

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

MARCH 22<sup>ND</sup>, 2018

**PRESENT:** Kirkanne Moseley, Chairperson  
Ronald DiBartolomeo, Vice-Chairperson  
Denise C. Trombley, Secretary  
George Brumbaugh  
Michael Deyak  
Lawrence Opalewski Jr.  
Daniel Spatafora  
Joie West

**ABSENT:** Stephen Charron (Excused)

**STAFF:** Carlo Santia, Director  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

Ms. Moseley called the meeting to order at 6:31 p.m.

### APPROVAL OF AGENDA

Motion by Ms. Spatafora, supported by Ms. West, to approve the agenda as submitted. Roll Call Vote: Ayes – Spatafora, West, Brumbaugh, Deyak, DiBartolomeo, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron. Motion carried.

**PART OF 5.97 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF GARFIELD AND METRO PARKWAY (SECTION 29), ADDRESSED AS 36800 GARFIELD ROAD (PARCEL #16-11-29-102-017)**

- **SITE DEVELOPMENT PLAN: RANDAZZO FRESH MARKET PARKING EXPANSION @ HOLIDAY SHOPPING CENTER**  
-- **REQUEST FOR RECOMMENDATION FOR APPROVAL**  
**FILE #18-0475B: PETITIONED BY MR. SALVATORE “SONNY”**  
**RANDAZZO, RANDAZZO FRESH MARKET**  
**REPRESENTED BY MR. WILLIAM THOMPSON, P.E.,**  
**LEHNER ASSOCIATES, INC.**

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Ms. Trombley read the letter into the record dated March 16<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 110

owners and/or occupants within 300 feet of the land in question, with 1 of those returned as undeliverable.

Mr. William Thompson, of Lehner Associates, Inc., introduced Mr. Sonny Randazzo, from Randazzo Fresh Markets. He explained they have a “chicken and the egg” situation between the Macomb County Department of Roads and the site development approval from the Township. He stated they have had many discussions with the Department of Roads and have tacit approval from them to submit this to the Township and receive approval; however, the Department of Roads wants site plan approval first, at least from the Planning Commission, before they will provide the license agreement to relocate one point, enclose the storm sewer and get rid of the ditch. He addressed the issue of the required trees, noting the trees that are there now block off the visibility lines for the center.

Mr. Santia explained there are some options, including the trees being planted elsewhere on the site.

Mr. Thompson inquired as to whether planting them in the median would be an option.

Mr. Santia replied that would be an option if the Department of Roads has no objection.

Mr. Thompson assured they will discuss it with the Department of Roads if that is sufficient for the Township. He assured they do not have a problem with planting trees, but he was concerned about the room.

Mr. Santia stated the Township has a very active Conservation Committee and they are trying to increase the tree canopy in Clinton Township.

Mr. Thompson commented that he is a tree-lover and has no problem with that.

Mr. Santia complimented Randazzo’s for the nice job they have already done in the median and adding a few more trees will keep it looking nice. He added that they may be able to transplant the existing trees.

Mr. Thompson offered to answer any other questions from the Commission.

Mr. Santia added that he met with the Department of Roads regarding this project, and they have conceptually agreed. It is on government land, so they need some type of license to encroach on the land, or they will have to purchase that right-of-way from the County. Mr. Santia assumed it would be a license in the event the Department of Roads needs that right-of-way in the future. This plan provides the needed parking because the center is very successful, and

they want to continue to be successful. He stated the Planning Department is in favor of the addition.

Ms. Moseley opened the floor for comments from the audience, but there were none.

Mr. Brumbaugh inquired as to whether they want to expand towards the bike path.

Mr. Thompson replied affirmatively.

Mr. Brumbaugh believed the bike path is owned by the Huron Clinton Metropolitan Authority (HCMA).

