

PLANNING COMMISSION AGENDA

Meetings: Third Tuesday - 7:00 p.m.

Tuesday, May 17, 2022

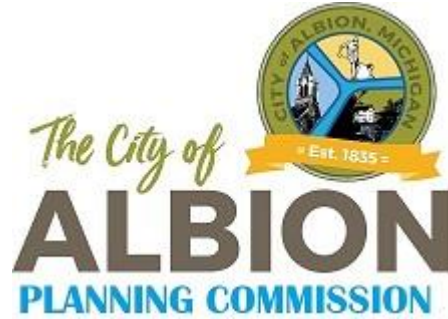
City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

Page

- I. CALL TO ORDER (REMINDER: TURN OFF CELL PHONES)
- II. ROLL CALL OF THE COMMISSION
- III. APPROVAL OF PRIOR MEETING MINUTES
- 3 - 5 A. APRIL 19, 2022 MINUTES
[PLANNING COMMISSION - 19 Apr 2022 - Minutes - Pdf](#)
- IV. CORRESPONDENCE
- V. PUBLIC HEARING
- 6 ORDINANCE # 2022-04, AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS
[Public Notice - Overlay Districts Planning Commission](#)
- VI. ORDER OF BUSINESS
- 7 - 13 A. APPROVE RECOMMENDATION TO CITY COUNCIL FOR ORDINANCE # 2022-04, AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS
[Ordinance 2022-04](#)
[Overlay District - Map #1](#)
- B. APPROVE MEDICAL MARIHUANA PROVISIONING LICENSE RENEWAL # 13/PC2 FOR SUNNIE'S
- C. APPROVE ADULT USE GROWER & PROCESSOR PERMIT # 1 /P1 AND 2 /G2 FOR PANACEA HEALTH SOLUTIONS
- D. EXCUSE ABSENT BOARD MEMBER

VII. PUBLIC COMMENTS

VIII. ADJOURNMENT



MINUTES
PLANNING COMMISSION
Tuesday, April 19, 2022 @ 7:00 PM
City Council Chambers

I CALL TO ORDER (Reminder: turn off cell phones)

Chair George Strander called the Planning Commission to order at 7:00 p.m.

II ROLL CALL of the Commission

PRESENT: Albert Amos, Victoria Snyder, Scott Kipp, Tom Pitt, George Strander, Joseph Verbeke, Mark Lelle, Lenn Reid

ABSENT: Sharon Ponds

ADMINISTRATION: Haley Snyder, City Manager, Ian Arnold-Planning/Building Director, Pamela Beck, Deputy Clerk/Deputy Treasurer

Sufficient representation to establish quorum-so declared.

III APPROVAL OF Prior Meeting MINUTES

A. MARCH 15, 2022 MINUTES

Moved by Commissioner Lelle, seconded by Chief Public Safety/Commissioner Kipp

To approve minutes as presented

Carried

IV CORRESPONDENCE- None

V Order of Business

A.

Director Report-Conditional Approval Granted March 15, 2022

- 500 Bemer Street-Special Use to Expand Wildflower Project
- 923 Burstein Drive-Site Plan Review-Ana Dream LLC
- 1007 Industrial Drive-Site Plan Review-Tarek Mazloum

- 500 Bemer Street-Special Use to Expand Wildflower Project
 - Most conditions have been met-a few more are being worked on

- 923 Burstein Drive-Site Plan Review-Ana Dream LLC
 - Complete-License has been issued

- 1007 Industrial Drive-Site Plan Review-Tarek Mazloum
 - Has been held up on other projects but has assured the City that the issues named are being worked on

B. REQUEST THE CITY COUNCIL OF THE CITY OF ALBION TO APPROVE FOR DISTRIBUTION AND REVIEW THE DRAFT OF THE CITY OF ALBION COMMUNITY COMPREHENSIVE PLAN PURSUANT TO SECTION 41 (MCL 125.3841) OF PUBLIC ACT 33 OF 2008; KNOWN AS THE MICHIGAN PLANNING ENABLING ACT

Comments were received from Liz Gunden, BRI who stated that once the Community Comprehensive Plan has been distributed, there will be a 63 day review for the public. The final draft will be sent to the Planning Commission for a public hearing and recommendation to the Albion City Council for adoption. The update contains format changes that are user friendly along with more graphics and less text.

