
MINUTES**I. PUBLIC HEARING****Public Hearing Call to Order**

Barker called the Public Hearing to order at 7:02 p.m.

Public Hearing Roll Call

PRESENT: Kevin Barker, Sean Denison, Ralph McDonald, Donna Monell

ABSENT: Jason Lietz

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher

GUESTS: Sam Kilberg, Anthony Marila, Julie Capron Venengo, Ric Panniagua, Dan Benak, Alan Robandt

Open Public Hearing/Announcement of the Rules of Hearing

Barker opened the Public Hearing and announced the rules of the hearing.

Presentation by Applicant

Zen Leaf representatives explained they are looking to expand their footprint into the vacant building next door, primarily in order to increase their back-of-house operations, but also increase the points-of-sale, which could translate to additional jobs.

Presentation by Opposition

Julie Capron Venengo - Doesn't want to see more spaces taken up with marihuana. There are already traffic and parking issues. Would like to see other businesses.

Ric Paniagua - Need diversity in types of businesses. This would be an excellent space for a restaurant.

Dan Benak - Asked about parking studies. There will be more volume. Infrastructure and guidelines need to be updated. He is not opposed to another building being fixed up or the expansion, just that things must be addressed before we jump in.

Alan Robandt - Submitted a letter, read by City Manager Grace, stating the downtown has reached equilibrium as it relates to cannabis/retail. More restaurants are needed.

Applicant's Rebuttal

They are looking at their footprint, expansion is primarily back-of-house to create a larger employee break room, storage, and a manager's office. The space has been vacant since Zen Leaf moved in and this is an opportunity to bolster other businesses.

Closing of Public Hearing

Barker closed the public hearing at 7:17 p.m.

II. Call to Order

Barker called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

III. Roll Call

PRESENT: Kevin Barker, Sean Denison, Ralph McDonald, Donna Monell

ABSENT: Jason Lietz

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher

GUESTS: Sam Kilberg, Anthony Marila, Julie Capron Venengo, Ric Panniagua, Dan Benak, Alan Robandt

IV. Public Comments - Agenda Items

Ric Panniagua - Yes, there are a number of vacant buildings, but post-COVID, people are starting to make moves.

V. Approve Agenda

Motion made by Denison, seconded by Barker to approve the agenda amended to include the Public Hearing and remove Approve Minutes of June 8, 2021 meeting. Roll call vote carried unanimously. Voting Yea: Barker, Denison, McDonald, Monell

VI. Approve Minutes

A. June 8, 2021 regular meeting minutes delayed due to technical difficulty.

VII. Old Business

None

VIII. New Business

A. Special Use Permit Request

Consider special use permit request to operate a medical-use provisioning center and adult-use retail center at 257 E. Front Street presented by Attorney Sam Kilberg representing Zen Leaf Buchanan.

Baker read the Zoning Administrator's Findings of Facts:

<i>Applicants:</i>	<i>Attorney Sam Kilberg representing Zen Leaf Buchanan</i>
<i>Status of Applicants:</i>	<i>Owner</i>
<i>Existing Zoning:</i>	<i>C-3, Central Business District</i>
<i>Property Address:</i>	<i>257 E. Front Street, Buchanan MI 49107</i>
<i>Present Land Use:</i>	<i>Vacant</i>
<i>Adjacent Use:</i>	<i>N – Commercial</i>
	<i>S – Commercial</i>
	<i>E – Commercial</i>
	<i>W– Commercial</i>

The applicant currently owns and operates a medical use provisioning center and adult-use retail center at 259 E. Front Street and has requested a special use approval to expand its operation to the adjacent storefront to operate a medical use provisioning center and adult-use retail center at 257 E. Front Street. The applicant has the property at 257 E. Front Street under contract to purchase. The applicant has stated that the centers will be compliant with

all City and State regulations related under MRTMA. This report will address the standards contained in the Zoning Ordinance.

All public notice, public hearing requirements, and publishing requirements as required by state law and city ordinance have been executed.

Section 20.03 - Basis of Determination *Prior to approval of a special use application, the Planning Commission shall ensure that 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.*

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.

RESPONSE: *The proposed special use, medical use provisioning center and adult use retail center, 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.*

The Property is currently located in the C-3 – Central Business District. The Central Business District is intended to allow a mixture of land uses, urban development, pedestrian orientation, and a compatible and attractive mix of historic and contemporary building design. The Buchanan Zoning Ordinance allows Provisioning Centers and Adult-Use Retail Centers as a Special Use (SUP) within this district. Zen Leaf is currently operating its provisioning center and adult-use retail center in the building on the adjacent property. The proposed request is an expansion of the existing facility to utilize the entire building for the Center. The land immediately surrounding this Property is also zoned C-3 – Central Business District and consists of Phillips 66 Gas Station, Redbud Hardware, D MottL Realty Group LLC, Gary Z's Sub Shop, and Pinnacle Emporium Provisioning Center. The Center will therefore be compatible with the existing and planned character of the general vicinity. All of the proposed improvements to the Property and operation at the Property will add to the aesthetics of the street and surrounding area.

