



PLANNING COMMISSION MEETING AGENDA

June 7, 2021

- 1. Call to Order, Pledge of Allegiance, and Roll Call**
- 2. Public Comment**
- 3. Consent Agenda**
 - A. Additions/Deletions to the Agenda
 - B. Approval of:
 - I. Agenda as Presented
 - II. Minutes from February 19, 2021 Meeting
- 4. Public Hearing**
 - A. Special Land Use Permit – 411 W Delaware
- 4. New Business**
 - A. Election of Officers
 - I. Chairman
 - II. Vice-Chairman
 - III. Secretary
 - B. MRTMA Facility – Special Land Use Permit 413 W Delaware
 - C. 413 W Delaware MRTMA Facility Application
- 6. Public Comment**
- 7. Adjournment**

Village of Decatur Planning Commission

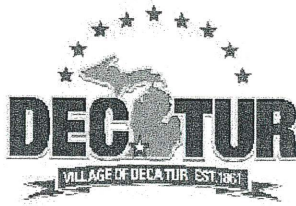
Minutes from February 19, 2021 Meeting

1. The meeting was called to order at 10:05 AM by Verran.
2. Roll call was taken with Michael Verran, Cindy Pachner, Kim Babcock, and Village Manager Newton being present. Moelaart and Rex were absent. One visitor was present.
3. Newton moved, Pachner seconded, CARRIED, to approve the agenda as presented. All were in favor.
4. Newton moved, Pachner seconded, CARRIED, to approve the minutes from the December 3, 2020 meeting as presented. All were in favor.
6. Pachner moved, Verran seconded, CARRIED to recommend approval to add 413 W Delaware Street to the CMF Overlay. All were in favor.
7. Newton moved, Verran seconded, CARRIED, to adjourn the meeting at 10:35 AM.

Respectfully Submitted,

Kimberly Babcock
Village Clerk & Treasurer

Fee: \$250.00



OFFICE USE ONLY

Date Rec'd 4/30/2021
Fee Rec'd 4/30/2021 ✓ # 9081712531
Receipt # 9081712531
Hearing Date: _____

Special Land Use Application

Property Address: 413 W Delaware St, Decatur, MI 49045

80- 43 - 085 - 031 - 10
Parcel ID Number

0.459
Parcel Size (acres)

Industrial / Marijuana Overlay
Zoning District

Legal Description: FROM A POINT ON THE NORTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD 721.2 FEET SOUTHWESTERLY FROM THE WESTERLY LINE OF MILL STREET, VILLAGE OF DECATUR, MICHIGAN, ACCORDING TO THE 1905 RECORDED PLAT THEREOF; THENCE NORTHWESTERLY, AT RIGHT ANGLES TO SAID RAILROAD, 354 FEET; THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF DELAWARE STREET, SAID VILLAGE OF DECATUR, 241.2 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY, AT RIGHT ANGLES, 250 FEET TO THE CENTERLINE OF DELAWARE STREET; THENCE NORTHEASTERLY, IN THE CENTER OF SAME STREET, 80 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 19, TOWN 4 SOUTH, RANGE 14 WEST.

Are there any plat restrictions or easements? If so, please explain NO

Present use of the property: ABANDONED LAUNDROMAT

Present improvements on the property: SINGLE STORY BLOCK BUILDING ON A SLAB

BENJAMIN TREGONING	MYREALTORBJ@GMAIL.COM	773-418-1232
Applicant's Name	Email	Telephone Number
6818 N. LEXINGTON LANE	NILES, IL	60714
Applicant's Address	City, State	Zip Code

Property Owners (if different from the Applicant)

Name: TREE FIG LLC Telephone: (____) 773-418-1232

Does the title holder know of this application and consent to its submittal? ☒ Yes ☐ No

Applicant's standing (interest) in the appeal (check one):

☒ Property Owner ☐ Purchaser ☐ Tenant/Lessee ☐ Other Interest

Describe the proposed use of property (number of units, occupants, employees, customers, and user) and evidence that the use complies with the zoning ordinance:

A SINGLE BUILDING, APPROXIMATELY 3000 SQUARE FEET IN SIZE WILL BE CONSTRUCTED NEW AFTER RAZING THE BUILDING THAT CURRENTLY EXISTS. THE NEW BUILDING WILL HOUSE A SINGLE UNIT THAT WILL BE RENTED TO A LICENSED MARIJUANA MICROBUSINESS THAT EMPLOYEES APPROXIMATELY 4-6 FULL TIME EMPLOYEES. THE BUILDING WILL BE OPEN FOR RETAIL SALES TO THE ELIGIBLE PUBLIC ON SUNDAY FROM 11AM-4PM, CLOSED MONDAY AND OPEN TUESDAY THROUGH FRIDAY FROM 10AM-7PM. IN ADDITION TO AN INTERIOR RETAIL FLOOR THAT WILL WELCOME CUSTOMERS, WE WILL ALSO BE USING A DRIVE THROUGH WINDOW ON THE EAST SIDE OF THE BUILDING SO CUSTOMERS HAVE AN OPTION TO NOT GET OUT OF THEIR CAR. WE WILL WORK WITH THE VILLAGE OF DECATUR, VAN BUREN COUNTY AND THE STATE OF MICHIGAN TO ADHERE TO ALL APPLICABLE ZONING LAWS AND CODES.

Special Land Use Permit

Special use permits are required for activities that are compatible with other uses in a zoning district but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this review is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. A site plan is required to accompany a Special Land Use Application.

Special land use requests require a public hearing. The public hearing notice must be published in the newspaper no less than 15 days prior to the meeting date and must also be mailed to property owners within 300 feet of the property. It is best to submit your application and any supporting materials to the Village Hall no less than 20 days in advance of the meeting. Planning Commission meetings are typically held the first Thursday of each month. If you have any questions regarding the time constraints, please phone Village Hall. Please call Village Hall at (269) 423-6114 with any questions or for assistance.

Ordinance # 202-Article 7, Section 1:

The formulation and enactment of this Ordinance is based upon the division of the Village into districts, each which may permit specific uses, which are mutually compatible, and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this section shall be in addition to others required elsewhere in this Ordinance and at the same time provide to the Planning Commission and the property owner some latitude to address site issues in an innovative manner.

Ordinance # 202-Article 7, Section 2:

- A. Authority to Grant Permits: The Planning Commission as hereinafter provided shall have the authority to approve, deny, or approve with conditions as specified in Section 3, special land uses.
- B. Application: Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Zoning Administrator by filing an official special land use permit application form and submitting a site plan along with the application fee.
- C. Public Hearing for Special Land Uses: After a preliminary review of the site plan and an application for a special land use permit, the Planning Commission shall hold a hearing on the site plan and special land use permit in accord with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3103 and MCL 125.3502.
- D. Before formulating recommendations for a special land use application, the Planning Commission shall require that both the following general standards in Section 3. and any specific standards for uses listed in Section 5 be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards.

Certification

I certify that all statements made above and in attached documents submitted to the Village of Decatur related to this application are true and accurate to the best of my knowledge and that if found to be in error, any decision of the Village based upon the contents of this application may be void.

Applicant's Signature

4/16/2021

Date



VILLAGE OF DECATUR
Van Buren County, Michigan

**APPLICATION FOR MEDICAL MARIHUANA FACILITY and/or
ADULT USE (REC) MARIHUANA ESTABLISHMENT IN THE VILLAGE OF DECATUR
RENEWAL APPLICATION**

APPLICATIONS FOR MEDICAL MARIHUANA FACILITIES - ACCEPTED ON 10/1/19 OR AFTER

3

APPLICATIONS FOR ADULT USE (REC) MARIHUANA FACILITIES - ACCEPTED ON 11/01/19 OR AFTER

RENEWAL APPLICATION ACCEPTED 60 DAYS PRIOR TO LICENSE RENEWAL DATE

Important Notice to Applicants for Medical Marihuana Facility or Facilities: *This initial application is to request conditional approval to operate a medical marihuana facility in the Village of Decatur. A conditionally-approved application and the Village's Medical Marihuana Facilities Ordinance may be used as part of a submittal to the State of Michigan for a medical marihuana facility (or facilities) license (or licenses) but does not confer authority to operate a particular facility or facilities at any particular location in the Village. All state-approved facilities are subject to the provisions of Village of Decatur Ordinance Number 2019-001 (Medical Marihuana Facilities Ordinance) and Ordinance Number 2019-002 (Medical Marihuana Zoning Ordinance) and must obtain all required approval, including zoning approval, prior to operation of a facility or facilities within the Village.*

