

CITY OF MT. MORRIS
PLANNING COMMISSION AGENDA
June 21st, 2021
6:30 p.m.

- 1. MEETING CALLED TO ORDER:** Chairman Sara Black.
- 2. SWEARING IN OF MEMBERS:** Sarah Young.
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:** Approval of May 17th, 2021 regular meeting minutes.
- 6. COMMUNICATIONS:**
 - a. Copy of By-Laws and Rules of Procedure
 - b. New Draft of Marihuana Microbusiness Ordinance
- 7. PUBLIC COMMENT:**
- 8. OLD BUSINESS:**
 - a. None
- 9. NEW BUSINESS:**
 - a. **Public Hearing:** A request to rezone the properties on Washington Ave.
 - b. **Action on rezoning request.**
 - c. **Public Hearing:** Zoning text amendment for Marihuana Microbusiness.
 - d. **Action on Zoning text amendment.**
- 10. PUBLIC COMMENT:**
- 11. UPDATES:**
- 12. PLANNING COMMISSION COMMENTS:**
- 13. ADJOURNMENT:**

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

**CITY OF MT MORRIS
PLANNING COMMISSION
May 17th, 2021**

At **5:05 p.m.**, Chairperson Sara Black called the Planning Commission Meeting to order in the fire hall.

PRESENT: Marc Gauze, Chris Vogt, Sara Black, Kenneth Andrews Andrew Sorensen, Yusef Harrold, City Manager/Treasure Vicki Corlew and Mayor Jeffrey Roth.

ABSENT: None.

ROLL CALL: None.

OTHERS: Deputy City Clerk Spencer Lewis.

APPROVAL OF AGENDA:

A motion was made by Mayor Jeffrey Roth, seconded by Marc Gauze to approve the agenda.

All Ayes

Motion carried.

APPROVAL OF MINUTES:

A motion was made by Chris Vogt, seconded by Marc Gauze to approve the regular meeting minutes from April 19th, 2021.

All Ayes

Motion carried.

COMMUNICATIONS:

Mayor Jeffrey Roth stated that Sara Young emailed him and let him know that she was not feeling good and not able to attend the meeting tonight.

PUBLIC COMMENT:

None.

OLD BUSINESS:

- a. None.

NEW BUSINESS:

a. Discussion on Marihuana Ordinance

City Manager/Treasurer Vicki Corlew stated that the Planning Commission had started working on the marihuana ordinance draft for a couple years now, and due to Covid, everything was put on hold for a while.

Doug Piggott from Rowe Inc. started off by explaining a few of the previous marihuana laws. In 2008, Michigan adopted the Michigan Medical Marihuana Act, which established the classifications of a qualified patient, and primary caregiver. In 2015, the Medical Marihuana Licensing Act was adopted, and that established authority for dispensaries, processing facilities, growing facilities, testing facilities, and transport facilities. The most recent law that was passed (Michigan Taxation and Regulation of Marihuana Act) which in essence stated you did not need

a medical reason to consume marihuana or grow marihuana as long as you are 18 years of age. In addition to the 5 facilities listed above, they also allowed micro-facilities. Micro-facilities are allowed to grow, process, and sell marihuana all on the same site, and are also limited to 150 plants. The last 2 laws deal with licensing through the state through LARA, which is a very cumbersome process. The City had (temporarily) adopted an ordinance that prohibited any facility within the City, until the City had decided what they wanted to do. The decision that was made by the City was to limit operations to the micro grow. The ordinance would allow the City to license at the local level. The Zoning ordinance would determine where in the city limits a micro grow operation could be located. In order to adopt the zoning ordinance, the Planning Commission must hold a public hearing before the City Council can take action.

Mayor Jeffrey Roth asked Doug Piggott if the changes were made to the ordinance from previous meetings?

Doug Piggott stated he believed the changes were made, but that he would double check.

Marc Gauze stated that we had previously looked over the Bay City ordinance and made changes accordingly it to fit the City.

City Manager/Treasurer Vicki Corlew asked Mayor Jeffrey Roth what the changes were that needed to be made to the ordinance?

Mayor Jeffrey Roth stated: 1) Page 8/9, we were deleting letter G, along with 1,2,3,4. 2) Page 16, Under Section 30-129 Signage and Advertising, it says to reference code chapter 85, and the chapter should be chapter 48. 3) Page 21, Section 30-142, the last sentence "shall be guilty of a municipal civil infraction, and the fine of not more than \$500", We do not have civil infractions, so it should state "shall be guilty of a misdemeanor and (whatever the penalty is)".

Doug Piggott spoke about the zoning ordinance and what that entails. Mainly stating that the nuisance issues were traffic and odor, and that the ordinance details where a micro-business could be located.

Doug Piggott also recommended that we update the Zoning Ordinance to include F) Requirement of applicant to have a valid Recreational Marihuana Microbusiness License.

A motion was made by Kenneth Andrews, and seconded by Andrew Sorensen to approve the Public Hearing of the Zoning Ordinance text amendment as amended, at the Planning Commission meeting on June 21st, 2021.

All ayes.

Motion Carried.

A motion was made by Mayor Jeffrey Roth, and seconded by Chris Vogt to send the draft ordinance to City Council.

All ayes.

Motion Carried.

b. Discussion on Roadside Stand Ordinance

City Manager/Treasurer Vicki Corlew stated that the transient merchants ordinance that is

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included in the packet was the ordinance that the city dismissed back in 2014.

Yusef Harrold questioned City Manager/Treasurer Vicki Corlew on why they did away with it?

City Manager/Treasurer Vicki Corlew stated that they got rid of it because when they did the first Dancing in the Streets, they had food vendors and none of them obtained permits. Also, within the last 10/15 years, the City had only received one permit request for a transient merchant license / roadside stand. The City didn't want to make it harder for vendors to come into the City.

Yusef Harrold asked about ice cream trucks?

Mayor Jeffrey Roth stated that ice cream trucks are under a separate ordinance and separate application that goes straight to the Police Department for backgrounds checks, etc.

Sara Black asked if any street side food trucks need any sort of permit through the City?

Mayor Jeffrey Roth stated no they do not, they just need permission from the business owner to operate on their property.

Kenneth Andrews stated that he has heard of local business owners being upset that they have to pay taxes, etc. to operate, and that it is unfair to have these food trucks come in and not have to pay anything to operate.

Chris Vogt stated he didn't believe we would need an ordinance for it, since we only have 1 or 2 food trucks within the City.

Marc Gauze stated that most food trucks are put in front of a business to usually attract more customers.

PUBLIC COMMENT:

None.

UPDATES:

None.

PLANNING COMMISSION COMMENTS:

Yusef Harrold stated he was glad to see the marihuana ordinance move forward today.

Kenneth Andrews stated he was also glad to see the ordinance advance.

Marc Gauze questioned if Papa Sam's was sold and bought, and if they needed special permission to cook meat in the smoker/grill out front?

Mayor Jeffrey Roth stated that he wouldn't need any permission from anyone because they are cooking their own meats, and it is not someone outside coming in to do so.

Sara Black stated she was excited to see the marihuana ordinance move forward and head to City Council.

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ADJOURNMENT:

With no further business, the meeting was adjourned at **6:14 p.m.**

Deputy City Clerk, Spencer Lewis

**CITY OF MT. MORRIS
PLANNING COMMISSION**

BY-LAWS AND RULES OF PROCEDURE

1. AUTHORITY

These rules of procedure are adopted by the City of Mt. Morris Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the January meeting of each year, the Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary.

2.2 Duties.

(a) Chairperson and Vice-Chairperson. The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time.

(b) Secretary. The Secretary shall be responsible for such duties as are prescribed by law, and as are specified by the Commission.

(c) Recording Secretary. A Recording Secretary (not a member of the Commission) shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the Recording Secretary plans to be absent from a meeting, he/she shall appoint a temporary Recording Secretary for such meeting.

2.3 Tenure. The officers shall take office immediately following their selection. They shall hold their office for a term of one year, or until their successors are selected and assume office.

3. MEETINGS

3.1 Meeting Notices. All meetings shall be posted at the Mt. Morris City Hall in accordance with the Open Meetings Act. The notice shall include the date and time of the meeting.

