

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, DECEMBER 20, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 20, 2017 at 6:30pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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|------------------------------|------------------------------|
| Justin Dunaskiss, Chairman | Don Walker, PC Rep to ZBA |
| Don Gross, Vice Chairman | Scott Reynolds, Commissioner |
| Joe St. Henry, Secretary | Neal Porter, Commissioner |
| John Steimel, BOT Rep. to PC | |

PLANNING COMMISSION MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

Dan Kelly (Township Attorney) of Giarmarco, Mullins & Horton, P.C.
Tammy Girling, Township Planning & Zoning Director

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 6:30pm.

2. ROLL CALL

As noted

3. CLOSED SESSION (6:30pm): Review Confidential Attorney Opinion

Moved by Vice Chairman Gross, seconded by Secretary St. Henry, to go into Closed Session at 6:30pm to discuss Attorney Opinion Letter; attendance to include Chairman Dunaskiss, Vice Chairman Gross, Secretary St. Henry, Trustee Steimel, Commissioner Walker, Commissioner Porter, Commissioner Reynolds, Attorney Kelly and Planning & Zoning Director Girling.

Roll call vote was as follows: Gross, yes; Walker, yes; Reynolds, yes; Porter, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

Moved by Vice Chairman Gross, seconded by Commissioner Walker to reconvene the regular meeting at 7:06pm. **Motion carried**

OTHERS PRESENT:

Phil Christi
Lynn Harrison

4. MINUTES

A. 12-06-17, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to **approve** the 12-06-17, Planning Commission Regular Meeting Minutes, as presented. **Motion carried**

5. AGENDA REVIEW AND APPROVAL

Trustee Steimel asked to remove Old Business #9 A. PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations and to place it on the next regular meeting agenda if there is room.

Moved by Commissioner Porter, seconded by Secretary St. Henry, to **approve** the agenda as amended. **Motion carried**

6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

Mr. Phil Christi, 2650 Buckner, commented that he had concerns about the site plan approval for Skalnek Ford, formerly Christi's Restaurant, and that it is not being upheld. He is the owner of the parcel of land adjacent to the now Skalnek Ford property where there is an easement for access to his property. He informed the Commissioners that Skalnek Ford is parking cars in that easement and is also selling cars from that site. Per the approved site plan, it was his understanding that Skalnek was not allowed to park cars in that easement or sell cars from that location. Mr. Christi also expressed disappointment that Building Official Goodloe and Supervisor Barnett were not addressing his concerns. He asked the Commissioners what he could do to make sure that the site plan is being adhered to?

7. CONSENT AGENDA

None

Chairman Dunaskiss opened the Public Hearing for the Ordinance 154 Applications at 7:24pm.

Chairman Dunaskiss closed the Public Hearing at 7:27pm and reconvened the regular Planning Commission meeting.

8. NEW BUSINESS

Chairman Dunaskiss asked for Attorney Kelly to give the Commissioners an overview of new Ordinance 154 which pertains to Medical Marihuana.

Attorney Kelly explained that the Township Board of Trustees passed in early November the Medical Marihuana Facilities Ordinance. The ordinance is a result of State law that has now legalized marihuana facilities regulated. In addition to State regulations, which are fairly heavy, the Township imposed a greater number of regulations. One of those being that it eliminates provisioning centers. It also limits the number of growers within the Township to six, processors to two, safety compliance or testers to two and transporters to two. Before the Planning Commissioner tonight are five applications for growers, two for processors, one for safety compliance and one for transporter. The ordinance itself mandates that the applicants, before they can begin operation, must first obtain a State license.

In addition to State requirements, the Township also imposed a number of requirements and those requirements are listed under Article VIII of the ordinance. Attorney Kelly went over those requirements. If the applicant is able to comply with all of them, they will then be issued a permit. A permit is only valid for twelve months and has to be renewed on an annual basis.

He explained the application process – the application is first reviewed by the Clerk's office to make sure that it is complete; then it is reviewed by the Planning & Zoning Department, Building Department, Fire Marshal, and the Police Department. The final regulatory piece is locational. A facility has to be on an industrially zoned property and has to be a certain minimum distance away from churches, schools and residential areas. Also, facilities cannot be on a major road that has 6,000 vehicles or more per day. This criteria majorly limits where facilities can be located within the Township. All of the applications tonight have met the locational requirements.

The Planning Commission's role tonight is to review the applications to make sure they are in compliance with the ordinance recognizing that many of the requirements are issues that will be

enforced by Code Enforcement and that the applicants will be coming back to the Planning Commission for site plan approval in accordance with Ordinance No. 78.

Chairman Dunaskiss then asked for an overview from Planning & Zoning Director Girling relating to the reviews from the Building Department, Fire Department, Sheriff's Department and the Planning & Zoning Department.