Mr. Santia clarified that is not true, and it is owned by the Department of Roads. There is an agreement, and the land was sold to the Department of Roads, and the HCMA retained the control over access to it. He stated between Schoenherr Road and Jefferson Avenue, which is located at the entrance to Lake St. Clair Metropark, any ingress and egress onto that road would require approval of the HCMA.

Mr. Brumbaugh inquired as to whether it is included in the proposed plan for Randazzo's to tear out a portion of the path and replace it.

Mr. Santia replied affirmatively.

Mr. Brumbaugh recalled there was a grant from the federal government for that pathway, and he was with the understanding that fell under the jurisdiction of the HCMA.

Mr. Santia confirmed it was administered by the Road Commission, noting he was personally in charge at the Road Commission at that time. He assured they are not allowing the pathway to be removed, but it will be relocated. He explained this is the type of activity that occurs on a regular basis. He noted that removing it altogether may have created a problem, but it will be relocated with the approval of the Department of Roads. He stated there will be licensing to encroach in lieu of a vacation of the right-of-way because there is a feeling that, possibly in the future, Metro Parkway will be widened.

Mr. Brumbaugh inquired as to who is responsible for the maintenance of the path.

Mr. Santia replied that the community is responsible at this time because it was transferred to them, like a sidewalk. It was being maintained by the Road Commission for a while.

Mr. Brumbaugh clarified the Road Commission no longer exists since the Charter, so it is now known as the Macomb County Department of Roads.

Mr. Santia clarified that is correct.

Mr. Brumbaugh assumed they would have had to take this to the Board of Commissioners for approval, but that will be up to the Department of Roads as to how they will proceed with this.

Mr. Santia clarified they are seeking approval of the concept, and he added that the Planning Department is not opposed to the concept. This will provide additional needed parking and will require an approval of some sort from the Department of Roads; otherwise, it is not going anywhere.

Mr. Brumbaugh stated the review from the Department of Roads indicated to “Refer to Sheet 01”. He inquired as to what was being referenced.

Mr. Santia clarified that was referencing the note they had indicated on their copy of the site plan, which stated “License agreement to encroach Macomb County Department of Roads’ right-of-way will be required from Macomb County Department of Roads”. He noted approval from the Township is subject to the petitioner getting a license from the Department of Roads.

Mr. Brumbaugh questioned the authority the Department of Roads must issue a license agreement and suggested the petitioner may want a document that is signed by the County Executive.

Mr. Santia stated the County Executive will sign off. He added that the Board of Commissioners may also have the power to grant the license. He explained he is familiar with several license agreements that exist throughout the County.

Motion by Ms. West, supported by Mr. Opalewski, with reference to File #18-0475-B and application from Mr. Salvatore “Sonny” Randazzo, of Randazzo Fresh Market, 36800 Garfield Road, Clinton Township, Michigan 48035, as represented by Mr. William J. Thompson, P.E., of Lehner Associates, Inc., 17001 19 Mile Road, Suite 3, Clinton Township, Michigan 48038, concerning the revised site development plan for Randazzo’s Fresh Market @ Holiday Shopping Center (parking expansion), located on part of 5.97 acres of land located at the southeast corner of Garfield and Metro Parkway (Section 29), that recommendation be forwarded to the Clinton Township Board for approval of the revised site development plan once the petitioner provides to the Township’s Department of Planning and Community Development a license agreement to encroach on Macomb County Department of Roads’ right-of-way, and the plan showing the replacement of the fifteen (15) required trees displaced by the proposed parking lot expansion, as well as written approval from the Macomb County Department of Roads if those trees are to be planted in the median along

Metro Parkway. Roll Call Vote: Ayes – West, Opalewski, Brumbaugh, Deyak, DiBartolomeo, Moseley, Spatafora, Trombley. Nays – None. Absent – Charron. Motion carried.

