regular mail.

Mr. Piggott reviewed the various related amendments to Chapter 7 Zoning including the use matrix showing the zoning districts in which the five types of facility will be allowed either as a permitted use or by approval of a Special Land Use and also showing the "Additional Requirements" column added to reference Section 7.13.12. and stated some facilities may in certain circumstances require a Special Land Use when located in the Mixed Use Overlay district. Mr. Piggott also reviewed the recommended odor control measures for all facilities which will entail a carbon filtration system and reported the City Building Official has provided an approximate minimum cost for the required system of \$1,500 to \$2,000 which would service a stand-alone building size of 1,500 sq. ft. to 2,000 sq. ft. and would increase by approximately \$1.00 per sq. ft. as the size of the building is increased.

Mr. Piggott reviewed the hours of operation language for provisioning centers of 7 a.m. to 11 p.m. and for safety compliance facilities of 7 a.m. to 7 p.m., the recommended buffer zones and maps which remain as previously discussed and language concerning parking and loading space requirements and nonconforming uses of land and structures.

Commissioner Kerbyson read the City Attorney's suggested language amendment to Section 68.05.B.(4) as follows:

- (4) (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the Applicant or the Applicant's managerial employees within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years.
- (b) Conviction of an Applicant or an Applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last 5 years.

It was the consensus of the commission to amend Section 68.05.B.(4) as proposed by the City Attorney.

Chairman Black opened the public hearing at 6:57 p.m.

Ms. Jaime Fricke, business owner at 544 N. Main, stated she has been working on the medical marijuana issue since 2011 and that she is proud of where the City is at, thanked the Planning and City Commission for working on this long process and stated she is proud to be at this point in the process.

Mr. Gerald Griffin, 9212 Coriander Way, Brighton, was present and stated he works with Compassionate Advisors who are looking to locate a facility in Lapeer, that dispensaries have no open product to create odor and that the products are normally vacuum packed. Mr. Griffin stated the odor control equipment would be a wasted expense for provisioning centers and suggested some sort of exemption procedure be established.

Mr. John Isenberg, 221 Lincoln Street, Lapeer, was present and inquired why a buffer zone from churches is not required and stated people bring their families to church.

There being no further comments the public hearing was closed at 7:01 p.m.

Discussion was held regarding the odor control plan and cost information for the required odor control equipment for all licensed facilities.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Sommerville to recommend the City Commission adopt Chapter 68 Ordinance to Authorize and Regulate the Establishment of Medical Marijuana Facilities and the related amendments to various sections of Chapter 7 Zoning Ordinance as amended. **MOTION CARRIED UNANIMOUSLY.**

### **ADJOURNMENT**

There being no further business, it was moved by Commissioner Sommerville to adjourn the meeting at 7:03 p.m. **MEETING ADJOURNED.**

---

Ms. Anne Shenck  
Secretary