

## PLANNING COMMISSION AGENDA


*Meetings: Third Tuesday - 7:00 p.m.  
Tuesday, September 20, 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. JULY 19, 2022 MINUTES  
[PLANNING COMMISSION - 19 Jul 2022 - Minutes - Pdf](#)
- IV. CORRESPONDENCE
- V. PUBLIC HEARING- AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2 DEFINITIONS, AND TO AMEND ARTICLE VII, TO ADD/AMEND SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO ADD/AMEND SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS. THIS ORDINANCE ESTABLISHES OVERLAY DISTRICTS FOR THE OPERATION OF MEDICAL AND ADULT USE MARIHUANA FACILITIES
- 6 - 13 VI. ORDER OF BUSINESS
  - A. APPROVE RECOMMENDATION OF ORDINANCE # 2022-07, AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2 DEFINITIONS, AND TO AMEND ARTICLE VII, TO ADD/AMEND SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO ADD/AMEND SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS. THIS ORDINANCE ESTABLISHES OVERLAY DISTRICTS FOR THE OPERATION OF MEDICAL AND ADULT USE MARIHUANA FACILITIES  
[Public Notice - Overlay District Expansion - 7-28-22 - Changes Accepted](#)  
[Overlay District - Map #1](#)  
[Ordinance 2022-07](#)
  - 14 - 15 B. APPROVE RESOLUTION # 2022-33, TO APPROVE THE CITY OF ALBION COMMUNITY COMPREHENSIVE PLAN  
[Resolution 2022-33 \(for Planning Commission to Approve Community Comprehensive Plan\)](#)
  - C. APPROVE ADULT USE GROWER & PROCESSOR PERMIT FOR 929 ELLIOTT
  - D. APPROVE ADULT USE GROWER & PROCESSOR PERMIT FOR 1007 INDUSTRIAL

- E. EXCUSE ABSENT BOARD MEMBER
- VII. PUBLIC COMMENTS
- VIII. ADJOURNMENT



The City of  
**ALBION**  
PLANNING COMMISSION  
**MINUTES**  
**PLANNING COMMISSION**  
Tuesday, July 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: Victoria Snyder, Scott Kipp, Mark Lelle; Tom Pitt, Sharon Ponds; Lenn Reid; George Strander and Joseph Verbeke

ABSENT: Albert Amos

ADMINISTRATION: Yvonne Ridge, Assistant City Manager, Ian Arnold-Planning/Building Director and Jill Domingo, City Clerk

Sufficient representation to establish quorum-so declared

**III APPROVAL OF Prior Meeting MINUTES**

A. MAY 17, 2022 MINUTES

Moved by Mayor Snyder, seconded by Commissioner Pitt

*To approve minutes as presented*

Carried

**IV CORRESPONDENCE**

**V PUBLIC HEARING**

A. COMMENTS ON PROPOSED CITY OF ALBION COMPREHENSIVE PLAN

Chair George Strander opened the public hearing at 7:09 p.m.

Ian Arnold, Director of Planning & Building stated the 63 day public comment period has ended. If the Planning Commission approves the Plan then it will go to Council for final approval and adoption.

Public comments were received from:

Chair George Strander read aloud written comments submitted by Linda LaNoue

Linda LaNoue, 1102 E. Michigan Avenue thanked Chair Strander for reading her public comments and asked if the Commission had any questions or clarification on the written comments

Chair George Strander closed the public hearing at 7:11 p.m.

Commission comments were as follows:

Commissioner Tom Pitt asked to clarify that a residential parcel on Haven Road wasn't classified as a college district parcel

**VI Order of Business**

A. APPROVE FORMAL RECOMMENDATION OF THE CITY OF ALBION COMPREHENSIVE PLAN TO ALBION CITY COUNCIL

Comments were received from Commissioner Tom Pitt who asked to add on page 103 of the Comprehensive Plan descriptive language that survey results are not an actual part of the strategic plan

Moved by Commissioner Pitt, seconded by Commissioner Lelle

*Add on page 103 of the Comprehensive Plan descriptive language that survey results are not an actual part of the strategic plan*

Carried

Moved by Commissioner Pitt, seconded by Mayor Snyder

*Approve Formal Recommendation of the City of Albion Comprehensive Plan with the addition of descriptive language that survey results are not an actual part of the strategic plan on page 103 of the Plan*