Additional comments were received from City Manager Snyder and Director of Planning & Building Arnold

Moved by Commissioner Pitt, seconded by (2) Reid

Approve to Request the City Council of the City of Albion to Approve for Distribution and Review the Draft of the City of Albion Community Comprehensive Plan Pursuant to Section 41 (MCL 125.3841) of Public Act 33 of 2008; Known as the Michigan Planning Enabling Act

Carried

C. EXCUSE ABSENT BOARD MEMBER

Moved by Commissioner Pitt, seconded by Commissioner Lelle

Excuse Absent Board Member Sharon Ponds

Carried

VI PUBLIC COMMENTS

No public comments were received

VII ADJOURNMENT

Moved by Commissioner Pitt, seconded by Commissioner Amos

Adjourn Planning Commission Meeting

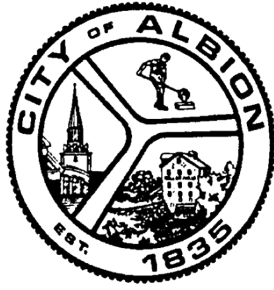
Chair George Strander adjourned the Planning Commission meeting at 7:14 p.m.

Carried

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) THE PLANNING COMMISSION CHAIR OPENS THE HEARING
- 2) CHAIR SUMMARIZED THE PROCESS
- 3) STAFF PRESENTS REPORT ON APPLICANT'S REQUEST
- 4) CHAIR READS ANY CORRESPONDENCE INTO THE RECORD
- 5) PUBLIC SPEAKING PORTION OF HEARING
 - INDIVIDUALS IN SUPPORT
 - OPPOSITION SPEAKERS
 - QUESTIONS & REBUTTAL (DIRECTED THROUGH THE CHAIR)
 - PUBLIC SPEAKING PORTION OF HEARING CLOSED
- 6) FINDING OF FACTS
- 7) BOARD BEGINS DELIBERATIONS

Pamela Beck, Deputy
Clerk/Deputy Treasurer



City of Albion

Department of Planning and Building
112 West Cass Street
Albion, Michigan 49224

(517) 629-7189
iarnold@cityofalbionmi.gov

**NOTICE OF PUBLIC HEARING
CITY OF ALBION PLANNING COMMISSION
Tuesday, May 17, 2022
Albion City Hall - City Council Chambers**

PLEASE TAKE NOTICE that a meeting of the Albion Planning Commission will be held on Tuesday May 17th at 7:00 P.M. in the City Council Chambers of Albion City Hall, 112 West Cass Street, Albion, MI.

The Albion Planning Commission will meet as noticed above to consider the following appeals:

- **ORDINANCE # 2022-04, AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24a, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND SECTION 7.24b, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS**

ALL CONCERNED CITIZENS are encouraged to be present at this meeting to express their opinions on these matters, as public input is an important element in the Commission deliberations. Furthermore, a Commission decision on these matters is likely at this meeting.

To comply with the **AMERICANS DISABILITIES ACT (ADA)**: Any citizen requesting accommodation to attend this meeting/function, and/or obtain this notice in alternate formats, please contact the Planning Department at (517) 629-7189, at least five days prior to the meeting/function.

Written comments or suggestions regarding these matters are also welcome and should be directed, by no later than 7:00 P.M. Tuesday, May 17th to the above address.

Ian Arnold
Director of Planning and Building
City of Albion

**CITY OF ALBION
ORDINANCE #2022-04**

AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24a, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND ARTICLE VII, TO AMEND SECTION 7.24b, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS

Purpose and Finding:

This Ordinance modifies the existing overlay districts within the industrial park (M-1 and M-2 zoning districts). It essentially makes the entire industrial park a single overlay district. The ordinance still requires that all medical marihuana facilities and adult use marihuana establishments be located within a designated overlay district, effectively limiting those facilities solely to the industrial park. Each facility will need to obtain a special use permit prior to operations. Approval is recommended.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article II, by amending Section 2.2 to add and readopt the following definitions as follows:

Adult Use Marihuana. The following definitions A through U are related to adult use marihuana.