3.2 Regular Meetings. Regular meetings of the Commission shall be held on the

third Monday of each month at the Mt. Morris City Hall. The dates and times shall be posted at the Mt. Morris City Hall. Any changes in the date or time of the regular meeting shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate date in the same month, and notice shall be given in accordance with the Open Meetings Act.

- 3.3 Special Meetings. A special meeting may be called by two members of the Commission upon written request to the Secretary, or by the Chairperson. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with the Open Meetings Act. Public notice of the date, time and place of the special meeting shall be given in the manner prescribed by the Open Meetings Act, and the Secretary shall send written notice of the special meeting to the Commission members not less than 24 hours in advance of the meeting.
- 3.4 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public.
- 3.5 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of a majority of the members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be re-scheduled for the next regular meeting or at a special meeting and if a special meeting is held, posting and notice requirements as set forth for a regular meeting shall apply.
- 3.6 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts cited in Section 1.

Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- (a) Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).
- (b) Announce order of hearing which is as follows:
 - (1) Explanation of request as received by Commission
 - (2) Review and recommendation by Zoning Administrator.
 - (3) Comments and explanations by applicant
 - (4) Questions by Commission
 - (5) Responses by Zoning Administrator and/or applicant
 - (6) Opening of hearing for public comments

- (7) Close hearing to public comments
- (8) Consideration of action by Commission

- (c) Announce that all comments will be addressed to the Chair. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The Chair reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. (For large hearings, a time limit should be established).
- (d) Indicate that at all times during the hearings, the Chair expects courtesy of all participants. It is imperative that all decisions be based upon "findings of fact". Controversial hearings which allow catcalls, booing or votes of the public can be seriously challenged by an aggrieved party as being an emotional decision rather than one based upon proper facts and accepted principles of planning and will not be allowed.

3.7 Motions. Motions shall be restated by the Chairperson or Recording Secretary before a vote is taken. The name of the maker and supporter of the motion shall be recorded. All motions shall be stated in the affirmative, if possible.

3.8 Voting and Conflict of Interest.

- (a) Voting Requirements. An affirmative vote of the majority of the entire membership of the Commission shall be required for the approval of any matter which comes before the Commission pursuant to or by virtue of PA 2008, No. 33 (the Michigan Planning enabling statute), or any other statute of the State of Michigan wherein Planning Commission action is required or permitted including, but not limited to, PA 1921, No. 207, as amended, (the Zoning Enabling Act) and Ordinance No. 184, as amended, the Zoning ordinance of the City of Mt. Morris; provided, however, that a strictly procedural matter shall require only a simple majority. Voting shall be by roll call vote for all matters other than procedural matters; provided, however, that a roll call vote on a procedural matter shall be required if requested by any Commission member.
- (b) Conflict of Interest. Members of the Commission shall vote on all matters. A member may be excused from voting only if that person has a legally recognizable conflict of interest. A member shall disclose a potential conflict of interest before proceeding on a matter and a determination as to whether a conflict exists shall take place before discussion or voting on any issue before the Commission. The Chairperson shall, in consultation with the City Attorney, make determinations with respect to the existence of a conflict of interest which

shall disqualify a member from voting on a particular issue; provided, however, that such determination shall be subject to a roll call vote of the Commission upon request of any member and a majority vote of the remaining (excluding the member whose vote is at issue) members of the Commission shall be required on any issue involving conflict of interest. Any member abstaining from a vote shall not participate in the discussion of that item.

- 3.9 Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- a. Call to order
- b. Roll call
- c. Approval of agenda
- d. Approval of minutes
- e. Communications
- f. Public comment
- g. Public hearings
- h. Unfinished business
- i. New business
- j. Public comment
- k. Reports
- l. Adjournment

A written agenda for special meetings shall be prepared and followed, however, the form as enumerated above shall not be necessary.

- 3.10 Rules of Order. All meetings of the Commission shall be conducted in accordance with the generally accepted parliamentary procedure, as governed by "Robert's Rules of Order" unless otherwise specified by these By-laws.

- 3.11 Notice of Decision. A written notice containing the decision of the Commission shall be sent by the Secretary to the petitioners and originators of a request.

4. **MINUTES**

- 4.1 Commission minutes shall be prepared by the Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions and resolutions shall be attached to the minutes.

5. **REMOVAL FOR CAUSE**

- 5.1 The Commission recognizes that the subject of removal of a Commission member is covered by State law. The State law provides that members may, after a public hearing, be removed by the Mayor or the Council for inefficiency, neglect of duty or malfeasance in office. The Commission does hereby express its view that

three consecutive unexcused absences or four unexcused absences within a one year period should constitute grounds for removal and will recommend the same to the Mayor and/or the City Council and request a public hearing for removal. However, before making such a recommendation a letter will be issued to the nonperforming member expressing the view that he or she should resign. In doing so the Commission recognizes that authority for removal lies with the legislative body.

6. **OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

- 6.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 6.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.
- 6.3 A person shall be able to address a hearing of the Commission under the rules established in subsection 3.6 and to address the Commission concerning non-hearing matters under the rules established in subsection 3.9 to the extent that they are applicable.
- 6.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- 6.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

7. **AMENDMENTS**

- 7.1 These rules may be amended by the Commission by a concurring vote pursuant to subsection 3.8, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

Be it ordained by the City of Mt. Morris:

That the Code of Ordinances of the City of Mt. Morris, Chapter 18 - Businesses, be amended by the addition of Article V, Recreational Marihuana Microbusiness, which shall read as follows:

Article V Recreational Marihuana Microbusiness

Section 18-84. Purpose and Intent.

(a) The purpose of this Article is to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop I of 2018, so as to protect the public health, safety, and welfare of the residents of the City by setting forth the manner in which recreational marihuana microbusinesses can be operated in the City. Further, the purpose of this Article is to:

1. Provide a means to regulate and control the operation of microbusinesses and for purposes of implementing, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq. (hereafter referred to as the "MRTMA" or the "Act");
2. Protect public health and safety through reasonable limitations on microbusinesses operations, as they relate to noise, air and water quality, neighborhood safety, security for the establishment and its personnel, and other health and safety concerns;
3. Impose fees to defray and recover the costs to the City of the administrative and enforcement costs associated with microbusinesses, and permitted microbusinesses as provided for in the MRTMA;
4. Coordinate with laws and regulations that may be enacted by the State addressing marihuana; and
5. To restrict the issuance of marihuana microbusiness licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Article, and with State law and regulation, without monitoring by City officials.

(b) This Article authorizes the establishment of microbusinesses within the City of Mt. Morris, Michigan consistent with the provisions of the MRTMA, and with regulations enacted by the State; and subject to this ordinance and all applicable Mt. Morris City ordinances.

Sec. 18-85. Definitions.

The following words, terms and phrases when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.

Cultivate or cultivation means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Department means the Michigan Department of Licensing and Regulatory Affairs (LARA), or its successor agency.

Licensee means a person holding a state operating license.

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 ordinance, marihuana does not include: (1) 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; (2) industrial hemp; or (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

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.

Michigan Marihuana Facilities Licensing Act or MMFLA means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended.

Rules mean rules promulgated by the Department in consultation with the Board to implement this act.

Safety compliance establishment means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Secure transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

State operating license or, unless the context requires a different meaning, license means a license issued by the department that allows a person to operate a marihuana establishment.

Sec. 18-86. Number of permitted establishments; Location eligibility

- (a) At this time the City shall not establish a limit on the number of marihuana microbusiness licenses permitted in the City, provided all establishments comply with this ordinance and the applicable provisions of the City Zoning Ordinance.
- (b) No marihuana microbusiness shall be eligible to be issued a city operating license unless the applicant complies with all City zoning regulations.
- (c) A licensee shall not operate a marihuana microbusiness at any place in the City other than the address provided in the application on file with the City Clerk.
- (d) Only one microbusiness license per parcel or lot is permitted.

