

CITY OF BUCHANAN PLANNING COMMISSION
TUESDAY, DECEMBER 14, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

- I. *The City of Buchanan Planning Commission, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.*
- II. ** Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com*

** Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week’s prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

III. PUBLIC HEARING 1

A. Call to Order

Barker called the Public Hearing to order at 7:00 p.m.

B. Roll Call

PRESENT: Kevin Barker, Richard Martin, Sean Denison, Ralph McDonald

ABSENT: Jason Lietz

STAFF: Community Development Director/ Zoning Administrator, Rich Murphy; City Clerk, Kalla Langston

C. Opening of Hearing and Statement of Purpose of the Hearing

Barker opened the public hearing, stating the purpose was to hear public comments in regard to a Special Use Request from Cannavista Wellness to operate a Designated Consumption Marihuana Establishment at 120 E. Front St., Buchanan MI 49107.

D. Announcement of the Rules of the Hearing

1. This is a Public Hearing designed to receive comments on the review of an application submitted by Cannavista Wellness to operate a Designated Consumption Marihuana Establishment at 120 E. Front St. Only comments regarding this subject will be accepted.
2. All persons wishing to comment shall be given the opportunity to do so.
3. The person addressing the Commission shall stand, state his/her name, and direct their comments directly to the Commission.
4. In the event a large number of people wish to comment, the Chairperson may announce that each person speaking shall limit his/her comments to three (3) minutes.
5. Each person shall have an opportunity to speak before anyone is allowed to speak a second time.
6. The Chairperson may, at his/her discretion, terminate comments which are unreasonably lengthy or unrelated to the subject of the public hearing.
7. When the Chairperson observes that there are no further public comments, he/she shall close that portion of the hearing.

E. Presentation by the Applicant

Rick Paniagua gave his presentation to the Planning Commission. What Cannavista is trying to do in their existing facility is offer a service to primarily existing clients. People in particular age 50 and over have a lot of questions and concerns about their products. They are trying to provide an atmosphere to learn how to use the products responsibly. Low doses, either edible or topical, not smoking or vaping. They receive 1 or 2 requests looking for these types of services a month, it's not about marketing it or promoting it, it's about allowing people to get appropriate exposure and have their questions answered in a safe environment. Rick states he has done a lot at his shop to destigmatize cannabis, this is something they are proud of, and this is just a continuation of offering services to our clients.

F. Presentation by the Opposition

Ellen Berline, Pastor of First United Methodist Church, concerned about driving after leaving the consumption lounge. The small police force is not enough to monitor driving and using in a safe environment. She questions what this is leading to and what door is being opened for other businesses that may not be as responsible as Rick. She feels very strongly against this and cannot support this.

Karl Keffer, understands the foresight of the city for looking for financial help, and believes we found it, but there is a limit to all things. His objection is that he attends church service near Cannavista and is concerned about the hours. Also concerned what health affects it will have.

Penny a resident agrees with the past 2 speakers, since Rick has said it will only be a few a week she doesn't understand why he cant make house calls for those people. Worried about safety on the street, does not feel this adds to the hometown feel the city is supposed to have. She also believes there are problems with marihuana businesses and would like to see those problems handled before the city moves forward on this. Examples she included were the security, the odor, parking, and U-turns. She would rather something for families being planned in the community than this.

Commissioners asked to add in Support for application; there were none present that spoke.

Correspondents through email in Support there was one, Clerk Langston read to the Planning Commission.

Correspondents through email for Opposition there was one, Clerk Langston read to the Planning Commission.

G. Applicant's Rebuttal

Rick thanked Karl and Ellen for their comments. Rick's argument is that there will be very little impact. They are not using it as a marking tool. He does not have the space to have more than one or two people on the floor. They're not doing it to make money, they're doing it to take care of people and to teach people who to use responsibly. The only way to help people is to educate and inform them of how to use the product. We cannot smoke or vape so there is no odor. The people we are talking about is groups coming in and asking for help. They have had ideas about using their apartments or buildings next door, but it's not right or appropriate. There is an avenue to have this take place and that's with the special use permit. The ordinance right now does not allow for smoking and vaping if it advances Rick suggested that the ordinance require him to get a separate

special use permit for smoking and vaping. Rick believes they have been very responsible in the community, sensitive to the neighbors. The problems that are mentioned are generally not happening with the Cannavista operation.