Important Notice to Applicants for Adult Use (Recreational) Marihuana Establishment or Establishments: *This initial application is to request conditional approval to operate an adult use (recreational) marihuana establishment in Village of Decatur. A conditionally-approved application and the Village's Recreational (Adult Use) Marihuana Ordinance may be used as part of a submittal to the State of Michigan for a adult use (recreational) marihuana establishment license (or licenses) but does not confer authority to operate a particular establishment at any particular location in the Village. All state-approved establishments are subject to the provisions of Village of Decatur Ordinance Number 2019-004 (Regulation of Recreational Marihuana Ordinance) and Ordinance Number 2019-005 (Recreational Marihuana Zoning Ordinance) and must obtain all required approval, including zoning approval, prior to operation of an establishment within the Village.*

TYPE OF APPLICATION – check all that apply

- ☐ INITIAL APPLICATION MEDICAL MARIHUANA FACILITY/FACILITIES
- ☒ INITIAL APPLICATION RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENT
- ☐ RENEWAL APPLICATION MEDICAL MARIHUANA FACILITY
- ☐ RENEWAL APPLICATION RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENT

1) APPLICANT Private Stash LLC 413 W Delaware St Decatur MI 49045
Name Street Address City State Zip Code
Telephone: Land Line: _____ Cell: (773) 418-1232 Fax: _____
Email address: myrealtorbj@gmail.com

2) IS APPLICANT AN (check one); ☐ Individual ☒ Corporation ☐ D/B/A ☐ Other/Specify: _____

IF A CORPORATION OR DBA, name and address of registered agent for service of process:

Scott Roberts Law - 248-234-4060

500 Temple Street, Suite 2M

Detroit, MI 48201

3) TYPE OF MEDICAL MARIHUANA FACILITY APPLYING FOR – check all that apply

- ☐ Grower - Class ☐ A ☐ B ☐ C
☐ Processor
☐ Safety Compliance Facility
☐ Secure Transporter
☐ Provisioning Center

4) TYPE OF RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENTS APPLYING FOR – check all that apply

- ☐ Grower - Class ☐ A ☐ B ☐ C
☐ Processor
☐ Retailer
☐ Secure Transporter
☒ Microbusiness

NOTE: No adult use special licenses are allowed by Ordinance 2019-004

5) PROPERTY INFO (If applicant has a particular location in mind, please indicate the following details):

Street Address: 413 W Delaware St Tax Parcel #: 08-43-085-031-10

Deed Restrictions on Property (Check one): ☐ Yes ☒ No Acreage: 0.459

The property for the medical marijuana facility and/or recreational marijuana establishment is zoned: Industrial

Note, applicant is not required to identify a particular property or properties for purposes of making this application. All conditional licenses authorized by this application are only for the purpose of providing a submittal to the State of Michigan and does not confer any right to use of any particular property within the Village for any type of facility. All medical marijuana facilities are subject to all ordinances of the Village and are also subject to Village of Decatur Zoning regulation.

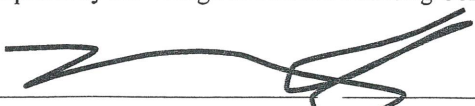
5) SUBMIT \$5,000 nonrefundable application fee with this application.

6) AFFIDAVIT: I (we) the undersigned affirm that the foregoing answers, statements, and information, and any attachments, are in all respects true and correct to the best of my (our) knowledge and belief. I, the undersigned, understand that this application is for conditional approval to operate a medical marijuana facility and/or recreational (adult use) marijuana establishment within Village of Decatur and that a conditionally-approved Village application may be used as part of an application to the State of Michigan for a Medical Marijuana Facility and/or Recreational (Adult Use) Establishment to be operated within the Village.

I, the undersigned, understand that if I am conditionally-authorized by Village of Decatur but my application to the State of Michigan for a state operating license is denied, that the Village Clerk and/or Supervisor will cancel the conditional authorization and I will forfeit the initial application fee.