Sec. 18-87. License required; Standards and Rules; General Application Requirements

- (a) No person shall establish or operate a marihuana microbusiness in the City without first having obtained from the City and the State a license for each such establishment to be operated. License certificates shall be kept current and publicly displayed within the establishment. Failure to maintain or display a current license certificate shall be a violation of this Article. City licenses are required as follows:
 - 1. An application fee in the amount of \$5,000 per application must be paid to defray administrative and review costs associated with processing an application for a marihuana microbusiness, including the cost of enforcement activities. Any funds remaining at the end of the year the license is in force shall be paid back to the applicant.
 - 2. The nonrefundable application fee required under this section shall be due and payable upon submission of the application.
 - 3. The application fee requirement set forth in this Article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or City law or ordinance, including, by way of example, any applicable zoning or building permits.
 - 4. The issuance of any license pursuant to this Article does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.
- (b) A licensed marihuana microbusiness is authorized to:

1. 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 only if it has been produced, distributed, and taxed in compliance with the MRTMA and bears the label/packaging required for retail sale;
 2. To transfer marihuana by a secure transporter to a safety compliance facility, but not to any other marihuana establishments.
- (c) Neither a licensee/applicant nor any investor in a marihuana microbusiness may have an interest in a safety compliance facility or secure transporter.
- (d) It shall be unlawful for any licensee, or for any agent, manager, or employee thereof, to:
1. Permit the consumption of alcoholic beverages on the licensed premises.
 2. Sell, give, dispense, or otherwise distribute marihuana or accessories from any outdoor location;
 3. Display any marihuana or accessories so as to be visible from a public place outside of the business;
 4. Distribute or transfer any marihuana or marihuana product or accessory free of charge;
 5. Permit consumption of marihuana on the licensed premises;
 6. To sell marihuana or marihuana products at the licensed business at any time other than between the hours of 7:00 AM and 9:00 PM daily.
- (e) The application for license shall provide the following information, under the penalty of perjury, on the City-issued form. Such information is required for the applicant, the proposed manager of the marihuana microbusiness, and all persons who are in the business that is the subject of the application:
1. The name, address, date of birth, business address, business telephone number, driver's license, and, if applicable, federal tax identification number of the applicant;
 2. If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable;
 3. The identity of every person having any ownership interest in the applicant with respect to which the license is sought;
 4. If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana microbusiness;
 5. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;

6. Three (3) stamped or sealed 24 inch by 36 inch drawing of the proposed licensed premises showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones and all areas in which marihuana will be stored, grown, manufactured or dispensed;
7. A comprehensive establishment operation plan for the business which shall contain, at a minimum, the following:
 - i. A security plan indicating how the applicant will comply with the requirements of this Article and any other applicable law, rule, or regulation. The security plan shall include details of security arrangements which must include, at a minimum, the following security measures:
 - a. Cameras. The microbusiness shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash maintained by the microbusiness. Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of thirty (30) days in a secure offsite location in the City or through a service over a network that provides on demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the Department of Public Safety upon request, and updated within seventy-two hours of any change of such location.
 - b. Use of safe for storage. The microbusiness shall install and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto.
 - c. Alarm system. The microbusiness shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.
 - ii. A plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the City;
 - iii. A lighting plan showing the lighting outside of the marihuana microbusiness for security purposes and compliance with applicable City requirements;

- iv. A plan for disposal of any marihuana or marihuana-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal;
 - v. A plan for ventilation of the marihuana microbusiness that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises;
 - vi. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that would have jurisdiction over the business if it was not a marihuana business, that will be used or kept at the microbusiness, the location of such materials, and how such materials will be stored;
8. Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the City detailed construction drawings showing at minimum, a full site plan, interior and exterior lighting requirements, the full mechanical heating and ventilation plan, a detailed security plan, before and after floor plans and specifications, non-rated and rated separation details and locations, accessible route from the public way to the accessible entrance, accessible route to the primary function and within the facility and accessible bathrooms. The licensee shall make application for a plan review and a building permit for the modifications to the premises, on forms provided by the City. Additional specifications may be required;
9. Proof of Insurance. A licensee shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A licensee shall provide evidence to the City Clerk of the ability to obtain a certificate of insurance for a valid and effective policy which discloses the limits of each policy, the name of the proposed insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. When issues, the policy shall name the City of Mt. Morris and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within 5 business days in the event of expiration or cancellation of coverage;
10. All other requirements which may not be listed herein but which are required under the MRTMA, and all relevant state and federal laws;
11. A description of the marihuana microbusiness; and the anticipated or actual number of employees;

12. An acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the marihuana microbusiness, including records of deposit, withdrawals, balances and loans; and
13. Any additional information that the City reasonably determines to be necessary in connection with the investigation and review of the application.

- (f) If a deficiency is identified in an application, the applicant shall have five (5) business days to correct the deficiency after notification.
- (g) Upon an applicant's completion and furnishing of the above required information (subsection (e)), the City Clerk shall accept the application and assign it an application number by establishment type.
- (h) Upon receipt of a completed application, the City Clerk shall circulate the application to the Building Department, Police Department, the City Assessor, and the Department of Public Works, (as well as any other City department that the Office of the City Manager may determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

Sec. 18-88. Denial of application.

The City Clerk, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the rules promulgated by LARA, this Article, the City Code of Ordinances or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

Sec. 18-89. Issuance of provisional approval certificate.

- (a) Complete applications for a marihuana microbusiness license determined to be in full compliance with the requirements of this Article shall be issued a provisional approval certificate in accordance with the procedures specified in this Section.
- (b) The City Clerk, upon approval by the City council, shall issue a provisional marihuana microbusiness approval certificate if the inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with this Code and any other applicable law, rule, or regulation.
- (c) A provisional marihuana microbusiness approval certificate means only that the applicant has submitted a valid application for a marihuana microbusiness license, and is eligible to receive the license from the Board. The applicant shall not locate or operate a marihuana

microbusiness in the City without obtaining a license approved by the Board and issued by the State. A provisional certificate issued by the City will expire and be void after 12 months if State license approval is not diligently pursued to completion by the applicant within such time, or on the date that State license approval is denied to the applicant, whichever first occurs.

- (d) The conditions of an approval of a marihuana microbusiness license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Sec. 18-90. Issuance of City marihuana microbusiness operating license.

- (a) An applicant holding an unexpired provisional certificate issued pursuant to this Article and for which the Board has granted the marihuana microbusiness state operating license shall provide proof of same to the City Clerk.
- (b) Inspection. An inspection of the proposed marihuana microbusiness by the City shall be required prior to issuance of the City operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana, and prior to the opening of the business to the public. The inspection is to verify that the marihuana microbusiness are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.
- (c) After verification that the marihuana microbusiness are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation, the City Clerk shall issue a City operating license whose term shall run concurrent with the State operating license for the establishment.
- (d) Maintaining a valid marihuana microbusiness license issued by the state is a condition for the issuance and maintenance of the City operating license issued under this Article and the continued operation of any marihuana microbusiness.

Sec. 18-91. License forfeiture; License Renewal

- (a) In the event that a marihuana microbusiness does not commence operations within one year of issuance of a City operating license, the license shall be deemed forfeited; the business may not commence operations and the license is not eligible for renewal.
- (b) A City marihuana microbusiness operating license shall run concurrently with the State operating marijuana license issued for the establishment, unless revoked as provided by law.

- (c) An annual operating license fee must be paid to defray the administrative, and enforcement costs associated with the operating license for a marihuana microbusiness located in the City is \$5,000 per license. Any funds remaining at the end of the year the license is in force shall be paid back to the applicant. An application to renew a marihuana microbusiness operating license shall be filed at least thirty (30) days prior to the date of its expiration.
- (d) Prior to the issuance of a renewed marihuana microbusiness license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Article and the City Code of Ordinances.

Sec. 18-92. Transfer, sale, or purchase of license.

- (a) A provisional approval certificate or an operating license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a marihuana microbusiness license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this article.
- (b) Each provisional approval certificate or an operating license is exclusive to the licensee. Licensee shall report material changes to the Department and the City Clerk before making material changes that may require prior authorization by the Department. Material changes include, but are not limited to, the following:
 - 1. Change in owners, officers, members, or managers.
 - 2. Change of location. Upon notification of a change in location the Department may determine that a new license and new inspection are required for the change of location.
 - 3. The addition or removal of persons named in the application or disclosed.
 - 4. Change in entity name.
 - 5. Any attempted transfer, sale, or other conveyance of an interest in a license.