H. Closing of Hearing

Barker closed hearing at 7:23 P.M.

IV. **PUBLIC HEARING 2**

A. Call to Order

Barker called the Public Hearing to order at 7:23 P.M.

B. Roll Call

PRESENT: Kevin Barker, Richard Martin, Sean Denison, Ralph McDonald

ABSENT: Jason Lietz

C. Opening of Hearing and Statement of Purpose of the Hearing

The purpose of the Public Hearing is for the Planning Commission to consider a Special Use Application from Aloft Processing, Inc., to operate a Medical Use Marihuana Grow Establishment, an Adult Use Marihuana Grow Establishment, and an Adult Use Processing Marihuana Establishment at 317 Post Rd., Buchanan MI 49107.

D. Announcement of the Rules of the Hearing

Announcement of the Rules of the Hearing

1. This is a Public Hearing designed to receive comments on the review of an application submitted by Aloft Processing, Inc., for a Special Use Permit to operate a Medical Use Marihuana Grow Establishment, an Adult Use Marihuana Grow Establishment, and an Adult Use Processing Marihuana Establishment at 317 Post Rd., Buchanan MI 49107.
2. All persons wishing to comment shall be given the opportunity to do so.
3. The person addressing the Commission shall stand, state his/her name, and direct their comments directly to the Commission.
4. In the event a large number of people wish to comment, the Chairperson may announce that each person speaking shall limit his/her comments to three (3) minutes.
5. Each person shall have an opportunity to speak before anyone is allowed to speak a second time.
6. The Chairperson may, at his/her discretion, terminate comments which are unreasonably lengthy or unrelated to the subject of the public hearing.
7. When the Chairperson observes that there are no further public comments, he/she shall close that portion of the hearing.

E. Presentation by the Applicant

Joshua Colton gave the presentation for Aloft Processing. He gave brief introduction of the company; Aloft Processing's Chief Operating Officer/founder Gary Vettese started off in the

caregiver industry approximately 10 years ago, and since then has operated large scale outdoor and greenhouse hemp operations, as well as a licensed medical marihuana extraction business.

The primary objective is other existing licensed operators. This facility would be used to provide them with their “starts” or slightly larger plants depending on their need. No plans on letting these plants reach maturity. It makes it a lot more effective to control odor. No changes to building. Hopes to be operational by the end of February.

F. Presentation by the Opposition

Inserted people in favor: none

Ellen Berlin was opposed and stated her comments.

No correspondence regarding the applicant.

G. Applicant's Rebuttal

Applicant addressed the opposition to answer their concerns.

H. Closing of Hearing

Barker closed hearing at 7:34 PM

V. Regular Meeting - Call to Order

Barker called the Regular meeting to order at 7:35 PM and led in the Pledge of Allegiance.

VI. Roll Call

PRESENT: Kevin Barker, Richard Martin, Sean Denison, Ralph McDonald

ABSENT: Jason Lietz

VII. Approve Agenda

Added item C. Subcommittee Reports

Motion made by Denison, Seconded by Martin to approve the amended agenda. Roll call vote carried unanimously.

IX. Public Comments - Agenda Items

Resident asked if the commission would be deciding tonight on the proposed changes. Asking for more education.

X. Approve Minutes

A. September 14, 2021, Regular Meeting Minutes

Motion made by Denison, Seconded by McDonald to approve September 14, 2021, Regular Meeting Minutes. Roll call vote carried unanimously.

B. October 12, 2021, Regular Meeting Minutes

Motion made by Denison, Seconded by McDonald to approve the amended October 12, 2021 Regular Meeting Minutes. Roll call vote carried unanimously.

C. November 9, 2021, Regular Meeting Minutes

Motion made by McDonald, Seconded by Denison to approve the November 9, 2021 Regular Meeting Minutes. Roll call vote carried unanimously.

XI. Old Business

None

XII. New Business

- A. Application submitted by Cannavista Wellness, for a Special Use Permit, to Operate a Designated Consumption Marihuana Establishment at 120 E. Front St.

Barker opened the floor for discussion.

Martin asked about the dosage amount being given out. Concerned about the dosage being given out would impair someone to drive.

