

CITY OF MT. MORRIS
PLANNING COMMISSION AGENDA
July 19th, 2021
6:30 p.m.

1. **MEETING CALLED TO ORDER:** Chairman Sara Black.
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES:** Approval of June 21st, 2021 regular meeting minutes.
5. **COMMUNICATIONS:**
 - a. None
6. **PUBLIC COMMENT:**
7. **OLD BUSINESS:**
 - a. None
8. **NEW BUSINESS:**
 - a. **Public Hearing:** Master Plan (Please bring Master Plan from previous meeting)
 - b. **Action on Master Plan**
 - c. **Public Hearing:** Zoning text amendment for Marihuana Establishments
 - d. **Action on Zoning text amendment**
9. **PUBLIC COMMENT:**
10. **UPDATES:**
11. **PLANNING COMMISSION COMMENTS:**
12. **ADJOURNMENT:**

PLEASE BE COURTEOUS TO OTHERS
SILENCE ALL CELL PHONES & OTHER DEVICES PRIOR TO THE MEETING

**CITY OF MT MORRIS
PLANNING COMMISSION
June 21st, 2021**

At **6:30 p.m.**, Chairperson Sara Black called the Planning Commission Meeting to order in the fire hall.

SWEARING IN OF MEMBERS

Deputy City Clerk Spencer Lewis administered oath of office to Sarah Young.

Sarah Young Term Ending: December 2021

PRESENT: Marc Gauze, Chris Vogt, Sara Black, Yusef Harrold (arrived at 6:39 p.m.), City Manager/Treasure Vicki Corlew and Mayor Jeffrey Roth.

ABSENT: Andrew Sorensen, Kenneth Andrews

OTHERS: Deputy City Clerk Spencer Lewis.

ROLL CALL: A motion was made by Mayor Jeffrey Roth, seconded by Marc Gauze, to approve the absence of Andrew Sorensen.

All Ayes.

Motion Carried.

APPROVAL OF AGENDA:

A motion was made by Marc Gauze, seconded by Chris Vogt to approve the agenda.

All Ayes

Motion carried.

APPROVAL OF MINUTES:

A motion was made by Marc Gauze, seconded by Sarah Young to approve the regular meeting minutes from May 17th, 2021.

All Ayes

Motion carried.

COMMUNICATIONS:

City Manager/Treasurer Vicki Corlew stated that the by-laws included in the packet for the Planning Commission were just informational, along with the marihuana ordinance.

PUBLIC COMMENT:

Steven Kiouis 1985 W. Big Beaver, Troy – Steven stated that there are businesses interested in operating within the City of Mt. Morris here on Walker St., and questioned if the marihuana ordinance is limited to microbusinesses or is it opening up to a greater scope of recreation?

Mayor Jeff Roth stated that microbusinesses are the only ones we had discussed on allowing.

Steven questioned if there was any concept of expanding that to regular recreational in the City of Mt. Morris?

Mayor Jeffrey Roth stated not at this time.

Morris. Duane stated that previously we warned by Doug Piggott not to limit the kinds of marihuana facilities allowed in the City, so we do not run into any legal issues. Duane encouraged the Planning Commission to open eligibility for other marihuana businesses other than strictly microbusinesses.

Steven Kiouisis 1985 W. Big Beaver, Troy – Steven stated to take the property and the type of investment that is needed to create the business, whether it's a retail center, or marihuana grow, it is not going to be beneficial for someone to do that with a microbusiness. Microbusinesses are going to limit business aspect, because you can only grow and sell what you grow. Steven stated the City would benefit more from regular recreational or medical marihuana. Steven stated that financially it would take a long time to see a return on investment if someone wanted to do a microbusiness. Steven said that he is doing a project with the planning commission, and they are going to be putting in a marihuana grow, that will bring 100 jobs to Flint.

A motion was made by Chris Vogt, seconded by Sarah Young to close the Public Hearing for the zoning text amendment for marihuana microbusinesses at 6:44 p.m.

All Ayes.

