

PLANNING COMMISSION MEETING

SEPTEMBER 4, 2019

Commission members present: Derek Babcock (Interim Chair), Mike Koshar, Susan Wilson, Joe Wooding, Georgette Peterson

Other attendees: Brian Knotek (Township Attorney), John O'Connell, Ken Detloff, Dennis McGrew, Ching Ho, Matthew Steele, Cheryl Duncan, Dave Romero, Stephanie Dorr

Meeting was called to order by Derek Babcock at 7:00 PM

Minutes of the August 14, 2019 meeting were read, the following corrections were made: During discussion of Purple Valley, part of a sentence was left out. It now reads If one cannot be obtained, the Zoning Board of Appeals can meet and make a "determination of the existing boundary". The second correction was that Mike abstained from voting based on "not being at the July meeting" and the words "his concerns about the large parking lot and blacktop affecting farmland" were removed.

Mike made a motion to approve the minutes with the corrections, seconded by Georgette. Passed unanimously.

A motion was made by Mike, seconded by Georgette and passed unanimously to go into an Open Meeting.

Regarding the Special Use Application and Site Plan Review of 54347 28TH Ave:

There is a question about zoning. Brian stated it is not the tool on the county map that is used but the zoning map which is correct and shows 96% Ag. Derek stated this site is 17 acres zoned Ag. Ken's review of the property shows that the Site plan does not show how storm water will be handled and there is no circulation system shown for accessing the outdoor growing operation and the site plan must be reviewed and approved by the Van Buren County Drain Commissioner, the County Road Commission and the Bangor Fire Chief; all of which are required. Ken also noted that specifics on cameras are not requested but he would like to see specific sites and coverage. Derek noted that the cameras are a State requirement. Ken said he would like the Township to have a plan to review about a year after the site plan approval. Mike asked Ken if he saw a lot of problems with the site and Ken responded that it was not a lot but they were significant. There was a question if the site plan was available to look at and the response was that it was not because there was no representative present.

A motion was made by Susan, supported by Mike and passed unanimously to close the Open Meeting.

A motion was made by Joe, supported by Mike to go into Public Hearing; passed unanimously.

Regarding the Special Use Application and Site Plan Review of 50405 28th Ave:

Ken noted that the issues he found with his Site Plan Review are: No specifications on the security fence; no indication of how the storm water will be handled and no circulation system shown for accessing the outdoor growing operation. Derek questioned if they are only proposing one 10,000 square foot building on this property as well as on a 46-acre Site. Ken replied in the affirmative and a Comment was made that there is a lot of wooded area on the second site.

Joe made a motion, supported by Susan and approved by all to Close the Open Meeting.

OLD BUSINESS

Regarding Left Coast (Daubert) SUP and Site Plan Review for 48233 28th Ave:

Brian asked Ken to address the commission. Ken stated he talked with the developer and outlined the deficiencies. The developer called Ken at 3:00 today and asked that the Plan be reviewed by tonight. Ken told him he is unable to do so tonight but will be looking at it tomorrow or the next day. Mike asked if we should have a 2nd Public Hearing with all the changes to the site plans. Brian said "Yes". Derek commented that the notes don't say anything about buildings and Ken said one building has been added and the owner told him he is having a difficult time finding a Civil Engineer for his drainage issue. Ken said there's a house. Georgette commented that there is also a barn.

Mike made a motion to table until Ken can review the two site plans and determine if another Public Meeting is needed. It was supported by Susan and passed unanimously.

Regarding Purple Valley (Romero/Davis) SUP and Site Plan Review for 53930 28th Ave:

Derek asked if they had gotten clarification of what is viewed as commercial and what is AG. Brian stated there is a 330-foot line that is commercial. Ken spoke with Dave Romero and received a new site plan. Derek commented that the first part is Ag and that is where the grow will be, and the second part is Commercial and that is where the office will be. Derek also stated the address is current and is on the Commercial part. Brian asked if the Site Plan is different from the first one and Ken said yes and that he recommended they create a Site Plan covering all.

A motion was made to schedule a second Public Hearing by Joe, supported by Susan and passed unanimously.