Planning & Zoning Director Girling said she reviewed all nine of the applications and all are within the IP zoning district, they all meet distance requirements of at least 1,500 feet from a church, 2,000 feet from a residence in a residential zoning district and 2,500 feet from a registered school, or have received a variance from the ZBA. All of the applications have ingress and egress on a street or road that has an average traffic volume that does not exceed 6,000 vehicles per day.

Chairman Dunaskiss disclosed that he is associated with a consulting organization that did work on the Medical Marijuana Facilities Licensing Act on behalf of a trade group and that Associates in his firm represent various applicants that are applying for facilities throughout the State. None, however, are before the Planning Commission tonight.

As subject and part of Ordinance 154, Chairman Dunaskiss opened a public hearing for all nine of the following applicants at 7:22pm. Chairman Dunaskiss read for the record the nine applications.

There were no comments from the public.

Chairman Dunaskiss closed the public hearing at 7:25pm for the nine applicants and considered the public hearing held.

There were no questions or comments from the Commissioners at this point.

A. PC-2017-28, RJT Compliance, LLC, Parcels 09-35-477-001 & 09-35-477-002, Ordinance 154 Application

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to **grant approval** of the Safety Compliance Facility application as required per Ordinance 154 conditioned upon the Planning Commission's approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and that all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning.

Discussion on the motion:

Commissioner Reynolds asked of the various applications in front of the Commissioners tonight, he is seeing a repeat of parcels – is there anything that happens with multiple permits being pulled on the same parcels?

Attorney Kelly responded, under the State law, it allows for “stacking”. There can be different types of permits within the same facility but there are regulations in places; i.e. they have to be separated, they have to have separate ingress and egress in the building, etc.

Trustee Steimel added that these are things the Commissioners have to remember to look for when reviewing the site plans for these facilities.

Chairman Dunaskiss concurred, given the fact these are build to suit, they do have the opportunity to look at the specific build out, security layout, etc. - to make sure the buildings are complying with ordinances and state regulations.

Commissioner Porter asked about lease agreements? It was noted that those are part of the applications that were submitted.

Planning & Zoning Director Girling confirmed that all nine applicants have submitted what the ordinance requires - ownership interest, lease, offer to purchase option, etc.

Roll call vote was as follows: St. Henry, yes; Reynolds, yes; Porter, yes; Walker, yes; Gross, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

B. PC-2017-29, MG&T, LLC, Parcel 09-35-476-002, Ordinance 154 Application

Chairman Dunaskiss noted that this is an application for a processing center.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, to **grant approval** of the application for PC-2017-29, for a processing facility and for PC-2017-30, a Class "C" Growing Facility for MG&T, LLC, as required per Ordinance 154 conditioned upon the Planning Commission's approval at a later time of Zoning Ordinance No. 78 for the Site Plan Review and that all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day and does not service a road that also serves residential zoning.

Discussion on the motion:

Trustee Steimel asked that each application be acted on separately just in case one license gets approved and one doesn't.

Chairman Gross amended the motion, Trustee Steimel re-supported, to remove the granted approval of PC-2017-30, a Class "C" Growing Facility for MG&T, LLC.

Roll call vote was as follows: Steimel, yes; Gross, yes; St. Henry, yes; Reynolds, yes; Porter, yes; Walker, yes; Dunaskiss, yes. **Motion carried 7-0**

C. PC-2017-30, MG&T, LLC, Parcel 09-35-476-002, Ordinance 154 Application

Chairman Dunaskiss noted that this is an application for a Class "C" Growing Facility.

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to **grant approval** of the application for PC-2017-30, for a Class "C" Grower Facility for MG&T, LLC, as required per Ordinance 154 conditioned upon the Planning Commission's approval at a later time of Zoning Ordinance No. 78 for Site Plan Review and all other regulatory requirements of Ordinance 154 are followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning; further, the applications all received positive reviews from the Building Official, Fire Marshal, Sheriff and Planning & Zoning Director.

Roll call vote was as follows: Walker, yes; Steimel, yes; Reynolds, yes; Porter, yes; Gross, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

D. PC-2017-31, DAG Enterprises, LLC, Parcels 09-35-477-001 & 09-35-477-002, Ordinance 154 Application

Chairman Dunaskiss noted this application is for a Class “C” Grower Facility.

Moved by Secretary St. Henry, seconded by Commissioner Walker, to **grant approval** of the application for PC-2017-31, for a Class “C” Grow Facility for DAG, LLC, as required per Ordinance 154 conditioned upon the Planning Commission’s approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day for the facility and it does not service a road that also serves for residential zoning.

Roll call vote was as follows: Reynolds, yes; Porter, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

E. PC-2017-32, Michigan Cannabis Cultivator, LLC, Parcel 09-35-476-003, Ordinance 154 Application

Chairman Dunaskiss noted this application is for a Class “C” Grower Facility.

Moved by Commissioner Porter, seconded by Trustee Steimel, to **grant approval** of the application for PC-2017-32, for a Class “C” Grow Facility for Michigan Cannabis Cultivator, LLC, LLC, as required per Ordinance 154 conditioned upon the Planning Commission’s approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Gross, yes; Porter, yes; Reynolds, yes; Walker, yes; Dunaskiss, yes. **Motion carried 7-0**

F. PC-2017-33, Cannabis, LLC, Parcel 09-35-476-001, Ordinance 154 Application

Chairman Dunaskiss noted this application is for a Secure Transporter Facility.

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to **grant approval** of the application for PC-2017-33, for Parcel 09-35-476-001, a Secure Transporter Facility for Cannabis, LLC, as required per Ordinance 154 conditioned upon the Planning Commission’s approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, it is greater than 15,000 ft. to a church within the Township, greater than 2,000 ft. to any residential zoning district and 2,500 ft. to any school; the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Porter, yes; Dunaskiss, yes. **Motion carried 7-0**

G. PC-2017-34, MMFG, LLC, Parcel 09-35-476-001, Ordinance 154 Application

Chairman Dunaskiss noted this application is for a Class “C” Grower Facility.

Moved by Commissioner Walker, seconded by Trustee Steimel, to **grant approval** of the application for PC-2017-34, parcel 09-35-476-001, for a Class “C” Grow Facility for MMFG, LLC, as required per Ordinance 154 conditioned upon the Planning Commission’s approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of

Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, the proposed facility meets all the distance requirements shown in Ordinance 154, the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Porter, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

H. PC-2017-35, Cliff Summit LLC, Parcel 09-35-300-015, Ordinance 154 Application
Chairman Dunaskiss noted this application is for a Processing Facility.

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to **grant approval** of the application for PC-2017-35, for a Processing Facility for Cliff Summit LLC, as required per Ordinance 154 conditioned upon the Planning Commission's approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, it meets most of the distance requirements under the Ordinance except the one for required distance from a residence which a variance of less than 15% has been granted by the ZBA, the ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves for residential zoning, further, it has received positive reviews from the Building Department, Fire Department, Police Department and the Planning & Zoning Department.

Discussion on the motion:

Commissioner Reynolds asked what happens if a district is rezoned within that 2,000 ft. requirement after an application has been granted, or a church comes along – is that subject to an applicant having to go back for a variance?

Attorney Kelly commented that there is some law with regard to permits and licensing that there is a vested right in that permit. If that were to happen, the applicant would still be entitled to get a renewal of that permit.

Chairman Dunaskiss explained that this application needed a variance because the location is in the Liberty Industrial Park, across from the Orion Plant but is still within an industrial park. The ordinance requires that a residence has to be 2,000 ft. away from the facility however allows a 15% variance from that to be considered by the ZBA. The applicant did go to the ZBA and obtained a variance which was within that 15 ft.

Trustee Steimel also noted that there is a lot of woods in that area that would be between the facility and the nearest residence - therefore not an unreasonable request.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Porter, yes; Walker, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

I. PC-2017-36, Cliff Summit LLC, Parcel 09-35-300-015, Ordinance 154 Application
Chairman Dunaskiss noted this application is for a Class "C" Grow Facility.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, to **grant approval** of the application for PC-2017-36, for a Class "C" Grow Facility for Cliff Summit LLC, as required per Ordinance 154 conditioned upon the Planning Commission's approval at a later time of Zoning Ordinance No. 78, Site Plan Review, and all other regulatory requirements of Ordinance 154 will be followed; based on the following findings of fact: the facility is located in an IP zoning district, it meets most of the distance requirements under the Ordinance except the one for required distance from a residence which a variance of less than 15% has been granted by the ZBA, the

ingress and egress road is of less than 6,000 vehicles per day and it does not service a road that also serves residential zoning.

Roll call vote was as follows: Steimel, yes; Walker, yes; Reynolds, yes; Porter, yes; Gross, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

9. UNFINISHED BUSINESS

None

10. PUBLIC COMMENTS

None

11. COMMUNICATIONS

Letter from Charter Township of Oakland

12. COMMITTEE REPORTS

None

13. PUBLIC HEARINGS

None

14. CHAIRMAN'S COMMENTS

Wished everyone a Merry Christmas and a safe and happy New Year.

15. COMMISSIONERS' COMMENTS

Commissioner Porter wished everyone a Merry Christmas and hopes to see everyone next year.

Secretary St. Henry wished everyone Happy Holidays.

Vice Chairman Gross – Merry Christmas

Trustee Steimel wished everyone a Merry Christmas and a safe and happy New Year; and thanked the other Commissioners for their review of the New Ordinance applications and realizes this is something new for everyone.

Commissioner Reynolds wished everyone a Merry Christmas and a Happy New Year.

16. ADJOURNMENT

Moved by Commissioner Walker, seconded by Commissioner Steimel, to adjourn the meeting at 7:49pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

January 3, 2018

Planning Commission Approval Date