Motion Carried.

d. Action on Zoning Text Amendment.

A motion was made by Mayor Jeff Roth, seconded by Chris Vogt to approve the zoning text amendments for marihuana microbusiness.

Marc Gauze stated that he had thought we included other business aspects for the marihuana other than only the microbusiness part.

Duane Dunckel stated that when he had met with Doug Piggott in the past, instead of excluding certain types of businesses, the best way to limit the amount of businesses would be the distances apart and away from schools, churches, etc.

Steven Kiouisis stated that he thinks the City is selling itself short on investments and jobs being brought into the city by limiting marihuana businesses to microbusinesses.

Chris Vogt discussed fire codes with Steven Kiouisis and being up to date on codes.

Sara Black questioned what would have to be done to change the ordinance to include different types of marihuana businesses?

Steven Kiouisis stated it would make sense to expand the marihuana ordinance draft to include recreational marihuana with certain types of licenses (retail, grows, etc).

Yousef Harrold stated from an investor's standpoint, it would make no sense to limit businesses to microbusinesses.

Marc Gauze stated that we would have to go back and change our language and update the ordinance.

Mayor Jeff Roth rescinded his motion.

Planning Minutes

June 21st, 2021

Page Four.

City Manager/Treasurer Vicki Corlew stated that we could set the public hearing for the meeting next month, and also discuss the draft beforehand. We would have enough time to get a notice published in the paper for next meeting as well.

A motion was made by Chris Vogt, seconded by Yusef Harrold to postpone the zoning text amendment until the next meeting with the public hearing.

All Ayes.

Motion Carried.

PUBLIC COMMENT

11866 Walter St. Duane Dunckel – Duane thanked the Planning Commission for reconsidering the marihuana ordinance.

UPDATES:

City Manager/Treasurer Vicki Corlew stated that at the July meeting we will be doing the public hearing on the master plan.

PLANNING COMMISSION COMMENTS:

Marc Gauze welcomed Sarah Young to the Planning Commission. Marc also stated that he hopes another pandemic doesn't happen within the next 100 years.

Yousef Harrold stated that he enjoys the fact that we can all gather here together and discuss things together.

Chris Vogt welcomed Sarah Young.

Mayor Jeff Roth welcomed Sarah Young.

Deputy City Clerk Spencer Lewis welcomed Sarah Young to the Planning Commission.

Sara Black also welcomed Sarah Young to the Planning Commission.

ADJOURNMENT:

With no further business, the meeting was adjourned at **7:00 p.m.**

Deputy City Clerk, Spencer Lewis

**NOTICE
CITY OF MT. MORRIS PLANNING COMMISSION
PUBLIC HEARING**

Notice is hereby given that the City of Mt. Morris Planning Commission will hold a public hearing on Monday, July 19, 2021, at 6:30 pm, at the Mt. Morris City Hall, 11649 North Saginaw Street, Mt. Morris, MI, 48458. The purpose of the hearing will be to receive public comment regarding the proposed Master Plan.

All interested persons are encouraged to attend the public hearing to ask questions or to make comments. Written comments may be submitted to Vicki Corlew, City Manager, 11649 N Saginaw St, Mt. Morris, MI, 48458, (810) 686-2160. Oral comments will be accepted at the hearing. A copy of the draft Master Plan is available for public inspection at the City Hall during regular business hours, or online at <http://bit.ly/mtmorris>. Handicapped persons needing assistance should contact the City Hall before the meeting.

Sara Black
Planning Commission Chair
City of Mt. Morris

City of Mt. Morris Planning Commission
Notice of Public Hearing

The Mt. Morris City Planning Commission shall hold a public hearing at 6:30 p.m. on July 19, 2021 at the city hall at 11649 N. Saginaw Street in Mt. Morris. The hearing will be to consider the following:

A proposed ordinance to allow and regulate recreational marihuana facilities by Conditional Use Permit in the Commercial “C” (General Business) District

Initiated by: City of Mt Morris Planning Commission

The meeting is open to the public. Anyone wishing to comment on this request, but are unable to attend the meeting, may send their comments to City of Mt. Morris Planning Commission, City of Mt. Morris City Hall, 11649 N. Saginaw St., Mt. Morris, MI 48458. Copies of the proposed amendment language are available at the Mt. Morris City Hall between 9 a.m. and 8 p.m. on Mondays and between 9 a.m. and 5 p.m. Tuesday – Thursday.