Sec. 18-93. License as revocable privilege; Nonrenewal, suspension or revocation of license.

- (a) An operating license granted by this Article is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license in violation of this Article is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.

- (b) The City Manager may, after notice and hearing, suspend, revoke or refuse to renew a license for a violation of any of the provisions contained in this Ordinance or for any violations of State law.
- (c) Questions that arise in the administration of this Article, including appeals of suspension and revocations of City operating licenses, shall be determined by and before the City Council.

Sec. 18-94. Signage and advertising; Warning Required.

(a) SIGNAGE AND ADVERTISING

1. All signage and advertising must comply with the City's sign ordinance and all applicable LARA and MRTMA rules and regulations.
2. It shall be unlawful for any microbusiness to use advertising material that is misleading, deceptive, or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors.

(b) WARNING SIGN

There shall be posted in a conspicuous location in each establishment a legible sign containing the content of this section warning that:

1. The possession, use or distribution of marihuana is a violation of federal law;
2. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
3. No one under the age of twenty-one (21) years is permitted on the premises.

Sec. 18-95. Visibility of activities; control of emissions.

- (a) No marihuana or marihuana accessories shall be displayed or kept in a business so as to be visible from outside the licensed premises.
- (b) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the microbusiness must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit the business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 18-96. Marihuana cultivation.

Marihuana cultivation shall be conducted consistent with the NIRTMA, including but not limited to MCL 333.27961, and any LARA rules, within an enclosed, secured area and

shall comply with all applicable requirements of the laws and regulations of the City and the State.

Sec. 18-97. Inspection of licensed premises.

- (a) During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by Department of Public Safety and all other City departments for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations.
- (b) Consent to Inspection. Application for a marihuana microbusiness license or operation of a marihuana microbusiness, or leasing property to a marihuana microbusiness, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City manager or designee to conduct routine examinations and inspections of the marihuana microbusiness to ensure compliance with this Article or any other applicable law, rule, or regulation. For purposes of this Article, examinations and inspections of marihuana microbusiness and recordings from security cameras in such businesses are part of the routine policy of enforcement of this article for the purpose of protecting the public safety, individuals operating and using the services of the marihuana microbusiness, and the adjoining properties and neighborhood.
- (c) Application for a marihuana microbusiness license constitutes consent to the examination and inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana microbusiness license without a search warrant.
- (d) A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Article, the MRTMA, or applicable state administrative rules.

Sec. 18-98. Financial statements.

Within 30 days after the end of the State fiscal year, each licensee shall transmit to the City financial statements of the licensee's total operations. The financial statements shall be reviewed by a certified public accountant licensed in this State. The financial statements shall be in a manner and form prescribed by the Board.

Sec. 18-99. Violations and penalties.

- (a) All licensees, their employees and agents are assumed to be fully aware of the law and of the rules and regulations of this Article and therefore the City shall not be required to issue warnings before issuing citations for violation of this Article.
- (b) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, consistent with MCL 333.27956 (2) (d), any person or marihuana microbusiness, including, but not limited to, any licensee, manager or employee of a microbusiness, who violates any of the provisions of this Article, shall be guilty of a civil infraction and a fine of not more than \$500.
- (c) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any State law, or inconsistent with any rule or penalty which is promulgated by the Department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the State law or Department rule or penalty shall govern over the provisions of this Article.



A CMS Energy Company

May 4, 2021

City of Mt. Morris
City Hall – Clerk's Office
11649 N. Saginaw Street
Mt. Morris, MI 48458

Re: Request for Rezoning
Parcels 57-01-577-135, -136 & -137

Madam Clerk,

Please find attached a copy of the Zoning Ordinance Map Amendment (Rezoning) Application requesting that the City of Mt. Morris Planning Commission and City Counsel consider the rezoning of three parcels currently under the ownership by the City of Mt. Morris and further under a purchase option with Consumers Energy dated February 9, 2021.

It is the intent of Consumers Energy to purchase and rezone parcels 57-01-577-135, -136 & -137 from the current R-3, single family residential designation to a B-3, general commercial designation for the purpose of constructing a new electrical substation that will provide safe, adequate and reliable electrical service to the surrounding home and businesses.

In relation to the standards in which the Planning Commission is to consider such a request, I offer the following responses:

- The use requested shall be consistent with and promote the intent and purpose of this ordinance.
 - *The three requested parcels currently about a Commercial zoning designation to the south and an existing Consumers Energy utility corridor to the east which is further adjoining to a CSX Rail Corridor. The property to the north is noted as a City park which would offer a natural buffer to the residentially zoned properties further north. That being said, the location of the proposed rezoning along with the proposed essential service use, appears to be consistent with the intent of the City's zoning code and adopted Master Plan.*
- The proposed use will ensure that the land use or activity shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
 - *As previously mentioned, the property to the east is currently utilized as a Consumers Energy utility corridor allowing if approved, the connection to the proposed substation to existing utilities located within the noted corridor. Per our attached application for rezoning, we are requesting an extension of the existing commercial zoning to the south as the proposed use is permitted by right per section 6.12 of the City Zoning Code and would further promote a smooth transition between the existing Commercial zoning designation to the south and the residential zoning district to the north as the two land uses would further be buffered by a platted city park..*
- The land use sought is consistent with the public health, safety and welfare of the City of Mt. Morris.

WORKING TO DELIVER THE ENERGY YOU NEED, WHENEVER YOU NEED IT.

THAT'S OUR PROMISE TO MICHIGAN

One Energy Plaza • Jackson, MI 49201 • ConsumersEnergy.com

- *Consumers Energy strives to provide safe and reliable service to all of our gas and electric customers. The installation of this proposed facility is a showing of that commitment to our customers in and around the City of Mt. Morris. These facility upgrades will assist in this goal by providing the safe and reliable service our customers expect and demand.*
- The propose use is consistent with the City Master Plan or a dertmination that the plan is not applicable due to a mistake in the plan, changes in relavant conditions or changes in the relavant plan policies.
 - *The propsed zoning designation does not currently coinside with the adopted City Master Plan and accompanying Future Land Use Map dated July 17, 1995. We at Consumers Energy respectfully request that the Planning Commission consider the attached rezoning request despite the inconsistencies with the future land use map while taking into consideration the changes in the relavant conditions that have taken place since the adoption of the current Master Plan as we anticipate and prepare for the increased need for reliable and adequate electrical service. In reviewing the current Future Land Use Map, in relation to the parcels subject to this request, the subject parcels are currently boarded by commercial zoning and uses to the south which would allow for a smooth continuatcion of the commercial zoning designation while it should also be noted that a platted City Park is located to the north providing a natural buffer to the residential zoning district to the north.*

Consumers Energy Company continues to be committed to public safety and reliable service to our customers. Your cooperation will help us fulfill this commitment. Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at 517-788-8912 or via email at Joseph.LawsonIII@cmsenergy.com.

Best Regards,

Joe Lawson

Joe Lawson
Acquisition Support - Real Estate
Zoning and Permits

WORKING TO DELIVER THE ENERGY YOU NEED, WHENEVER YOU NEED IT.
THAT'S OUR PROMISE TO MICHIGAN

One Energy Plaza • Jackson, MI 49201 • ConsumersEnergy.com

NAME	Consumers Energy		
ADDRESS	One Energy Plaza EP7-468, Jackson, MI 49201		
PHONE (home)	517-788-8912	PHONE (work)	517-435-5078
Tax Parcel # of Lot	57-01-577-137, -136 & -135	Application Fee	\$

Date Notice of Adoption published in Newspaper

OPTION

Order # 38034330

Parcel # 57-01-577-135

Mt Morris Substation Rebuild

Agreement # MI _____

#57-01-577-136; #57-01-577-137

THIS OPTION is given this 9th day of February, 2021, The City of Mt Morris, a Michigan municipal corporation, of 11649 N Saginaw St, Mt Morris, MI 48458, ("Owner") to CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201-2357 ("Optionee").