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

RESPONSE: *See response to (A) above. The proposed Center is compatible with the surrounding land uses as Zen Leaf is currently already operating a provisioning center and retail store in the building next store.*

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.

RESPONSE: *The proposed uses will not interfere with the general enjoyment of the surrounding area as noted above. The Center's retail operations will be conducted inside the building and not result in increased noise, traffic, or other adverse impacts to*

the surrounding area. The Fire Department previously reviewed the application and will inspect the facility as required by both the City and State.

The proposed uses will not interfere with the general enjoyment of the surrounding area as noted above. The Center's retail operations will be conducted inside the building and not result in increased noise, traffic, or other adverse impacts to the surrounding area. 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 facility in compliance with all applicable City Ordinances and State of Michigan requirements.

Additionally, Zen Leaf has stated that the facility will meet and exceed all of the state and local requirements regarding odor management, lighting, and security. Zen Leaf will be expanding the existing carbon air filtration system to meet the needs of the new interior retail space. Additionally, Zen Leaf's facility will include exterior lighting on the store frontage and banner. Lastly, Zen Leaf will have security cameras throughout the facility that meet all state and local requirements.

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

RESPONSE: The use is located in a pre-existing building which is adequately served by the existing capacity of essential public facilities and services. No modifications to such facilities and services are necessary for the Center.

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. It should be noted that there are no minimum off-street parking requirements for business in the C-3 District.

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

RESPONSE: The special use in compliance with the City of Buchanan Comprehensive Plan. The Center is allowed as a Special Use (SUP) within the Central Business District. Zen Leaf is currently operating its provisioning center and adult-use retail center in the building on the Property. The proposed request is an expansion of the existing facility to utilize the entire building for the Center.

Additionally, it should be noted that Zen Leaf estimates that the expansion will be an investment of \$400,000 - \$500,000 in Downtown Buchanan and will create an additional 15 – 20 additional jobs.

Based on these findings, the Community Development Department recommends approval of this Special Use Permit request.

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 a Medical Marihuana Provisioning Center and Adult-Use Retailer.

Prepared By: Richard Murphy, Community Development Director

Monell inquired how long several of the buildings downtown have been vacant and if the City has been actively involved in development efforts, how the Andrews plan is moving forward, and about traffic. Grace responded that the City plans to implement Andrews' recommendations through economic development. Grants will be available to entice new business. Yes, several businesses have been vacant for extended periods. No U-Turn signs have been installed and the Police Department is more vigorously enforcing.

McDonald shares some of the concerns of the opposition. Believes we've reached a saturation point with marihuana and the City Commission did the right thing by not expanding the number of licenses. This is different. Zen Leaf had made an investment in the community and this is an expansion of their footprint. McDonald wished they had addressed the parking and traffic.

Zen representatives pointed out that COVID and curbside pickup have contributed to parking and traffic issues which should be alleviated. Additional point-of-sale should decrease wait times and increase the turn rate.

Denison pointed out any business is going to add more traffic and parking needs.

Monell sought to clarify that the current space would be converted completely to back-of-house space and the new space would be retail.

McDonald asked if they would consider a back entrance and they replied it would be a security issue.

Discussion regarding the impact of a small back-of-house and that the expansion could mean the addition of 10-15 new employees.

Motion made by McDonald, seconded by Monell to approve the special use permit request by Zen Leaf Buchanan to operate a medical-use provisioning center and adult-use retail center at 257 E. Front Street considering the staff report as finding of facts. Roll call vote carried unanimously.

Voting Yea: Barker, Denison, McDonald, Monell

IX. Public Comment - Non-Agenda Items Only

Alan Robandt - The video store building needs to be rehabbed and a new business started.

X. Community Development Director Comments

City Manager Grace - Proposed the Planning Commission thin about the possibility of transitioning the Friends of McCoy's Creek Trail and the Buchanan Tree Friends from subcommittees of the Buchanan Area Recreation Board to subcommittees of the Planning Commission for strategic reasons.

XI. Commissioner Comments

McDonald - Noted it was great to be here in person and thanked everyone for coming.

Remaining Commissioners had no comments.

XII. Adjournment

Being no further business, Barker adjourned the meeting.