CITY OF MT. MORRIS
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2021-

An ordinance to amend the Appendix D of the Code of Ordinances, City of Mt. Morris, Michigan, the Zoning Ordinance, (a) by adding Section 9.20 entitled, “Marijuana Establishments (Recreational Marijuana)”, which section contains standards for marijuana establishments, (b) by adding Section 2.46A to the Definitions section which section is entitled, “Marijuana Establishment Definitions”, and (c) by amending the district regulations with respect to Section 6.12 Commercial “C” (general business) district as set forth in Section 6.04 of the Zoning Ordinance by adding to under the district regulation section under the heading “Conditional Uses Permitted” a paragraph stating that marijuana establishments subject to Section 9.20 of the Zoning Ordinance are permitted.

THE CITY OF MT. MORRIS ORDAINS:

SECTION I Section 9.20 is hereby added to Article 9 of the Zoning Ordinance as follows:

Section 9.20 MARIJUANA ESTABLISHMENTS

It is the intent of this section to regulate any marijuana establishments by the following requirements:

A. Operational Limitations.

1. A marijuana establishment shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.
2. A marijuana establishment shall comply at all times with each and every provision of the State of Michigan, Michigan Regulation and Taxation of Marihuana Act (MRTMA)
3. Any permitted activities conducted by a marijuana establishment must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.
4. Persons under the age of twenty-one (21) years of age are not permitted to be on the property of any marijuana establishments unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or other state and the marijuana establishments is co-located with an approved medical marijuana transaction facility.
5. Advertising and/or marketing for a marijuana establishment, viewed from the exterior, shall not appeal to or have the effect of appealing to minors, this shall include but is not limited to signage, flyers, banners, etc. as permitted in Chapter 48 of the City Code of Ordinances.
6. Any owners and/or operators of any marijuana establishments who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.
7. Unless otherwise permitted through co-location with another commercial medical marijuana transaction facility and/or marijuana establishment, no license will be approved on a property that has any other approved uses.

B. Locational Limitations

1. Marijuana Retailer - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana retailer shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

While subject to all other requirements of this Ordinance, it is not the intention of the City of Mt. Morris to require an additional special use approval for the marijuana establishment if the Planning Commission has already approved a special use for a medical marijuana provisioning center and said provisioning center has been operating under that approval with a State of Michigan approved license.

2. Marijuana Microbusiness - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana microbusiness shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

3. Marijuana Grower - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana grower shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

4. Marijuana Processor - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana processor shall not be permitted within the locational limitations as follows:
 - a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
 - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
 - d. Within five hundred (500) feet of any public or municipal park.

5. Marijuana Safety Compliance Facility - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the safety compliance facility shall not be permitted within the locational limitations as follows:
 - a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
 - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
 - d. Within five hundred (500) feet of any public or municipal park.

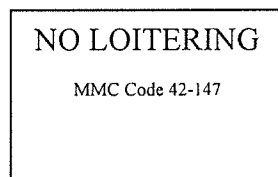
6. Marijuana Secure Transporter - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the secure transporter facility shall not be permitted within the locational limitations as follows:
 - a. Within eight hundred (800) feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
 - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
 - d. Within five hundred (500) feet of any public or municipal park.