Rick stated it wouldn't be over 10 mg and the person consuming would not be driving. It will be arranged ahead of time (an appointment). They will have a consultant assigned to them, there will be a designated driver and the people that are consuming will be in a safe environment with guidance.

They want to inform and educate people on how to use.

McDonald asked Rick if his responsibility is the same as, say, an owner of a bar and someone leaving intoxicated, if there is any liability on his part if someone does drive.

Rick stated it is the same liability on him and he is aware of what the responsibility is.

Denison believes the public comments about driving is a legitimate point and he also has concerns about it and wondered, what is Cannavista going to do to put the residents at ease.

Rick stated he would require the designated driver. This is about guiding people in the experience- no one is going to be able to come in consume and then drive, its not responsible. This is not for recreational consumption. Most people know how to use the product but there is a small group of people that don't know how to use the product correctly. Rick believes they should be exposed to it in an appropriate way.

Barker asked how you ensure that everyone has a designated driver.

They are requiring you to have the appointment and know who is in the group. Just like in a doctor's office for a procedure.

Barker wondered who will monitor, and what safeguards are on site if someone has a problem.

If it is approved, they will have all the producers in place of who will monitor. They are full staffed with 26 employees and 10 to 12 on the floor at any given time. They have had medical instances in the past, though not because of consumption. They have procedures for how to deal with medical instances while people are in the store.

What is the ratio, per people consuming to employees?

No more than 2 people consuming at the same time. And there will be one individual assigned to the group of 2-4 people. The consultant will guide them through how to use it responsibly. They will not be allowed to consume more than what, the procedure allows. This does not include smoking and vaping; this is controlled doses. They must be supervised, this is education on how to

use, it is not being promoted and it does not economically help the business. Staff that has experience will be guiding the customers.

Rich Murphy gave his staffing report. **Attachment A.**

McDonald brought up that if the City Commission approves and adopts an ordinance for smoking and vaping would Cannavista be automatically opted in?

Denison believes they would have to call that out in the ordinance.

Murphy says the ordinance would need to be addressed for previous approved special use permit for consumption. Or he suggested putting a condition on their approval to make it clear if there was a change in the ordinance, they would need to come back to re-apply.

Barker would like to set a number of people for the consumption area.

There was discussion between commissioners about what the right number would be for people allowed in the consumption lounge and the restriction of dosage amount.

They do not believe the restriction of dosage amount is something they are qualified to decide, and it would be the responsibility of the owner.

Planning Commission discussed number of people allowed in the consumption lounge at a time.

Decided only 6 at a time.

Motion made by Denison, seconded by McDonald to approve the Special Use Permit to Operate a Designated Consumption Marijuana Establishment with a limit of 6 people in the Consumption Lounge. Roll call vote carried unanimously.

- B. Application submitted by Aloft Processing, Inc for a Special Use Permit to operate a Medical Use Marihuana Grow Establishment, an Adult Use Marihuana Grow Establishment, and an Adult Use Processing Marihuana Establishment at 317 Post Rd.

Not currently in the building right now the building is being used for plumbing and heating business. The Plumbing and Heating business plan on relocating to a different area, with Aloft purchasing 317 Post Rd.

Barker asked Murphy about the number of permits that are left for this type of facility.

The Grow Adult Use does not have any left, but the City Commission is in its first reading to add more.

The way the Adult Use law works is that it doesn't go against your plant count until it reaches 8 inches. The majority of what they are selling is not going to be under the definition of a plant.

The newer market that they're looking to move into is the indoor cultivators who are looking to save money by someone delivering them the plant that can go right into flower.

The newest market that the State just created rules for is to allow plant sales in marihuana stores.

Murphy wanted to let the public know that this is only for grow and process not retail.

Denison explained the reason why they are considering expanding the Process and Grow permits.

Murphy gave his staffing report. **Attachment B.**

Building stays the same as of now.

Motion made by Martin, seconded by Denison to approve the Special Use Permit to operate a Medical Use Marihuana Grow Establishment, an Adult Use Marihuana Grow Establishment, and an Adult Use Processing Marihuana Establishment at 317 Post Rd. Roll call vote carried unanimously.