Carried

**B. EXCUSE ABSENT BOARD MEMBER**

No action was taken to excuse absent Commission Member Albert Amos

**VII PUBLIC COMMENTS**

Comments were received from Linda LaNoue, 1102 E. Michigan Avenue

**VIII ADJOURNMENT**

Moved by Commissioner Pitt, seconded by (2) Reid

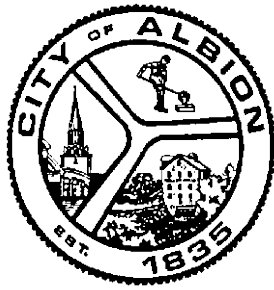
*Adjourn Planning Commission meeting*

*Chair George Strander adjourned the Planning Commission meeting at 7:26 p.m.*

Carried

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Jill A. Domingo, City Clerk



# 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  
ALBION PLANNING COMMISSION  
Tuesday, September 20, 2022  
Albion City Hall - City Council Chambers**

**PLEASE TAKE NOTICE** that a meeting of the Albion Planning Commission will be held on Tuesday, September 20, 2022 at 7:00 P.M. in the City Council Chambers of Albion City Hall, 112 West Cass Street, Albion, MI 49224.

The Albion Planning Commission will meet as noticed above to consider the following amendment to the Zoning Ordinance:

*AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2 DEFINITIONS, AND TO AMEND ARTICLE VII, TO ADD/AMEND SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO ADD/AMEND SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS.* This ordinance establishes overlay districts for the operation of medical and adult use marihuana facilities. A full copy of the proposed zoning ordinance amendment(s) may be viewed at the City Clerk's Office, 112 W. Cass St., Albion, MI 49224 during normal business hours.

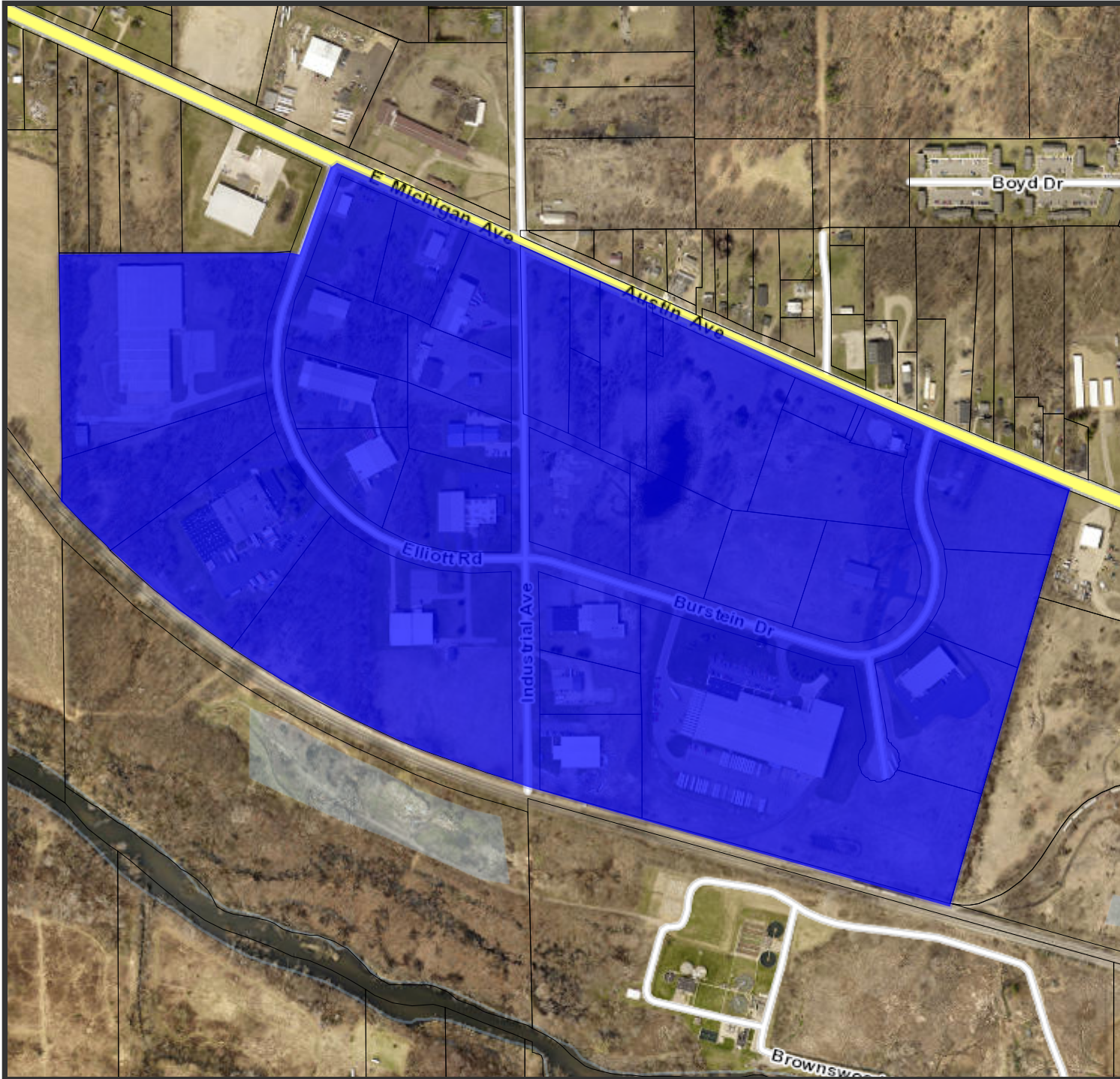
**ALL CONCERNED CITIZENS** are encouraged to be present at this meeting to express their opinions on these matters, as public input is an important element in the Commission deliberations. Furthermore, a Commission decision on these matters is likely at this meeting.