C. Site Plan Requirements

1. Any person who wished to operate any marijuana establishment shall submit an application for Conditional Use review to the City of Mt. Morris as set forth in Section 9.20, consistent with the zoning of the property, showing required locational limitations as set forth in Section 6.12 Section 2 r as they apply, shall pay a nonrefundable fee as shall be

established, and from time to time be amended by resolution of the Mt. Morris City Council, and which shall include the following:

- a. Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.
 - b. Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
 - c. Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.
 - d. Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.
 - e. A description of the operation of the commercial marijuana establishments in sufficient detail to permit the City to determine if the operation, as described would be lawful and fully compliant with The Michigan Regulation and Taxation of Marihuana Act (MRTMA)
2. Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Building and Zoning Departments. At this time the applicant must also pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council.
 3. Annual renewal of the application is required for any marijuana establishments and must comply with 9.20 (D).
 4. All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.
 5. Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of 9.20 (E). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.
 6. A licensed Marijuana establishment shall maintain a clearly legible sign, not less than 18" x 24" in size, and white background with black lettering in color, reading "No Loitering" at or near each public entrance. The sign shall also display the Ordinance number as the following design:



C. Periodic Inspections Prior to the start of operations all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this Ordinance and Section, and any reasonable conditions placed upon any special land use approval. Once

operations begin, all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make inspections in accordance with applicable codes.

D. Annual Renewal A marijuana establishment approval shall be issued for a 1-year period and is renewable annually.

1. Except as set forth in this Ordinance, the City through the appropriate department shall renew a license if all of the following requirements are met:
 - a. The applicant submits a renewal application provided by the City of Mt. Morris and pay the annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council; and
 - b. The application is received by the City on or before the expiration date of the current approval.
2. It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Mt. Morris shall notify the applicant at the last known address on file advising them, they have 30 days to apply for renewal and pay any applicable late fees and the annual non-refundable fee. Failure to renew 30 days from date noticed mailed will revoke the establishment's certificate of occupancy and require any future application to be considered new.
3. Renewal shall be considered 1-year from the date in which the annual fee is paid.
4. In its decision on an application for renewal, the City of Mt. Morris shall consider any input from the building official, code enforcement officer, fire department and/or police department.

E. Securing locational limitations Applications are considered on a first come basis for purpose of required locational limitations as set forth in Section 6.12 Section 2 r. Consideration is only taken when the complete application is submitted to the City of Mt. Morris and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a State operating license does not secure any position for locational limitations.

F. Penalty Any person who violates any of the provisions of this chapter shall be deemed guilty of a municipal civil infraction, as established by the Code of Ordinances of the City of Mt. Morris, municipal civil infractions section 1-14. Any violation of the provisions of this ordinance shall be deemed a new and separate offense for each day that the violation continues to exist.

SECTION II Section 2.64A of the Zoning Ordinance is hereby added to Article 2, as follows:

Section 2.64A MARIJUANA ESTABLISHMENT DEFINITIONS.

- A. **LOCATIONAL LIMITATIONS** when determining the distance requirements of any commercial medical marijuana transaction facility and/or marijuana establishment the term "within" shall mean as measured from property line to property line.
- B. **MARIJUANA ESTABLISHMENT** means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, marijuana designated consumption establishment, or any other type of marijuana-related business licensed by the State of Michigan.

- C. **MARIJUANA GROWER** means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments. Shall include a State licensed Excess Marijuana Grower.
- D. **MARIJUANA MICROBUSINESS** means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
- E. **MARIJUANA PROCESSOR** means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
- F. **MARIJUANA RETAILER** means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
- G. **MARIJUANA SECURE TRANSPORTER** means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- H. **MARIJUANA SAFETY COMPLIANCE FACILITY** means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

SECTION III Section 6.12 entitled “Commercial “C” (General Business) District” is hereby amended by adding subparagraph r to paragraph 2 entitled “Conditional Uses Permitted” as follows:

Section 6.12 COMMERCIAL “C” (GENERAL BUSINESS) DISTRICT

2. CONDITIONAL USES PERMITTED:

r. Marijuana Establishments subject to the provisions of section 9.20.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the __ day of __, 2021.

CITY OF MT. MORRIS

BY: Jeffrey N. Roth, Mayor

BY: Spencer Lewis, City Clerk

Ordinance introduced on:
 Second Reading:
 Publication date:
 Effective date: