

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

A. Call to Order

Public Hearing was called to order by Chairman Jason Lietz at 7:00 P.M.

B. Roll Call

Present: Richard Martin, Ralph McDonald, Sean Denison, Jason Lietz

Absent: Kevin Barker

City Staff: Community Development Director Rich Murphy; City Clerk, Kalla Langston

C. Opening of Hearing and Statement of Purpose of the Hearing- *The purpose of the Public Hearing is for the Planning Commission to review a Special Use Application from Sardor Vakhidov, Blackbirds LLC and Elkhorn LLC to operate an Adult Use Marihuana Process Facility at 402-404 S. Oak St., Buchanan MI 49107.*

D. Announcement of the Rules of the Hearing

Rules were read by Lietz.

E. Presentation by the Applicant

Rhett gave a site plan to the Planning Commission. Rhett is asking for a special use permit for processing to be able to see his product from start to finish. He has been working nonstop on his business and investing in Buchanan. He wants to proudly represent the community and takes great pride in his work. Security is the utmost priority. Rhett is planning on doing it all in house, so that he can extract in an environment friendly way.

Jessica Price spoke in favor.

F. Presentation by the Opposition

Correspondence by email in opposition due to location.

G. Applicant's Rebuttal

Rhett responded to email.

H. Closing of Hearing

Lietz closed the public hearing at 7:21 P.M.

PENDING APPROVAL

IV. Regular Meeting - Call to Order

Chairman Lietz opened the regular meeting at 7:21 P.M.

V. Pledge of Allegiance

Lietz led in the Pledge of Allegiance

VI. Roll Call

Present: Martin, McDonald, Denison, Lietz

Absent: Barker

VII. Approve Agenda

Addition of item "B" under new business to have Richard Martin replace Jason Lietz as the representative for the Buchanan Tree Friends.

Motion made by McDonald, seconded by Denison to amend the agenda. Voice vote carries unanimously.

VIII. Public Comments - Agenda Items

None

IX. Approve Minutes

A. *December 14, 2021, Regular Meeting Minutes*

Motion made by Denison, Seconded by Martin to approve the December 14, 2021 Regular Meeting Minutes. Voice vote carries.

X. Old Business

None

XI. New Business

A. *Consider application submitted by Sardor Vakhidov, Blackbirds LLC, and Elkhorn LLC to operate an Adult Use Marihuana Process Facility at 402-404 S. Oak St.*

Murphy gave his report to the Planning Commission *see Attachment A*. Agrees with Rhett that he has been working nonstop and has been very communicative with City Hall on his progress.

Discussion between Rhett and Planning Commission about the transportation.

Martin asked how the cold treatment works, Rhett was able to explain.

Discussion about the site plan in front of them. The Planning Commission decided to review the site plan and adjust the site plan. After their decision regarding the special use permit, they would take it up to add to the agenda.

McDonald wanted to make sure that the information on the application had the correct information on different zoning areas. Northside residential, Westside residential, Eastside combination of industrial and residential.

McDonald wanted the Public Service report from the Fire Department and Police Department. Murphy said he could get that to them soon.

PENDING APPROVAL

Lietz wanted to address the correspondents with questions to Rhett. He wanted to know if there will be an additional odor. Rhett says no due to the cold processing. He asked about fencing, security, and lighting, Rhett says no changes.

Motion made by Martin, seconded by Denison to approve the application submitted by Sardor Vakhidov, Blackbirds LLC, and Elkhorn LLC to operate an Adult Use Marihuana Process Facility at 402-404 S. Oak St. with adoption of the staff report as findings of fact. Roll call vote carried unanimously.

Motion made by McDonald, seconded by Denison to amend the agenda to add "XI. New Business, Item C Review, and approval of site plan for 402-404 S Oak St. adult use marihuana grow and process facility" Voice vote carries unanimously.