- A. *The Act* shall mean the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.
- B. *Department* means the Michigan Department of Licensing and Regulatory Affairs.
- C. Designated consumption establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.
- D. *Industrial hemp* means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

- E. *Marihuana* means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
- i. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - ii. Industrial hemp;
 - iii. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- F. *Marihuana concentrate* means the resin extracted from any part of the plant of the genus *cannabis*.
- G. *Marihuana establishment* means a marihuana grower or excess grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, designated consumption establishment or any other type of marihuana-related business licensed by the department.
- H. *Marihuana grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:
- i. Class A – not more than 100 marihuana plants;
 - ii. Class B – not more than 500 marihuana plants;
 - iii. Class C – not more than 2000 marihuana plants;
- I. *Marihuana microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- J. *Marihuana processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

- K. *Marihuana retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- L. *Marihuana secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- M. *Marihuana safety compliance facility* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- N. *Municipal license* means a license issued pursuant to section 6 of the Act (MCL 333.27956) that allows a person to operate a marihuana establishment in the City of Albion.
- O. *Municipality* means the City of Albion.
- P. *Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- Q. *Process or Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- R. *Provisional License* means a certification provided by the City of Albion to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.
- S. *State rules* means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.
- T. *State license* means a license issued by the Department that allows a person to operate a marihuana establishment.
- U. *Temporary marihuana event* means an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the municipal license during the dates indicated on the municipal license.

Section 2. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article VII, by amending Section 7.24a as follows:

- a. *Applicability.* The Medical Marihuana Facilities overlay district shall apply to all lots within the areas Overlay #1 shown on Map 1 (the “Overlay Area”). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions imposed by the

zoning district where such lots may be located, any other applicable ordinance and the requirements of Section 22-201, et seq., of the City of Albion Code of Ordinances.

- b. Uses permitted by right. All uses permitted by right in the underlying zoning districts.
- c. Uses permitted by special use permit. All uses permitted by special use permit in the underlying zoning district(s) and all types of Medical Marijuana Facilities.
- d. Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Medical Marijuana Facilities overlay district(s).
- e. Permitted Location. Processors, Provisioning Centers, Safety Compliance Facilities, Grower Facilities, and Secure Transporters shall only be located within the Overlay Area.
- f. Application and departmental reviews:
 - i. Application. The application for a special use permit shall be submitted to the City of Albion in accordance with Section 6.2 of the City of Albion Zoning Ordinance.
 - ii. City review. The applicant's plan shall be reviewed by the City of Albion in accordance with Sections 6.2 and 6.3 of the City of Albion Zoning Ordinance. The City's Director of Planning and Building or other individual designated by the City shall review the application and make a recommendation to the City of Albion Planning Commission pursuant to Section 6.2 of the City of Albion Zoning Ordinance.
 - iii. The Planning Commission shall provide notice and hold a public hearing as required by Section 6.2 of the City of Albion Zoning Ordinance. The Planning Commission may deny, approve, or approve with conditions any application for special use. The Planning Commission shall incorporate their decision into a statement of conclusions relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Section 3. Chapter 100, of the Codified Ordinances of the City of Albion, is hereby amended, by amending Article VII, by amending Section 7.24b as follows:

- a. Applicability. The Adult Use Marijuana Establishments overlay district shall apply to all lots within the areas labeled Overlay #1 shown on Map 1 (the "Overlay Area"). All lots included in the overlay district shall be subject to the terms and conditions imposed in this section, in addition to the terms and conditions

imposed by the zoning district where such lots may be located, any other applicable ordinance and the requirements of Section 22-220, et seq., of the City of Albion Code of Ordinances.

- b. Uses permitted by right. All uses permitted by right in the underlying zoning districts.
- c. Uses permitted by special use permit. All uses permitted by special use permit in the underlying zoning district(s) and all types of Adult Use Marihuana Establishments, except for Marihuana Retailers, Marihuana Microbusinesses, Designated Consumption Establishments, and Marihuana Events. Marihuana Retailers, Marihuana Microbusinesses, Designated Consumption Establishments, and Marihuana Events shall not be permitted within the City of Albion.
- d. Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Adult Use Marihuana Establishment overlay district.
- e. Permitted Location. Marihuana Processors, Safety Compliance Facilities, Marihuana Growers, and Secure Transporters shall only be located within the Overlay Areas.
- f. Application and departmental reviews:
 - i. Application. The application for a special use permit shall be submitted to the City of Albion in accordance with Section 6.2 of the City of Albion Zoning Ordinance.
 - ii. City review. The applicant's plan shall be reviewed by the City of Albion in accordance with Sections 6.2 and 6.3 of the City of Albion Zoning Ordinance. The City's Director of Planning and Building or other individual designated by the City shall review the application and make a recommendation to the City of Albion Planning Commission pursuant to Section 6.2 of the City of Albion Zoning Ordinance.
 - iii. The Planning Commission shall provide notice and hold a public hearing as required by Section 6.2 of the City of Albion Zoning Ordinance. The Planning Commission may deny, approve, or approve with conditions any application for special use. The Planning Commission shall incorporate their decision into a statement of conclusions relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are

hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 5. Repeal. Any ordinance(s) inconsistent with this ordinance are hereby repealed.

This Ordinance shall take effect on July 20, 2022 after publication.

First Reading:

Second Reading & Adoption:

June 6, 2022

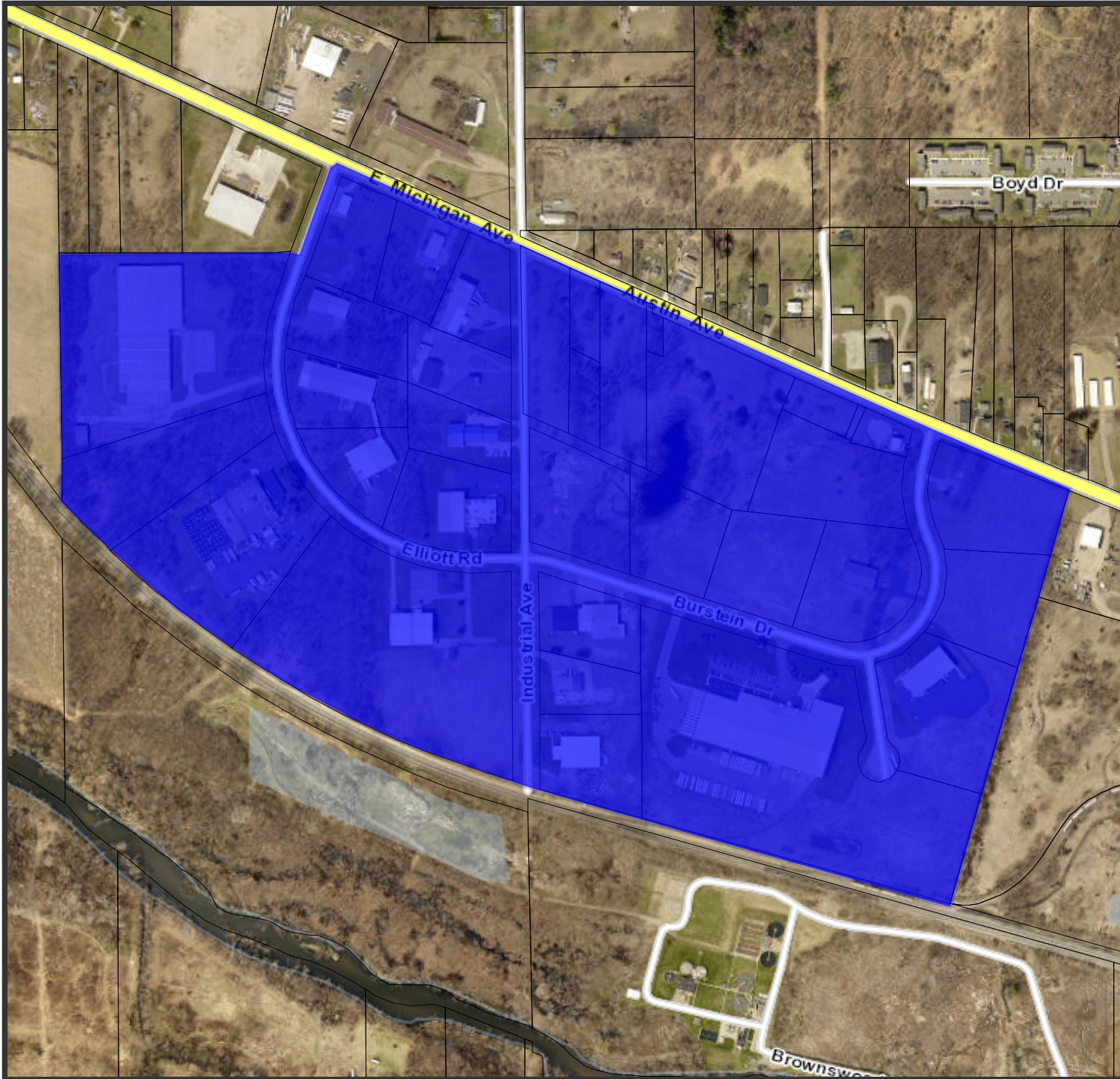
June 20, 2022

Ayes _____
Nays _____
Absent _____

Ayes _____
Nays _____
Absent _____

Jill Domingo,
Clerk

Victoria Snyder,
Mayor



City of Albion Marihuana Overlay District

Map 1



Map Publication:
05/05/2022 3:38 PM



Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Calhoun County expresses no warranty for the information displayed on this map document.