

City of Perry - Planning Commission

Meeting Minutes – January 03, 2022

Members present: Cottrell, Lambert, Jones, Muller, Ottke, Wallace, Plowman

Member(s) absent: None

Guests: Mindy Galbavi, Justin Horvath, Leland Scott, Ron Mallory, Chase Mallory

Call to order: by Chairperson Ottke at 7:00 pm

Approval of the agenda: Moved by Chairperson Ottke that the agenda be approved as presented with the exception of moving Motembo Foods to the top of the agenda. Seconded by Lambert. Approved unanimously.

Approval of December Meeting Minutes: Motion by Chairperson Ottke to approve December 2021 Meeting Minutes. Seconded by Wallace. Approved unanimously.

New Business:

- Item #1 for New Business: New Member of the Perry Planning Commission

Chairperson Ottke introduces Mary Plowman as a new member of the Planning Commission. Mary Plowman is a longtime resident of Perry shares her excitement to join us and help the City by doing so.

- Item #2 for New Business: Motembo Foods

Ron Mallory of Mallory Building Contractors introduces himself and provides the Commission with an updated status of Motembo Foods. Mr. Mallory states that they are awaiting Shiawassee County Drain Commission and MDOT approval, as well as a Soil Erosion Permit. Chairperson Ottke asks for Leland Scott's input and he advises that he is aware of the status of approval.

Chairperson Ottke asks if anyone has further questions .

Cottrell expresses concern regarding whether or not Motembo Foods refrigeration procedures are in compliance with environmental standards; She asks if Motembo foods uses ammonia refrigerant with concern about complying with environmental regulations. Leland Scott mentions that if they decide to use ammonia refrigerant, it is something that would have to be approved.

In response to Cottrell's questions and Leland's statement, Ron Mallory stated that they will look into and follow up on the matter to ensure that, if ammonia refrigerant is used, it is compliant for approval.

Chairperson Ottke advises it is time to vote yes or no on the submitted site plan with a contingency for the approval of the Shiawassee County Drain Commission and MDOT approval, as well as a Soil Erosion Permit.

Moved by Chairperson Ottke that the Site plan submitted by Mallory Building Contractors be approved. Cottrell motions to approve contingent on aforementioned permits/approvals. Lambert seconds. Approved unanimously- no objections.

- Item #3 for New Business: Further Discuss Zoning Change for Marihuana Vote

Lambert shares that he has put together a packet that he worked on with Mayor Hammond to better explain our role in this process as the Planning Commission. Lambert disperses copies of this packet to all members of the Planning Commission.

Lambert explains it is presently our role to develop proposed zoning ordinance revisions to accommodate one medical marihuana dispensary within the City; And furthermore, our ultimate goal is to be able to make a formal recommendation to City Council.

Lambert also explains that the Ordinance Committee is looking at other city's ordinances to determine which one fits Perry best and to perhaps create a new ordinance that encompasses the ideal/suitable parts of the other city's ordinances.

Lambert expresses that we would like to get an ordinance in place regardless of court situation verdict because we will need a zoning plan regardless.

Cottrell asks about distance requirements from schools and how we would make that determination.

Lambert advises that the planning commission should devise a recommendation for the Finance and Ordinance Committee to consider as long as it is legally implementable.

Wallace proposes he would like to see a distant requirement from not just schools but also public use in general such as parks and libraries.

Lambert states he has reservations pertaining to allowing a dispensary in any and all of the commercial districts and that he thinks we should allow it within zone B1 with a distance requirement around the school.

Guest, Justin Horvath, introduces himself as a Manager of the Economic Development Program serving Shiawassee County, MI. Mr. Horvath then mentions that if we allow a dispensary downtown, some of the nearby cities have done so but required the dispensaries do some

things to improve the community aesthetics.

Guest, Mindy Galbavi, asks if we have been concerned about parking with other businesses in the past or if we are only concerned with the dispensary's parking. Leland Scott mentions that yes, we have been concerned with parking with other businesses in the past.

Cottrell expresses that she is concerned that if we don't allow a dispensary downtown, we are limiting opportunities to landowners to sell their properties. Cottrell also mentions that people do not sit and hangout at a dispensary so parking is not as much of an issue in her opinion.

Jones says he supports having dispensaries allowed in the downtown district but supports a limit on proximity to a school.

Lambert mentions that the current Perry Ordinance states that for tobacco stores and smoking lounges, they cannot be located within 500 feet from public works, schools, and churches.

Lambert states that his recommendation is that we respect buffer zones based on what we have within Perry's ordinances for certain business types.

Plowman states she doesn't want to turn down a business from choosing where they want to operate within the City.

Chairperson Ottke asks if we can have special land use regardless of where the dispensary is located or no matter what zone it is in. The Commission responds that yes, we can.

Chairperson Ottke then suggests we put together special land use for a dispensary and make it applicable to all the zones that we have.

Muller rhetorically asks why we would limit just from schools and not also parks and why we would favor a buffer zone for schools but not also our City's parks given that children congregate within both places. Muller expresses that he believes we should limit the distance of a dispensary from parks, schools, and daycare facilities.

Guest Justin Horvath mentions that from looking at the Owosso ordinances, they require a dispensary to be 1,000 feet from schools, 100 feet from churches and parks.

Muller mentions that he was researching the effects of marijuana dispensaries on their communities in which they operate and that he found an interesting and reputable study regarding increasing crime rates in areas where recreational marijuana dispensaries are opened within the State of Colorado. Muller stated that according to the study, the opening of recreational dispensaries resulted in about an 18% increase in property crime within the immediate surrounding areas.

Cottrell researches the study and finds it online- she mentions that she believes this is useful

information to consider.

Wallace mentions a lot of traffic around Lansing dispensary by Holmes Street and that he has concerns about a dispensary's implication on parking.

Chairperson Ottke asks Lambert to reach out to Joe Sawyer, City Manager of Corunna, and ask him about Corunna's score requirements which stipulate that certain businesses, such as dispensaries, have to do certain things to improve the community. Lambert agrees to do so.

Chairperson Ottke asks Cottrell to research Marihuana Dispensary's effects on crime and property values. Cottrell agrees to do so.

Chairperson Ottke asks the Commission to research special land use requirements and come up with our ideas on what the special land use requirements should be for the dispensary.

With the recommendation of Lambert, the consensus of the Planning Commission is that there is a definite need for another Special Meeting on January 13, 2022 to further work on zoning determinations for a Medical Marihuana Dispensary.

Muller agrees to work with Devin Miller on calling for this special meeting on January 13, 2022.

- Item #4 for New Business: Chairperson Ottke advises that we need to vote on the
Chairperson and Vice Chairperson

Lambert nominates Wallace to serve as Chairperson and expresses that it will give Ottke a break from being Chairperson.

Before we can vote, it is determined by the Commission at the direction of Chairperson Ottke, that we need to obtain clarification on whether or not Wallace can serve as Chairperson being he is also on City Council. Voting will take place at our next meeting.

Old Business:

I-1 and I-2 zoning ordinance tabled indefinitely.

Next meeting: Next regular meeting to be held on February 7, 2022 @ 7pm in City Hall's Council Chambers. However, a Special Meeting is also "to be called for" to take place on January 13, 2022 @ 7pm in City Hall's Council Chambers.

Other Comments: None

Adjournment: Meeting Adjourned at 8:19 pm by Chairperson Ottke.