Owner and Optionee agree to the following:

1. In consideration of the sum of \$ 2,000.00 paid by Optionee to Owner, the receipt of which Owner acknowledges, Owner hereby grants to Optionee and its assigns the exclusive right and option ("Option"), during a period that begins on the date hereof and continues through 3 May 2021 ("Term"), to purchase and acquire land ("Premises"), with all easements, rights, and appurtenances, in the City of Mt Morris, County of Genesee, and State of Michigan, described on Exhibit A, attached hereto, for the sum of \$ 28,500.00 ("Purchase Price").

2. On payment or tender to Owner, in currency or check, of the Purchase Price (less amounts that are to be credited against the Purchase Price as mentioned elsewhere herein) during the Term of this Option (or any extension of such Term), Owner shall convey the Premises to Optionee by a good and sufficient warranty deed, properly executed by Owner in form for recording. Said warranty deed shall convey to Optionee an unencumbered marketable title in fee simple to the Premises. Said warranty deed shall grant to Optionee the right to make divisions of the conveyed land under section 108 of the Land Division Act, 1967 PA 288, as amended, as follows: _____. Unless otherwise agreed to in writing, Optionee will at its own expense prepare the warranty deed and a closing statement. Owner will be responsible for any attorney fees or other costs that Owner incurs in connection with Owner's review of the warranty deed or other documents related to this Option. Owner will pay all transfer taxes. Optionee will pay any recording fees, escrow, closing fees, and charges associated with Optionee acquiring any title insurance that Optionee, in its sole discretion, elects to purchase.

3. Rents, association fees (homeowner's, condominium owner's, or otherwise), road maintenance fees, and bills for fuel, sewer, water, and other utilities shall be adjusted as of the date of Closing. Owner shall be responsible for all of the aforementioned fees prior to and including the day of Closing. Unless otherwise specified herein, all special assessments including sewer, riser, and benefit charges, and all taxes other than current year property taxes, which are a lien at the date of Closing shall be paid by Owner. Current year property taxes shall be prorated and paid in the manner customarily done in Genesee County.

4. It is understood that the description of the Premises on Exhibit A hereto may be indefinite or approximate. If Optionee has the Premises surveyed, then Optionee may elect to use the survey as the basis for the description of the Premises in the warranty deed to be delivered by Owner to Optionee if Optionee exercises this Option.

5. Optionee shall have the right, at Optionee's expense, during the Term of this Option (or any extension thereof) to enter upon the Premises to perform such surveys, soil borings, and environmental tests (including but not limited to soil and water testing) as Optionee deems necessary or desirable. Owner will not hinder and agrees to assist Optionee in its efforts to obtain all necessary governmental approvals, zoning changes, lot splits, or permits for the proposed use of the Premises.

6. Optionee may elect, at any time during the Term of this Option (or any extension thereof) to pay the Purchase Price (less amounts that are to be credited against the Purchase Price as mentioned elsewhere herein, less transfer taxes which are Owner's responsibility as set forth above, and less any amounts that Optionee may at its sole option elect to pay to remove defects in title) to a bank, a title insurance company, or an agent for a title insurance company ("Depository"), in escrow, on the condition that the Depository will pay over said sum to Owner upon (i) delivery by Owner to Optionee or to the Depository of the warranty deed described hereinabove, and (ii) receipt by Optionee or by the Depository of proof of payment all fees and other monies due as set forth in paragraph 3 above, releases of any liens, receipts for the payment of unpaid property taxes or assessments, and other title curative documents as are needed for Optionee to receive unencumbered marketable title to the Premises in the condition mentioned above. Such deposit shall constitute payment in full of the Purchase Price the same as if payment had been made directly to Owner, and Optionee, upon making such deposit, shall have the immediate right to take possession of the Premises.

7. If Optionee exercises this Option and purchases the Premises, the sum paid by Optionee as consideration for this Option, together with any sum paid by Optionee to extend the Term of this Option, shall be credited against the Purchase Price. If Optionee does not exercise this Option, Owner shall retain the consideration paid for this Option and any sum paid to extend this Option as liquidated damages, and neither party hereto shall have any claim against the other; provided, however, that Owner shall refund to Optionee the sum paid by Optionee for the granting of this Option and any sum paid by Optionee for any extension of the Term of this Option if Optionee does not exercise this Option because (i) Optionee determines, in its sole judgment, that the Premises are unacceptable because of an environmental condition, or (ii) Optionee is unable, within the Term of this Option (or extension of such Term if Optionee has in its sole judgment chosen to exercise its right to extend provided for herein), to obtain all necessary governmental approvals, zoning changes, lot splits, or permits for its proposed use of the Premises. In addition, at Optionee's election and without limiting any other rights of Optionee, Owner shall refund to Optionee the sum paid by Optionee for the granting of this Option and any sum paid by Optionee for extension of the Term of this Option if Optionee does not exercise this Option because Owner is unable to convey unencumbered marketable title in the condition specified herein.

8. Optionee may extend the Term of this Option for an additional 90 days each from and after the expiration of the original Term by paying Owner, in currency or check, the sum of \$300.00 at any time prior to expiration of the original Term of this Option. Optionee may make such payment to Owner in person, or by sending same by registered or certified mail, return receipt requested, to Owner's address set forth herein and the payment shall be deemed made upon such mailing. Such payment shall be credited against the Purchase Price if Optionee exercises this Option.

9. The benefits hereof shall accrue to and the obligations shall bind the heirs, successors, personal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF, Owner has executed this instrument as of the date first above written.

Owner: The City of Mt Morris, a Michigan
municipal corporation

Vicki L. Corlew
By: Vicki L. Corlew
City Manager/Treasurer
Its: City Manager/Treasurer

The foregoing instrument was acknowledged before me in Genesee County, Michigan, on February 9, 2021, by Vicki L. Corlew its City Manager/Treasurer, on behalf of The City of Mt Morris, a Michigan municipal corporation.

Amber S. Clark
Notary Public
Genesee County, Michigan
Acting in Genesee County
My Commission expires: 02/18/2023

Prepared By: Debra Dennis, EP7-288, 1/21/2021
Consumers Energy

Operations Support - Real Estate
One Energy Plaza
Jackson, MI 49201
Revised by: Debra Dennis, 2/9/2021

EXHIBIT A

Description of Premises

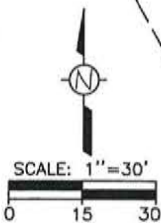
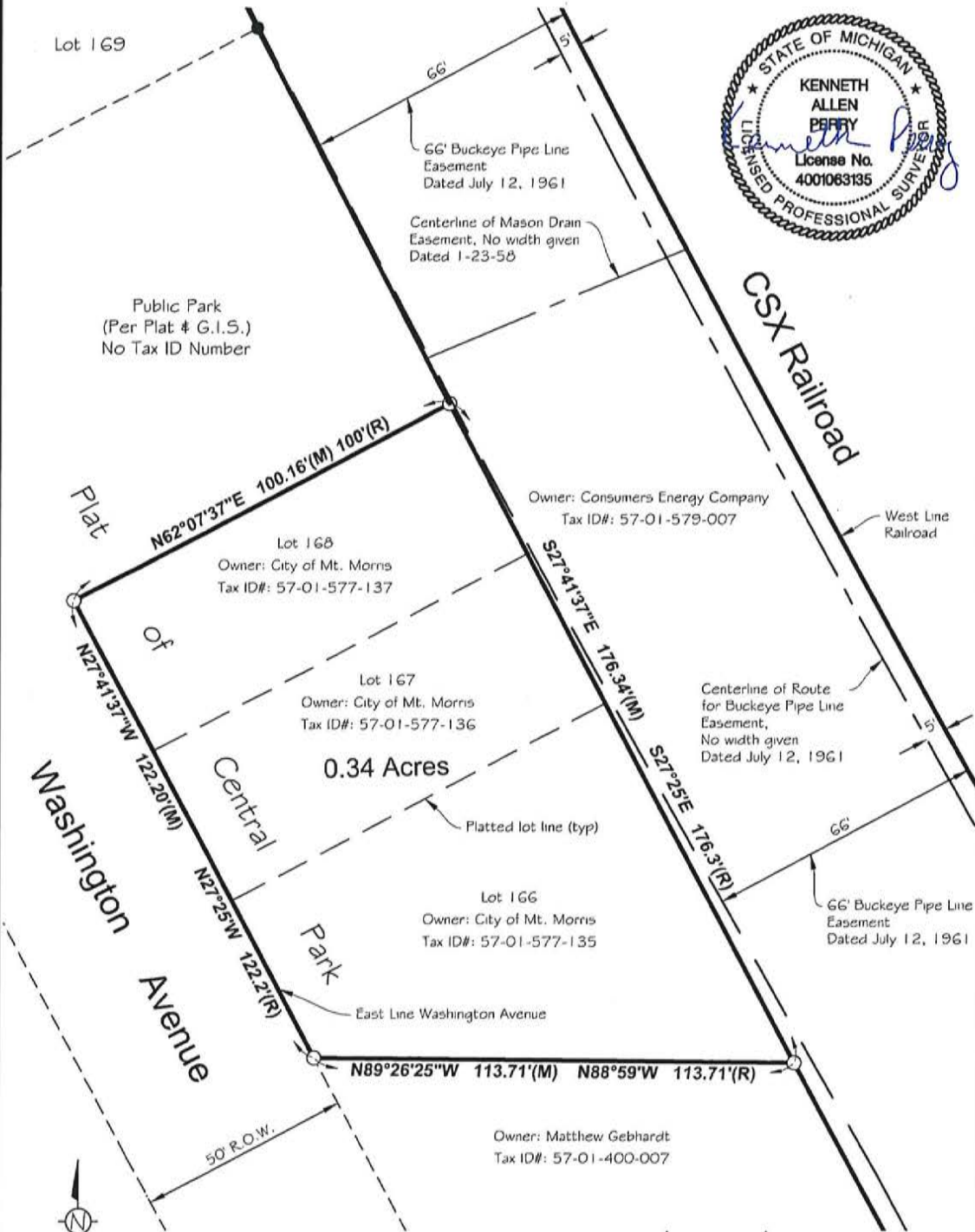
A parcel of land located in the City of Mt Morris, Genesee County, Michigan, described as:

Lots 166, 167, and 168, Central Park, according to the recorded plat thereof, Genesee County Records. Being part of Section 1, Town 8 North, Range 6 East, City of Mt Morris, Genesee County, Michigan.

Parcels # 57-01-577-135;
 #57-01-577-136; & #57-01-577-137

CERTIFICATE OF SURVEY

I, KENNETH A. PERRY, PS #63135 HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER OF THE SURVEYED PARCEL OR PARCELS SURVEYED HEREIN IS NOT GREATER THAN 0.2 FEET, UNLESS OTHERWISE NOTED HEREIN.



Legend

- -- Found Survey Marker (as noted)
- -- Set Rod with cap #63135
- (M) -- Measured Dimension
- (R) -- Record Dimension

BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83)2011

Consumers Energy



ROWE PROFESSIONAL SERVICES COMPANY

Mt. Morris Substation
Option #21-02E
Southeast 1/4 Section 01
T08N, R06E,
City of Mt. Morris
Genesee Co., Michigan

Drawing No. SB-24915

Filename: SB24915base.dwg
Field Crew: M. Jaworski
Field Book No. 2263
Drawn By: M. Chrzan
Date: April 2, 2021
Scale: 1" = 30'
Sheet 1 of 2

CERTIFICATE OF SURVEY

I, KENNETH A. PERRY, PS #63135 HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER OF THE SURVEYED PARCEL OR PARCELS SURVEYED HEREIN IS NOT GREATER THAN 0.2 FEET, UNLESS OTHERWISE NOTED HEREIN.

I hereby certify to Consumers Energy and Old Republic National Title Insurance Company that we have, at the direction of Bradley D. Fish, surveyed the land described in Old Republic National Title Insurance Company, title commitment no. 2102908CE, dated January 29, 2021 at 12:00 a.m. as:

A parcel of land located in the City of Mt. Morris, Genesee County, Michigan, described as:

Lots 166, 167, and 168, Central Park, according to the recorded plat thereof, Genesee County Records. Being part of Section 1, Town 8 North, Range 6 East, City of Mt. Morris, Genesee County, Michigan.

that we performed the fieldwork for this survey during March of 2021; that we have set as noted hereon permanent markers at the corners of the option parcel.

Easements of record per Old Republic National Title Insurance Company, title commitment no. 2102908CE:

1. Per Schedule B, Part II of Old Republic National Title Insurance Company Commitment No. 2102908CE, there no easements that encumber the surveyed property.
2. Easements shown hereon are per Tract 8-d88-7, Map 12-4 as provided by Consumers Energy.



BASIS OF BEARINGS: MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83)2011

Consumers Energy

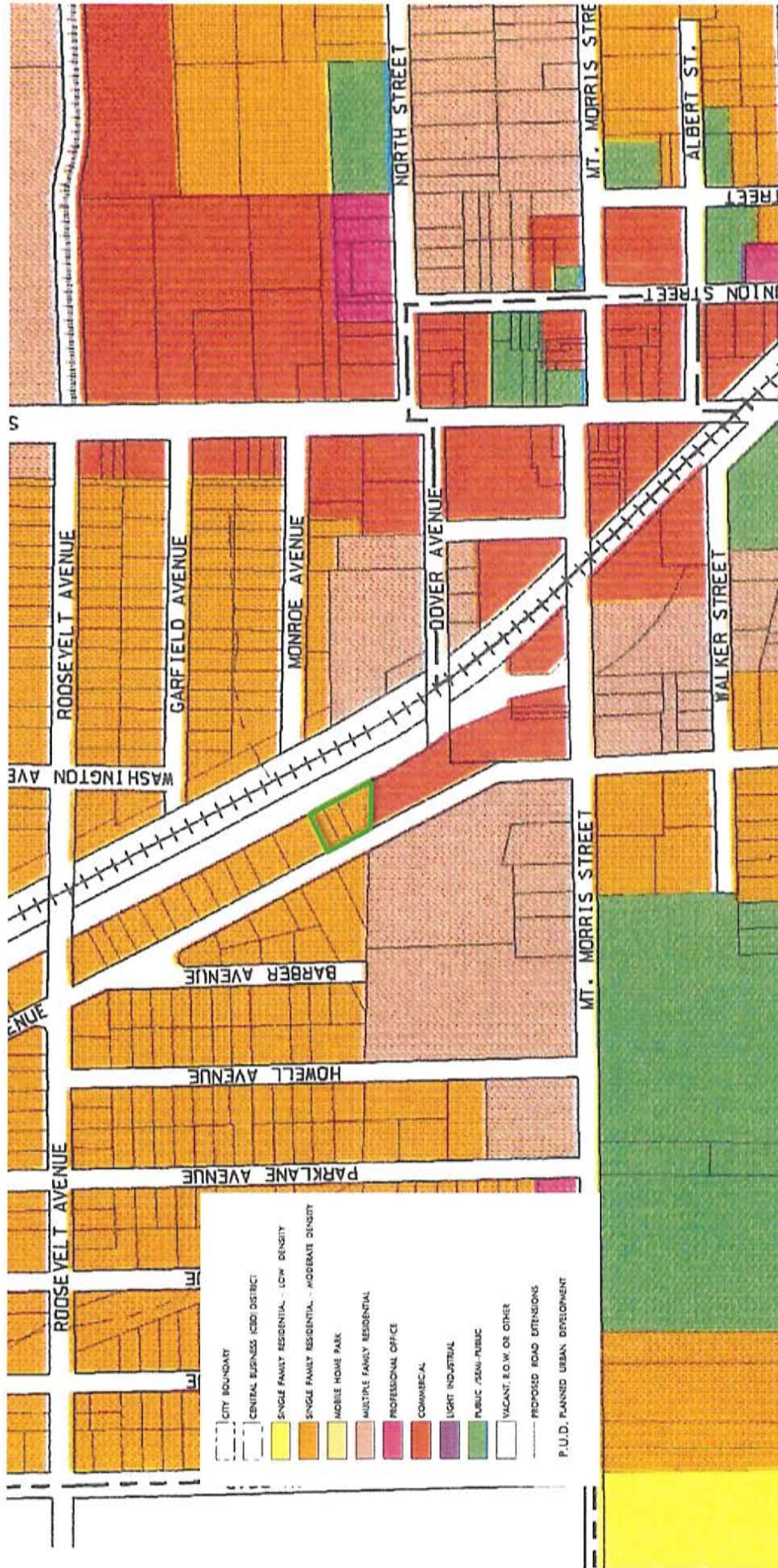


**ROWE PROFESSIONAL
SERVICES COMPANY**

Mt. Morris Substation
Option #21-02E
Southeast 1/4 Section 01
T08N, R06E,
City of Mt. Morris
Genesee Co., Michigan