Regarding Quality Cannabis SUP and Site Plan Review (47780 St. Lawrence):

Derek questioned where the driveway will be. Brian noted the driveway concern is regarding a person across the street and lights shining into his window. The owner has agreed to move the driveway. Brian said the Board had several questions about this property and sent it back to the PC. There was a question about ownership of this property, and it was noted that it is owned by WKS Land Holdings LLC, a Florida Company. It was noted that a sister company is Quality Cannabis. A comment was made regarding confusion about the location of the grow operation and the owner is willing to move it. Derek stated the major concern is about the location of the driveway, Derek also noted there are springs that run through the property but not necessarily wetlands and the Drain Commission should be involved if needed. Ken noted that in a commercial development, aligning driveways is a good idea but not in this case. Dennis commented that the owner was talking about a building to house 10 workers overnight.

Mike made a motion to table this property until the PC can address the concerns about the driveway, wetlands, septic and building locations. Joe seconded and it passed unanimously.

Derek noted that this will be sent back to the owner to make adjustments and Brian noted that if the Application comes back with the same site plan, the PC can act on it. He also commented that the next regular PC meeting is December 4, 2019.

NEW BUSINESS

Regarding the Special Use Application and Site Plan Review of 54347 28th Ave:

Joe made a motion, supported by Susan, passed unanimously to table until our next meeting if all the issues from Ken's review have been resolved.

Regarding the Special Use Application and Site Plan Review of 50405 28th Ave:

Mike made a motion, supported by Susan, passed unanimously to table until our next meeting if all the issues from Ken's review have been resolved.

PUBLIC COMMENT

Ken noted that he was given a set of plans at a previous meeting and was told they were reviewed in March. He said he has no recollection of that. Brian noted the parcels he was referring to have not been before this committee.

Matthew Steele commented that he has some property on the Western edge of the 50405 28th Ave. property, and he is concerned about the water coming off a 10,000 square ft building.

Stephanie Dorr commented that the address noted on the 48th St/48th Ave is not correct.

Ching Ho commented on having up to 120 people employed during harvest. He said Arlington Township does not have retail and therefore does not get the 10% they could. Derek asked if he was talking about online sales and Ching said he was. Ching said there would be increased revenue with a dispensary. Mike stated that would bring more traffic. Ching would like to see retail and an on-site lounge as well as online sales.

Brian noted the Township has to decide if we are opting out of recreational marijuana or not. He added that if the Township decides to not opt out, there will be things that will need to be done such as a possible variance, SUP and so on.

Cheryl Duncan stated she had a meeting with William Steele and Brian and that William plans to grow MM. She stated it sounds like a great business area but we live in a residential area deemed AG. She said it seems like the growers have been promised recreational. John replied that it has never been discussed and Brian added that nothing has been decided.

Mike asked if there is a list of when all the Applications were applied for and Brian responded in the affirmative. Brian went on to say that there are still only 4 that have been approved by the State and that is less than 1% of the total Township acreage.

Cheryl asked if there was any reason why the MM growers would not be granted recreational grows and Brian said "Yes". Derek told Cheryl she is right about this being industrial building codes because the State requires it. A State background check is required. John stated that is why a 2-year moratorium was put in place. It was noted that Arlington does not require prior approval from the State but it could. Derek noted that hemp can be planted anywhere and none of this is addressed with growing it. Derek asked if Cheryl had looked at the sites to which she replied that she had, and she wouldn't want to live next to any of them.

A question was brought up that if an Applicant hasn't done anything for a year, will something be done. Joe noted the SUP has to be renewed every year. If there is no SUP and only a Provisional license what

will happen? John said we should get through the pending Apps and get a committee together to review the parcels that nothing has been done on. Mike noted that we are supposed to review MM ordinances. Derek added that if the Township goes with recreational, there will be new ordinances.

Cheryl said their community of 8 are all farmers and they are asking for a bigger set back and commented that these are all grandfathered in already. Derek stated that when the SUP's are up for renewal is when they are given new rules. Derek would like the December Agenda to have a review of MM ordinances and in the interim we should all review these and mark changes we think should be made.

Ken said there is an update of the Zoning Ordinance and we need a Public Hearing on the Land Use Plan.

Meeting adjourned at 8:38 PM

Respectfully submitted,

Georgette Peterson