XII. Subcommittee reports

McDonald gave a brief update to the Planning Commission about the Friends of the Trail Meeting. Martin will be bringing the annual report for the Tree Friends to the next meeting.

XIII. Public Comment - Non-Agenda Items Only- none

XIV. Community Development Director Comments

The BARB committee, with SWMPC is amid updating the 5-year rec plan, which will be key to have updated for various DNR Grants. There will be a component to St. Joe River Public Access in Buchanan, the acreage that the city owns from River Front Park to the bluff at Richards Street. They are looking at how to assemble a master plan for all best practices, ecological restoration, erosion shoreline restoration, as well as public access and recreational opportunities. Also, will include a playground component which is going to be a priority for the city to go after grant funds. Will also be instrumental in some trail grants we have applied for.

Thanked McDonald for the update on the subcommittees, never ceases to amaze him on all the great work the committees and volunteers do for the City of Buchanan.

There is a video series for Buchanan, Fall in Buchanan, and Introduction to Buchanan. Getting thousands of views on the videos, very well done.

Appreciated all the great discussion.

XV. Commissioner Comments

McDonald- Thanks to Martin for joining the Board. Thanked the applicants and welcomed them to Buchanan. To the public we certainly take your words to heart, we do care about this town.

Maritn- None

Denison- None

Barker- Challenged Rick tonight on purpose, this is a new thing and we're putting a lot of faith in him to make this be a positive thing. Thanked Aloft for teaching them something new.

XVI. Adjournment

Motion made by Martin, Seconded by Denison. Roll call vote carried unanimously.

Adjournment at 9:05 PM



STAFF REPORT TO THE PLANNING COMMISSION
SPECIAL USE REQUEST: 120 E. FRONT ST.
Designated Consumption Establishment

GENERAL INFORMATION:

Applicants:	Cannavista Wellness
Status of Applicants:	Owner/Operator
Existing Zoning:	C-3 Central Business District
Property Address:	120 E. Front St., Buchanan MI 49107
Present Land Use:	Retail
Adjacent Use:	N – Retail S – City owned E – Retail W– Retail

The applicant has requested a special use approval to operate a Designated Consumption Establishment in his existing medical and adult use marijuana retail establishment. The applicant is expanding his health and wellness brand to include an educational component in which he and his staff will instruct customers on dosage and how to use products such as topical creams and ingestibles. The applicant has stated that the Designated Consumption Establishment will be compliant with all City and State regulations related under MRTMA. This report will address the standards contained in the Zoning Ordinance.

Section 20.03 - Basis of Determination Prior to approval of a special use application, the Planning Commission shall insure those standards specified in this Article, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

Following are the Standards, with my commentary in *italics*.

1. **General Standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the special use standards and shall approve a special use only upon a finding in consideration of each of the following standards, as well as applicable standards established elsewhere in this ordinance.

A. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The proposed special use for a Designated Consumption Establishment will be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area because it will be used in accordance with the requirements of the Zoning Ordinance, Ordinance 2019.10.413. (Adult Use Marihuana Police Power Ordinance), Ordinance 2019.11/414 (Zoning Ordinance Amendment), and all State of Michigan requirements.

B. The special use shall not change the essential use of the surrounding area.

The special use shall not change the essential use of the surrounding area because the applicant is expanding his health and wellness brand to include an educational component in which he and his staff will instruct customers on dosage and how to use products such as topical creams and ingestibles. The applicant has stated that the Designated Consumption Establishment will be compliant with all City and State regulations related under MRTMA. This report will address the standards contained in the Zoning Ordinance.

C. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare or persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

The special use shall not be hazardous to the adjacent property or detrimental to the health, safety and welfare of persons and property because it will be conducted in a locked facility in compliance with all applicable City Ordinances and State of Michigan requirements. It will have an extensive carbon scrubber air filtration system and exterior lighting and security cameras. The Fire Department previously reviewed the application and will inspect the facility as required by both the City and State.

D. The special use shall not place demands on public services and facilities in excess of current capacity.

The special use shall not place demands on public services and facilities in excess of current capacity because it will be constructed in compliance with all City and State requirements. Water, sewer, and electric utilities are available to the site, as is gas if required.

E. The special use is in compliance with the City of Buchanan Comprehensive Plan.

The special use is in compliance with the City of Buchanan Master Plan. The special use is an expanded use of the existing retail component and will be compliant with all City and State regulations related under MRTMA.