B. Richard Martin to replace Jason Lietz as the representative on the Buchanan Tree Friends.

Martin says they will be incredible disappointed to not have Lietz on the Buchanan Tree Friends. Martin is going to talk to Buchanan Tree Friends at the meeting tomorrow to see what the majority of the BTF group feels about Lietz not being a member.

Motion made by Denison, seconded by McDonald, to table item "B" till next meeting. Voice vote carries unanimously.

C. Review and consideration for approval of site plan for 402-404 S Oak St. adult use marihuana grow and process facility.

Planning Commission and Rhett discussed different options for the site plan and came up with an informal site plan to approve. *See attachment B.*

Lietz wanted to make sure that Rhett knows if there is a setback due to an old access easement, he will need to come back before them and make an amendment. He would also like to see a legend for the colored areas. There appears to be a remnant of the drive by the parking area, the zoning ordinance requires that any parking spaces and any off-street access aisles need to be concrete or asphalt, needs to be noted on the plan. As far as storm water, typically for a small number of places like this you would just slope the area, as it needs to have the direction of the storm water going into the grass area.

Motion made by Denison, seconded by McDonald to give conditional approve to the site plan for the marihuana grow and process facility at 402-404 S Oak St, Blackbirds LLC, and Elkhorn LLC. With the condition a revised formally drafted site plan be submitted to the city along with any application fee that may be required. Roll call vote carried unanimously.

XII. Subcommittee Reports (if any)

McDonald reported that the Friends of the Trail did not meet last month, so he has nothing to report. Martin reported on the Buchanan Tree Friends with a brief history of the group.

XIII. Public Comment - Non-Agenda Items Only

Norma Ferris made comments about water and garbage that would be coming from 402-404 S Oak. St.

XIV. Community Development Director Comments

Wanted to make sure the commissioners are aware of the 5-year rec plan that was just approved by the City and Township. Murphy encouraged the Planning Commission to look at it.

Murphy would like to propose to seek more planning commissioner members. They are a Commission of 7.

PENDING APPROVAL

XV. Commissioner Comments

Denison: Thanked the commission and working together with Murphy to see this through.

Martin: None

McDonald: Thanked Langston for the minutes, Thanked Rhett for his continued investment and commitment to Buchanan.

Lietz: None

XVI. Adjournment

Motion made by Martin, seconded by Denison to adjourn the meeting at 8:57 PM. Voice vote carries unanimously.

Jason Lietz, Planning Commission Chair

Kalla Langston, City Clerk



STAFF REPORT TO THE PLANNING COMMISSION
SPECIAL USE REQUEST: 402-404 S. OAK STREET
Adult Use Marihuana Processing 02.07.2022

GENERAL INFORMATION:

Applicants:	Sardor Vakhidov and Blackbirds, LLC
Status of Applicants:	Developer/Presented by Rhett Johnson
Existing Zoning:	M -1 Light Industrial
Property Address:	402-404 S. Oak Street, Buchanan MI 49107
Present Land Use:	Light Industrial
Adjacent Use:	N – Light Industrial/Residential S – Light Industrial E – Light Industrial W– Residential

The applicant applied for and was approved for a Special Use for an Adult Use Class C Grow facility in September of 2021 and wishes to expand their operation in Buchanan to including Processing.

The applicant has requested a special use approval to operate an Adult Use Marihuana Process Facility at 402-404 St. Oak Street. The applicant has stated that Process Facility 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 Adult Use Marihuana Process 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 purposed 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 Process Facility.