I understand that if I receive a state operating license for a medical marijuana facility and/or recreational (adult use) marijuana establishment to be operated within Village of Decatur, that I will be required to submit a copy of my state operating license together with proof of Village of Decatur Planning Commission zoning approval (including the approval of a Special Land Use Permit) to the Village of Decatur and that I will not be authorized to operate unless and until I receive zoning approval for the location and type of facility/establishment from the Village of Decatur Planning Commission and the Village Council (if applicable). I understand that I do not have the right to a particular location or zoning district by making this application. I understand that I will be required to submit a separate Special Land Use Application to the Planning Commission, together with an application fee. I understand that any application and fee for zoning approval by the Village of Decatur Planning Commission is separate from the initial application fee which I have paid to the Village as part of this application.

I will not operate a medical marijuana facility and/or recreational (adult use) marijuana establishment within the Village unless and until I obtain a state license for the facility or facilities and until I have received approval for the location and site plan approval as required by the Village of Decatur Planning Commission (as applicable).


Applicant Signature(s) _____ Date 4/16/2021

Co-Applicant's Signature(s) _____ Date _____

A copy of the Village of Decatur Medical Marihuana Facilities Ordinance (Ordinance 2019-001) and Village of Decatur Regulation of Recreational Marihuana Ordinance (Ordinance 2019-004) is attached.

The Village has authorized the following numbers and types of medical marihuana facilities to be operated in the Village, subject to receipt of a state license and zoning approval for the same (if applicable): unlimited total growers (A, B or C); unlimited processors; unlimited safety compliance facility; unlimited secure transporters and unlimited provisioning centers.

The Village has authorized the following numbers and types of recreational marihuana establishments to be operated in the Village, subject to receipt of a state license and zoning approval for the same (if applicable): unlimited growers (A, B or C); unlimited processors; unlimited retailers; unlimited microbusinesses; unlimited secure transporters. The Village does not authorize any special licenses.

In accordance with the Village's Medical Marihuana Facilities Ordinance and/or Recreational Marihuana Ordinance, the Village hereby grants conditional approval for operation of the identified facility and/or establishment within Village of Decatur or grants renewal for such license. A copy of this application and approval may be submitted to the State of Michigan to establish the availability of a license or licenses within Village of Decatur and does not confer zoning authority or any other approval upon the applicant.

CONDITIONAL APPROVAL FOR MEDICAL MARIHUANA FACILITY LICENSE:

Type: _____ Date: _____

Location (if any): _____

CONDITIONAL APPROVAL FOR RECREATIONAL MARIHUANA ESTABLISHMENT LICENSE:

Type: _____ Date: _____

Location (if any): _____

RENEWAL OF LICENSE:

Type: _____ Date: _____

Location (if any): _____

Dated: _____

Kimberly Babcock, Village Clerk & Treasurer

Attest: _____
Matthew Newton, Village Manager

**CONDITIONAL APPROVAL FOR MEDICAL MARIHUANA FACILITY LICENSE
AND/OR RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENT LICENSE
OR RENEWAL OF LICENSE
IN VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN**

Village of Decatur, Van Buren County, Michigan, upon review of the within application and the Village of Decatur Medical Marihuana Facilities Ordinance and/or Recreational Marihuana Ordinance hereby deems the within application to be administratively complete and/or hereby agrees the request to renew such license is administratively complete.

The application is for the following medical marihuana facilities proposed to be located in Village of Decatur, Van Buren County, Michigan:

- ☐ Grower - Class ☐ A ☐ B ☐ C
- ☐ Processor
- ☐ Safety Compliance Facility
- ☐ Secure Transporter
- ☐ Provisioning Center

The application is for the following recreational (adult use) marihuana establishments proposed to be located in Village of Decatur, Van Buren County, Michigan:

- ☐ Grower - Class ☐ A ☐ B ☐ C
- ☐ Processor
- ☐ Retailer
- ☐ Secure Transporter
- ☐ Microbusiness

NOTE: No adult use special licenses are allowed by Ordinance 2019-004

By: _____
Name of Operator

Date: _____

SUBMITTAL INSTRUCTIONS AND FEES

This application must be returned with a payment (check) for the \$5,000.00 nonrefundable application fee to the following address:

Kimberly Babcock, Clerk & Treasurer
Village of Decatur
114 N Phelps ST
Decatur, MI 49045

Telephone: 269-423-6114

Application fee check shall be made out to Village of Decatur

Village Use Only:

Application received by: K. Babcock Date: 4/20/2021 By: (initials) KB

☒ Application Fee Cash/Check No. 9081712530

Application reviewed on: (Date) _____ Application reviewed by: (Initials) _____