PLEASE NOTE THAT THE ABOVE REFERENCED PUBLIC HEARING IS IN REFERENCE TO ALL PROPERTIES LOCATED IN THE LIGHT INDUSTRIAL DISTRICT (M-1), HEAVY INDUSTRIAL DISTRICT (M-2), AND GENERAL COMMERCIAL DISTRICT (C).

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 delivered, by no later than 7:00pm, Tuesday, September 20, 2022 to the above address.

Ian Arnold  
Director of Planning and Building  
City of Albion



# 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.

**CITY OF ALBION  
ORDINANCE #2022-07**

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 Marihuana Facilities.
- d. Uses not permitted. Any use not permitted in the underlying zoning district is not permitted in the Medical Marihuana 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 Marihuana 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 December 7, 2022 after publication.

First Reading:

Second Reading & Adoption:

October 17, 2022

November 7, 2022

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo,  
Clerk

\_\_\_\_\_  
Victoria Snyder,  
Mayor

**RESOLUTION #2022-33**

TO APPROVE THE CITY OF ALBION COMMUNITY COMPREHENSIVE PLAN

**WHEREAS**, the Michigan Planning Enabling Act (“MPEA,” PA 33 of 2008) authorizes municipal planning commissions to prepare a "comprehensive plan" pertinent to the future development of the municipality; and

**WHEREAS**, the City of Albion Planning Commission has prepared a proposed comprehensive plan for the City of Albion, to update and replace its previous community comprehensive plan, meeting all statutory requirements set forth in the MPEA; and

**WHEREAS**, the City of Albion City Council authorized the distribution of the proposed City of Albion Community Comprehensive Plan to the general public and the various entities listed in the MPEA, for review and comment purposes; and

**WHEREAS**, the proposed City of Albion Community Comprehensive Plan was made available to the various entities and the general public as required by the MPEA; and

**WHEREAS**, a public hearing was held by the City of Albion Planning Commission on July 19, 2022 pursuant to notice as required by the MPEA; and

**WHEREAS**, the City of Albion Planning Commission finds that the proposed City of Albion Community Comprehensive Plan is desirable and proper and furthers the land use and development goals and strategies of the City of Albion;

**NOW THEREFORE BE IT RESOLVED** that the City of Albion Planning Commission hereby resolves to approve the proposed City of Albion Community Comprehensive Plan as submitted for the public hearing, including all the text, charts, tables, maps, and descriptive and other matter therein intended by the Planning Commission to form the complete Comprehensive Plan, including the Future Land Classification Map.

Motion by Planning Commission Member \_\_\_\_\_ and supported by Planning Commission Member \_\_\_\_\_ to approve the foregoing resolution.

I hereby certify that the resolution adopted on September 20, 2022, in a regular session of the Albion Planning Commission, and this is a true copy of the resolution.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Absent \_\_\_\_\_

September 20, 2022

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Jill Domingo, Clerk