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,

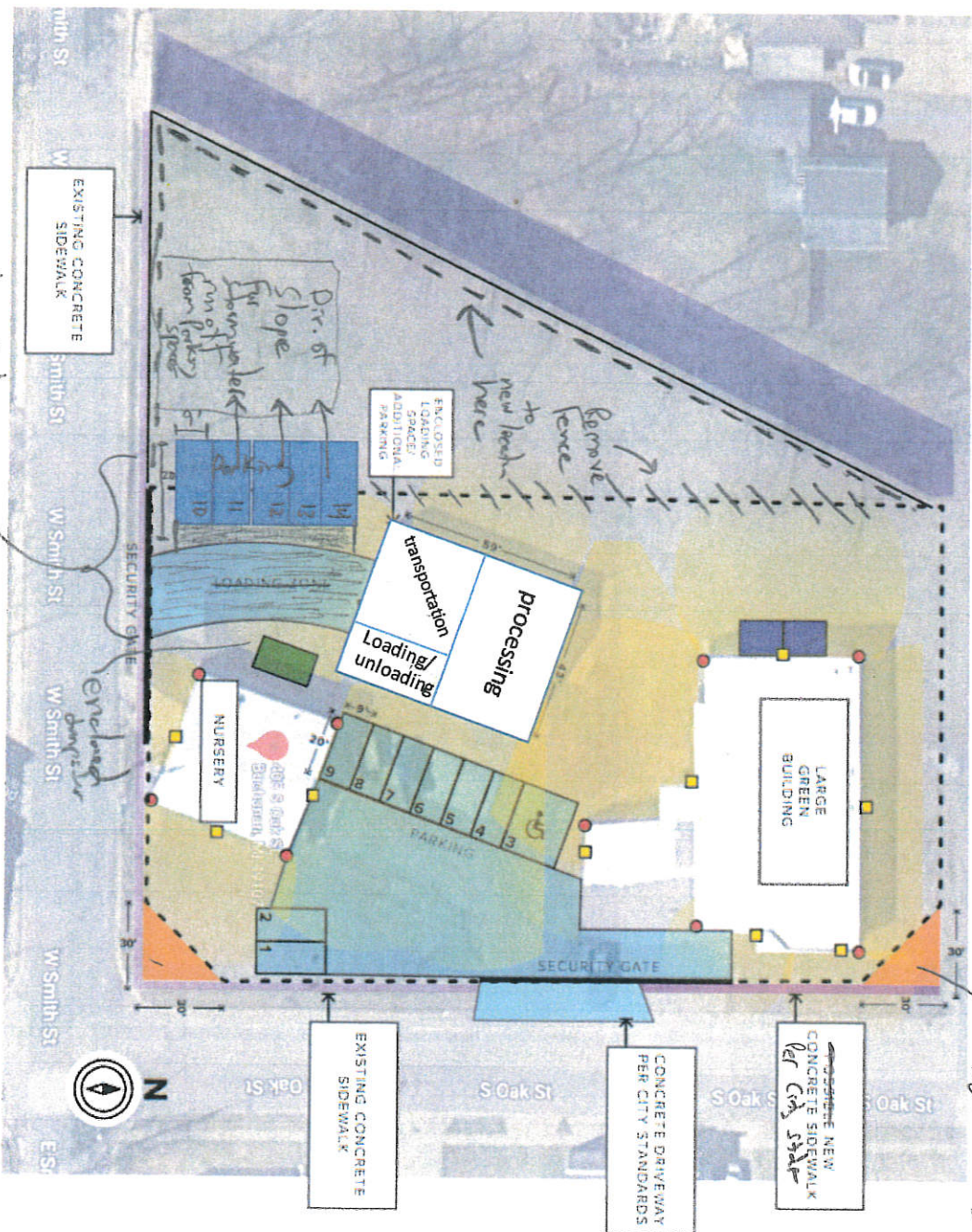
Richard Murphy
Community Development Director

Revised Site Plan for 402.404 Oak Street Add Use Marijuana Grow + Processing Facility

Date: 2/8/22

Legend

- Lightings
- Enclosed Waste + Rubbish Receptacles
- Relocated parking spaces
- Air Conditioner Units.



Plan Notes:

- Surface of parking spaces + access drive to be asphalt or concrete per 20. Sec. 19.03(11)(B).
- Note what the required min. number of off-street parking spaces is 11.