Drawing No. 5B-24915

Filename: 5B24915base.dwg
Field Crew: M. Jaworski
Field Book No. 2263
Drawn By: M. Chrzan
Date: April 2, 2021
Scale: 1" = 30'
Sheet 2 of 2





ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.™

MEMORANDUM

TO: City of Mt. Morris Planning Commission
FROM: Doug Piggott, AICP
Senior Planner
SUBJECT: Consumer's Energy Rezoning Review
DATE: June 14, 2021

This is a review of a rezoning request by Consumer's Energy for three parcels on West Washington Avenue from R-3 – Single Family High Density to C – General Business. Attached is an analysis of the request outlining its compliance with the draft Master Plan the Planning Commission is completing work on, its consistency with the zoning ordinance's purposes, and some other relevant considerations.

Generally speaking, the request is not consistent with the Future Land Use Map in the draft plan but is consistent with the zoning of adjacent property. The question is the appropriateness of extending the commercial zoning into an area planned and zoned for single-family residences. The plan does not provide guidance in addressing this issue. We recommend that the Planning Commission consider the following:

- Would the rezoning be equally appropriate if another use allowed by right in the C zoning district were to be developed?
- Is there an equally appropriate location for this use in an area properly zoned and available for development?
- Is the site appropriate for a use as currently zoned?

If there are no other appropriate locations properly zoned for this use, the site is not likely to be developed for a residential purpose, and the site would be equally appropriate for other commercial uses on site, then a rezoning would be appropriate.

We hope this analysis assists the Planning Commission in your review of the rezoning request.

Attachment

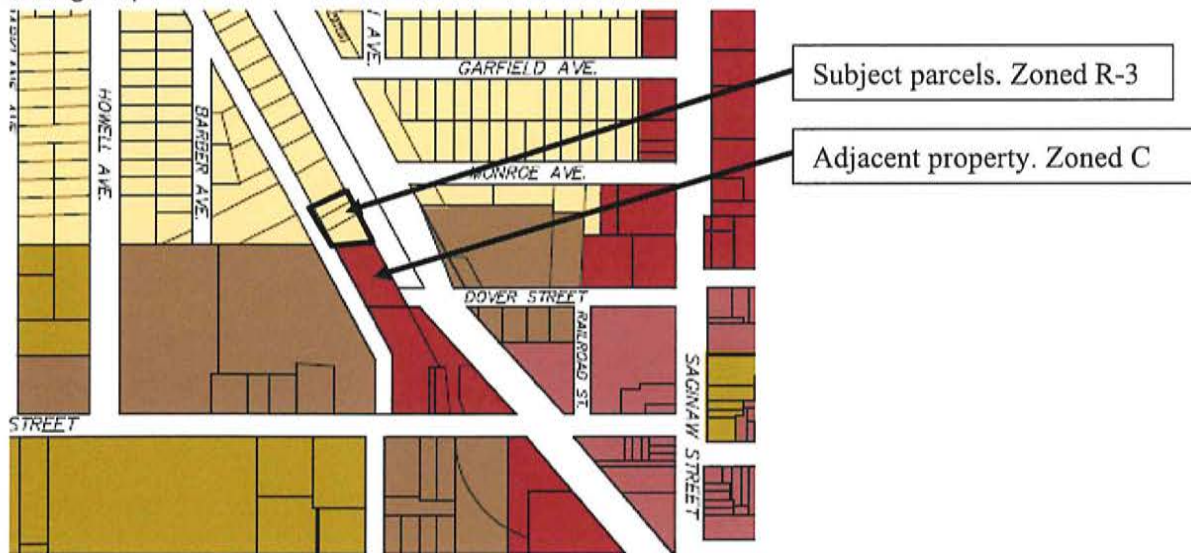
R:\Projects\19C0278\Docs\Planning and Zoning Services\Planning Commission\Rezoning\Consumers Rezoning\Consumers Energy Rezoning Review Memo.docx

City of Mt. Morris
Rezoning Request Checklist
Consumers Energy, 57-01-577-135, -136, -137

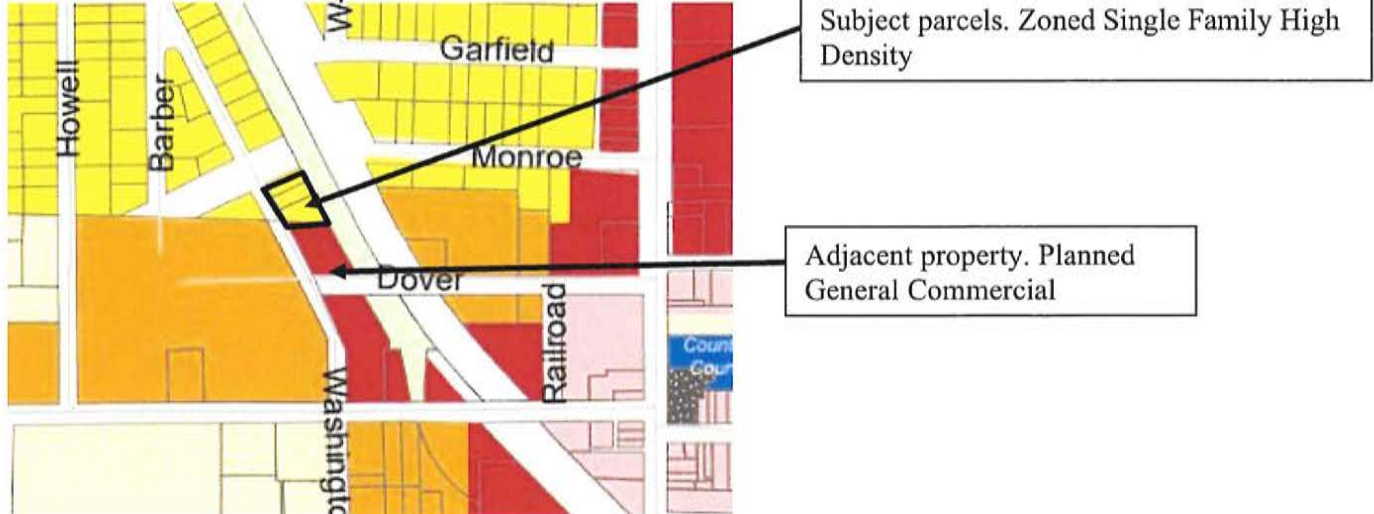
Facts

Consistency with the map - The zoning district map is intended to illustrate one possible arrangement of land uses based on the plan's locational criteria, not the only one. The fact that a particular parcel is identified in the future land use classification that corresponds to a certain zoning ordinance is a good indication that the proposed zoning complies with the plan, but if the area is not in the appropriate land use classification may not mean that it does not comply with the plan as explained below. The subject parcels in question are shown on the Future Land Use Map in the proposed Master Plan as Single Family – High Density, which corresponds with the R-3 and R-1 zoning districts. The proposed rezoning corresponds with the C General Business, which matches the zoning of the property adjacent to the south.

Zoning Map



Draft Future Land Use Map



Consistency with the plan goals and objectives as well as the purpose of the future land use classification - Each land use classification has an identified purpose. The General Business district is indented for the Saginaw Street corridor and in a few places along Mt. Morris Road. Establishments located in this category tend to serve the great community and region. The goals and objectives of the commercial and residential development in the city do not appear to apply to his request.

