

**WATERVLIET CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
MINUTES
NOVEMBER 5, 2019**

Present: Colleen Curtis, Joseph Stepich, Glen Giannetti, Deanna Heminger, Scott McKee, Kevin Schuhknecht

Also Present: Joe Arnt, Michael Abdul, Brad Burkett, Dan Hutchins, Donald Benjamin, Jessica Fette.

The meeting was called to order at 2:00 p.m.

Roll Call was taken.

The minutes of the October 1, 2019 meeting were read. C. Curtis made a motion to approve the minutes as read. D. Heminger seconded and the motion carried unanimously.

Public Hearing for Requested SLUP at 3626 M-140

At 2:05 p.m. C. Curtis made a motion to close out of regular session and enter the scheduled public hearing for a requested special land use permit for a provisioning center located at 3626 M-140. G. Giannetti seconded and the motion carried unanimously.

Correspondence submitted by Daniel Batts on behalf of Landfill Management Company was read into the record. The content of the correspondence stated that it was not in favor of the location of a provisioning center at that location, stating, in part: "LMC and its affiliate companies are neighboring land owners to where the proposed marijuana facility would be located. We are both a significant taxpayer and employer in this community. We make every effort to be a good neighbor and community partner, and our position is that this type of business is not a good fit for our community. It is especially not a good fit at this location, which is essentially the gateway to Watervliet immediately after exiting I-94." (The full text of the Landfill's correspondence are attached to these minutes.)

M. Abdul replied that the property proposed for the provisioning center is currently undeveloped... "and has always been undeveloped." He further stated that it will be a nice new building, he will be employing 15 to 20 people and further plans to add self storage units to the west of the facility. Continuing, Abdul cited the increase of traffic and business in the city of Bangor when a provisioning center was built there and, further told the Commission, that he is a local business man investing locally. "I live in Grand Junction, I do business in Hartford, South Haven and Coloma. I bought my pick-up from Scott's right here in Watervliet," he said.

With there being no further comment from those in attendance, J. Stepich made a motion to close out of the public hearing and re-enter the regular meeting. K. Schuhknecht seconded and the motion carried.

The public hearing was closed at 2:13 p.m.

Deliberation of Requested SLUP at 8277 Arnt Blvd.

Under old business, the Commissioners revisited the request for a special land use permit for a provisioning center at 8277 Arnt Blvd. The deliberation of the application was tabled at the October meeting with a Commission member requesting a legal opinion from Township legal counsel concerning the proposed use of a utility easement to establish the outside extent of a required setback instead of the lot line. That legal opinion was read into the record. In it, Township Attorney Jessica Fette stated; "Although the applicant has argued that the utility easement that straddles the property line should add on to the distance between the building and property line, it does not. The utility easement has no bearing on the property line and does not change the position of the property line. The ordinance specifically states that the property line is the controlling 'end point' when measuring the allowable distance." (The full text of the legal opinion are attached to these minutes.)

The developer produced a survey showing that he plans to purchase a 6.7 foot strip of land from the residential property owner to the north of the development. If the sale is finalized, the proposed provisioning center will then have an average setback from the nearest residentially zoned property of 100.3 feet, which will satisfy the required setback by ordinance. It was noted by Fette, that the Township's Medical Marihuana Facilities Ordinance stipulates a 100 foot setback from residentially zoned property. As such, even if the developer purchased the property, the lot line would move but the zoning would not. "He would have to apply for a rezoning of the property, as well," she said. Fette further added that before the special land use permit could be issued, the developer must obtain the rezoning of the strip of land and formally combine it to the strip mall's property.

Talk ensued of whether the Planning Commission should withhold the recommendation to issue the special land use permit until the rezoning and lot combination were completed. J. Arnt, the developer, asked if the Commission could make a recommendation now and attach the conditions that he must obtain, the rezone and the combination, before final approval and issuance by the Township Board. He noted that he would like to close on the property by next week and would like something to indicate that the process is progressing. J. Stepich, agreeing with Arnt, stated; "Don't sting it out. They have a sale to close on and I wouldn't want to close on it either."

It was questioned that with all the requirements the developer now has to complete, if this would risk his loosing his place of qualifying for one of the four available provisioning sites. Fette stated that as long as the process is progressing forward he is fine.

At this time J. Stepich made a motion to recommend issuance of a special land use permit for a Michigan Medical Marihuana Provisioning Center at 8277 Arnt Blvd. to the Township Board contingent upon the developer obtaining a rezoning of the proposed

property extension from R1B - Residential to C - Commercial and formally combining the parcels with Berrien County Land Description within 90 days. G. Giannetti seconded. A roll call vote is as follows:
S. McKee, yea; C. Curtis, yea; G. Giannetti, yea; D. Heminger, yea; J. Stepich, yea; K. Schuhknecht, yea. The motion carried.

Deliberation of Requested SLUP at 3626 M-140

Attention then returned to the proposed provisioning center at 3626 M-140. A report from Zoning Administrator R. Lohr was read. In it, Lohr stated that the application and site plan submitted was correct, accurate and in compliance with all Township Ordinances. He did state, however, that on a site plan with a date of October 28, 2019 the building's floor plan showed an overall usable floor area of 3,000 square feet. With these dimensions, the indicated 27 parking spaces shown on the site plan is more than adequate to satisfy the parking requirements of the zoning ordinance. However, a site plan with a date of September 26, 2019 illustrates a building with an overall useable floor area of 6,000 square feet. If that were the case, the required parking spaces would have to be increased, per the Zoning Ordinance. Lohr stated, in light of the site plan discrepancies, he would prefer to see a condition added to the special land use permit recommendation that parking would be increased with any further expansions of the structure.

D. Heminger stated that she appreciated Lohr's concern, but as he stated in the report, the application met all the requirements. K. Schuhknecht agreed. Schuhknecht then told the Commission that he would like to take the opportunity to thank the landfill for their participation in the processes. He added that the landfill has been a good neighbor and good presence in the township for many years and he appreciated their input.

With that said, J. Stepich made a motion to recommend approval of a special land use permit for a Michigan Medical Marijuana Provisioning Center to be located at 3626 M-140 with the condition that any future expansion must be in compliance with the Zoning Ordinance. G. Giannetti seconded. A roll call vote was as follows: G. Giannetti, yea; D. Heminger, yea; C. Curtis, yea; S. McKee, yea; J. Stepich, yea; K. Schuhknecht, yea. The motion carried.

In another matter, J. Stepich brought attention to the Township's Master Plan. He stated that the Master Plan is a working document and that it is the Planning Commission's charge to begin the implementation of the Plan's goals and objectives and that he would like to see the Commission more involved with supplying the impetus to convince the Township Board that the community needs to be promoted and that information regarding the townships advantages should be sent to prospective business and industry owners of why this would be an ideal location to develop. K. Schuhknecht agreed that the plan should be utilized more, than what it is, and that it was the Planning Commission's job to "stir up" the interest. Schuhknecht then requested that every Planning Commission member bring their copy of the Master Plan to each meeting.

With no further business to come before the Commission, C. Curtis made a motion to adjourn the meeting. D. Heminger seconded and the motion carried.

The meeting was adjourned at 2:43 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Lohr", with a horizontal line extending to the right.

Robert Lohr
Zoning Administrator