2. **Conditions.** The Planning Commission may require reasonable conditions in conjunction with approval of any special land use. The conditions may include conditions

necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure the compatibility with adjacent uses of land, and to promote the use of land in a socially acceptable and economically desired manner. Conditions imposed shall consider all of the following:

A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the public record of the approval action and remain unchanged except upon the mutual consent of the Plan Commission and the landowners.

The Planning Commission may impose the condition that the special use approval is limited specifically to a Designated Use Establishment.

3. Decision

The Plan Commission has two options to consider, whether to grant the special use request with or without conditions or whether to deny. The Planning Commission must make findings of fact to support your decision considering the factors above.

Based on the above findings, the Community Development Department recommends approval of the special use request.

Respectfully submitted,

Richard Murphy
Community Development Director



STAFF REPORT TO THE PLANNING COMMISSION
SPECIAL USE REQUEST: 317 POST RD
Med Marihuana Grow, Adult Use Grow and Process Facility
12062021 RPM

GENERAL INFORMATION:

Applicants:	Aloft Processing
Status of Applicants:	Developer
Existing Zoning:	M -1 Light Industrial
Property Address:	317 Post Rd., Buchanan MI 49107
Present Land Use:	Light Industrial
Adjacent Use:	N – Light Industrial S – Land Conservancy E – Land Conservancy W– Light Industrial

The applicant has requested a special use approval to operate a Medical Marihuana Grow and Adult Use Grow and Processing Facility at 317 Post Rd. This report will address the standards contained in the Zoning Ordinance.

Section 20.03 - Basis of Determination Prior to approval of a special use application, the Planning Commission shall insure those standards specified in this Article, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

Following are the Standards, with my commentary in *italics*.

1. **General Standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the special use standards and shall approve a special use only upon a finding in consideration of each of the following standards, as well as applicable standards established elsewhere in this ordinance.

A. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The proposed special use request for Medical Marihuana Grow and Adult Use Marihuana Class C Grow and Processing Facility will be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the

surrounding area because it will be used in accordance with the requirements of the Zoning Ordinance, Ordinance 2019.10.413. (Adult Use Marihuana Police Power Ordinance), Ordinance 2019.11/414 (Zoning Ordinance Amendment), and all State of Michigan requirements.

B. The special use shall not change the essential use of the surrounding area.

The special use shall not change the essential use of the surrounding area because it is an adaptive reuse of a parcel already zoned light industrial.

C. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare or persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

The special use shall not be hazardous to the adjacent property or detrimental to the health, safety and welfare of persons and property because it will be conducted in a locked facility in compliance with all applicable City Ordinances and State of Michigan requirements. It will have an extensive carbon scrubber air filtration system and exterior lighting and security cameras. The Fire Department previously reviewed the application and will inspect the facility as required by both the City and State.

D. The special use shall not place demands on public services and facilities in excess of current capacity.

The special use shall not place demands on public services and facilities in excess of current capacity because it will be constructed in compliance with all City and State requirements. Water, sewer, and electric utilities are available to the site, as is gas if required. Adequate parking is available on site.

E. The special use is in compliance with the City of Buchanan Comprehensive Plan.

The special use is in compliance with the City of Buchanan Master Plan. The special use is an adaptive reuse of a building zoned light industrial.

2. **Conditions.** The Planning Commission may require reasonable conditions in conjunction with approval of any special land use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure the compatibility with adjacent uses of land, and to promote the use of land in a socially acceptable and economically desired manner. Conditions imposed shall consider all of the following:

A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under

consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the public record of the approval action and remain unchanged except upon the mutual consent of the Plan Commission and the landowners.

The Planning Commission may impose the condition that the special use approval is limited specifically to an Adult Use Marihuana Class C Grow Facility.

3. Decision

The Planning Commission has two options to consider, whether to grant the special use request with or without conditions or whether to deny. The Planning Commission must make findings of fact to support your decision considering the factors above.

Based on the above findings, the Community Development Department recommends approval of the special use request citing these findings as well as the applicant's attached project summary page which cites economic benefits and job creation for the community.

Respectfully submitted,

Richard Murphy
Community Development Director