Information on Site Plan			
<i>Current Zoning:</i>	R-3 Single Family Residential	<i>Soil Suitability:</i>	Unclear
<i>Proposed Zoning:</i>	C General Commercial	<i>Steep Slopes:</i>	None
<i>Current Use:</i>	Vacant	<i>Floodplain:</i>	None
<i>Proposed Use:</i>	Electrical substation	<i>Wetland:</i>	None
<i>Surrounding Land Uses:</i>	Residential to the north and west, train tracks to the east, and industrial to the south.	<i>Sewer Availability :</i>	Shown on Map 3 of Draft Master Plan
<i>Parcel Size:</i>	The total area of the site appears to be about .33 acres.	<i>Water Availability:</i>	Shown on Map 3 of Draft Master Plan
<i>Classification of Roadway it is located off of:</i>	Shown on Map 5 of Draft Master Plan as local		

Rezoning Checklist	Yes	No
The use requested shall be consistent with and promote the intent and purpose of this ordinance.		
Facts of Find: 1. <i>The proposed use is an Electrical Substation.</i> 2. <i>The site is currently vacant.</i>		
Does not Support Request <i>The proposed use of the site is inconsistent with the zoning ordinance which reserves this area for high density residential. The proposed rezoning from R-3 to C represents a significant change.</i>		
Supports Request <i>The ordinance is intended to "to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs" (Section 1.01 Purpose)</i>		
Note:		

Rezoning Checklist	Yes	No
The proposed use will ensure that the land use or activity shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.		
Facts of Find: 1. <i>There is industrial to the south of the parcel and train tracks to the east.</i> 2. <i>There is residential to the west and north.</i> 3. <i>The property to the south is zoned commercial.</i>		
Does not Support Request <i>The proposed request will be incompatible with the adjacent residential land uses to the north and west which are not well suited to be adjacent to the type of higher intensity uses that come with the B-3 general commercial district without adequate buffering.</i>		
Supports Request <i>The proposed request will be compatible with the land uses to the south and east (industrial and train tracks) which are of a high intensity and higher nuisance than the proposed Electrical Substation. There does not appear to be any risk to the natural environment and the site appears suitably served by public services. Because the use will require site plan approval, the Planning Commission may require necessary screening of the site to mitigate impact on the nearby residences.</i>		
Note: 		
The land use sought is consistent with the public health, safety and welfare of the City of Mt. Morris.		
Facts of Find: 1. <i>The site appears suitably served by public services.</i> 2. <i>The proposed use does not appear to create significant off site impacts.</i>		
Does not Support Request <i>There's a potential for increased traffic if a retail type use is built on the site in the future.</i>		
Supports Request <i>The proposed rezoning does not appear to put the public health, safety and welfare at risk. The requested use is an electrical substation, but the rezoning to C will permit a range of commercial uses.</i>		

Rezoning Checklist		Yes	No
Note:			
The purpose use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in the relevant plan policies.			
Facts of Find: 1. <i>The future land use map indicates these parcels are planned for high density single family.</i> 2. <i>Single Family high density correlates with the R-3 zoning district.</i>			
<i>Does not Support Request</i> <i>The future land use map and land use descriptions do not support the proposed rezoning. General Business is intended, "primarily for the Saginaw Street corridor and in a few places along Mt. Morris Road."</i>			
Supports Request N/A			
Note:			

General Thoughts

This project involves a proposed project that would extend an existing commercial district north into a single-family residential zone. The existing property is vacant and appears large enough for buffering on-site to shield the residences to the north and west. The proposed use would not be expected to generate significant traffic or other off-site impacts.

As noted, the Future Land Use Map is a guide and not "written in stone". However, the draft Master Plan does not provide any guidance for when the boundaries of the future land use plan can / should be modified based on demand for competing land uses. The Planning Commission should consider amending the plan before final adoption to provide such guidance.

**CITY OF MT MORRIS
PLANNING COMMISSION NOTICE
PUBLIC HEARING ON REZONING REQUEST**

The City of Mt. Morris Planning Commission will be holding a public hearing on **June 21st, 2021** at 6:30 p.m. The meeting will be held at the Mt Morris Fire Hall at 11649 N Saginaw Street, Mt Morris, Michigan. The following rezoning request will be considered at that time:

A request to rezone the properties at 57-01-577-135, -136, and -137 on W. Washington Ave. between Barber Ave. and Mt. Morris St. from "R-3" (Single Family) District to "C" (General Business) District. The applicant proposes to use the property for an electrical substation.

The meeting is open to the public. You are receiving a copy of this notice because according to city records you own or reside in property within 300' for the parcel proposed to be rezoned. Anyone wishing to submit written comments may send them to the Mt Morris Planning Commission at 11649 N Saginaw Street, Mt Morris, Michigan 48458 prior to **June 21st, 2021**.

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 June 21st, 2021 in the fire hall at 11649 N. Saginaw Street in Mt. Morris. The hearing will be to consider the following:

A proposed text amendment to allow marihuana microbusinesses by Special 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.



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MEMORANDUM

TO: City of Mt. Morris Planning Commission
FROM: Doug Piggott, AICP
Senior Planner
SUBJECT: Recreational Marihuana Zoning Ordinance Text Amendment
DATE: June 17, 2021

In 2018 Michigan voters approved the Michigan Regulation and Taxation of Marihuana Act (MRTMA). This law allows communities to permit the commercial growing, processing, testing, sale, and transport of marihuana for recreational purposes. A community can permit all or a selection of the various commercial facilities authorized in the act or choose to exclude all types. The law also allows adults over 21 to grow marihuana for their personal use and consume it in their home without interference by local government provided they meet certain requirements in the act.

In late 2019 the planning commission began work on two draft ordinances. One is a set of amendments to the city zoning ordinance to allow one of the many types of commercial facilities authorized in the MRTMA, that being the “marihuana microbusinesses”. This is a business where up to 150 plants can be grown and processed and marihuana sold at retail to adults 21 years old or older. The second ordinance was a “police powers” ordinance to provide for the yearly licensing of these marihuana microbusinesses. Because the licensing ordinance was not part of the zoning ordinance the Planning Commission did not have any authority to draft and hold a public hearing on it. The Planning Commission merely prepared it as a recommendation to the city council for their consideration.

As with just about everything else, COVID 19 put the brakes on this project. Last month the planning commission voted to move forward with the zoning ordinance amendments and submit the licensing ordinance to the city council for their consideration. The public hearing for the zoning ordinance amendments is next week.

The amendments add a definition of marihuana microbusiness taken from the MRTMA and adds it to the list of uses allowed by Conditional Use Permit (CUP) in the Commercial C zoning district. It includes standards for the use, including a 250-foot separation from a church, 1,000 feet separation from a school and 800-foot separation from another marihuana microbusiness.

After holding the public hearing, the planning commission may choose to recommend to the city council approval of the amendment, approval with changes, denial of the amendment or it may choose to table a decision for further discussion.

The draft licensing ordinance was forwarded to the city attorney, who had some recommended revisions. Once they receive the revised draft from the attorney and the recommendation on the zoning ordinance amendments from the planning commission the city council will be able to take action on the two ordinances.

We hope this analysis assists the Planning Commission in your review of the proposed amendments.

R:\Projects\19C0278\Docs\Planning and Zoning Services\Planning Commission\Text Amendments\Medical Marihuana\Recreational Marihuana Amendment Memo.docx

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**CITY OF MT. MORRIS ZONING ORDINANCE
ARTICLE 2
DEFINITIONS**

Section 2.46A MARIHUANA MICROBUSINESS

A person and facility licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 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.

**ARTICLE 6
DISTRICT REGULATIONS**

Section 6.12 COMMERCIAL "C" (GENERAL BUSINESS) DISTRICT:

2. CONDITIONAL USES PERMITTED:

- q. Marihuana Microbusiness

**ARTICLE 9
DESIGN STANDARDS**

SECTION 9.01 MARIHUANA MICROBUSINESS

Marihuana Microbusinesses are permitted as uses permitted in the Commercial C (General Business) District provided they comply with the following standards:

- A. Vacant or dilapidated buildings are preferred site for marihuana microbusinesses.
- B. The parcel is at least 250' from a church as measured property line to property line.
- C. The parcel is at least 1,000' from a school as measured property line to property line.
- D. The parcel is at least 800' from another marihuana micro business as measured property line to property line.
- E. A system which precludes the emission of marihuana odor from the premises shall be installed and maintain in operable condition. The operation shall not permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they

originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

- F. Applicant must have valid recreational marihuana microbusiness license obtained from City of Mt. Morris City Council.