**PART OF LOT 887, ROSECROFT SUBDIVISION AND 0.7946 ACRE OF ADJACENT LAND BEING PART OF THE VACATED ROSECROFT SHORES SUBDIVISION, GENERALLY LOCATED SOUTHWEST OF SHOOK ROAD, WEST OF HARPER, ADDRESSED AS 23880 SHOOK ROAD (SECTION 26)**

- **PROPOSED CONDITIONAL REZONING: A REQUEST TO CONDITIONALLY REZONE A PARCEL OF LAND CURRENTLY ZONED RML MULTIPLE-FAMILY RESIDENTIAL (LOW-DENSITY) FOR DEVELOPMENT OF A MASSAGE THERAPY FACILITY (A HEALING GARDEN), WHICH IS A B-1 NEIGHBORHOOD BUSINESS USE**
  - **REQUEST FOR RECOMMENDATION FOR APPROVAL**
- FILE #17-6692: PETITIONED BY MS. RHONDA LAKIP-OCHOA REPRESENTED BY MR. ERIK HEIDERER, POLYARCH**
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Ms. Trombley read the letter into the record dated March 16<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 221 owners and/or occupants within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. Erik Heiderer, of Polyarch, stated they have looked at the comments and will address them. He indicated they will also address the landscape issues and changing the existing the building into something that is a little more architecturally-pleasing for the surrounding neighborhood and property. He stated they will also address the comments of the reviewing agents.

Mr. Heiderer specifically addressed the four comments in the letter, under the Planner's recommendation. He stated the property contains an old farmhouse that they will be using for storage and maintenance of the property, and he assured they will submit floor plans and elevations for that building. He explained that area will be used for the gardening area of the property, and the three existing buildings are for the massage therapy sessions. He assured they will change some of the elevations, and as far as the landscape plan, he noted the business is "A Healing Garden", so they will make a note on the plan that it will exceed the requirements of the ordinance for landscaping. He assured they will address the concerns of the reviewing agents to the satisfaction of their requirements.

Motion by Ms. West, supported by Mr. Spatafora, to open the public hearing. Roll Call Vote: Ayes – West, Spatafora, Brumbaugh, Deyak, DiBartolomeo, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron. Motion carried.

Ms. Moseley inquired as to whether there was anyone in the audience who wished to speak on this petition, but there were no comments from the audience.

Motion by Mr. Deyak, supported by Mr. Brumbaugh, to close the public hearing. Roll Call Vote: Ayes – Deyak, Brumbaugh, DiBartolomeo, Moseley, Opalewski, Spatafora, West, Trombley. Nays – None. Absent – Charron. Motion carried.

Mr. DiBartolomeo inquired as to when the petitioner last appeared before the Planning Commission.

Mr. Heiderer recalled they proposed a Conditional Rezoning of the property last year, so they received approval to go ahead with that process, and this is the first step. He explained the owner of the property has a viable business in Harrison Township, but it is a small facility on Jefferson.

Mr. Santia explained that this process started in May 2016, when they had their first public hearing regarding this property. At that point, it was postponed, and it came back to the Planning Commission on June 23<sup>rd</sup>, 2016. There were additional reviews in March 2017 and again in November 2017. It is now March 2018, and he indicated this has been “dragging on”.

Mr. Spatafora inquired as to whether this will come back to the Planning Commission if the petitioner brings in prints and documentation that address the concerns listed in the Planner Review letter. He questioned whether the Planning Department would consider a delay at this time.

Mr. Santia replied affirmatively. He felt the proposed use on this site has some merit, noting it is set back behind other businesses, and no other use would fit other than possibly some multiple-family residential dwellings. They are looking to develop a couple of small buildings for massage suites, and there is an existing house on the property that they would like to use for storage. He added he would like to see how they are going to use it for storage, and that is why he noted they need to provide elevations, details and a floor plan for that house.

Mr. Heiderer assured they will not be using the house for massage. It stressed it is cost prohibitive to convert it to something they can use for massage therapy; however, he assured they have no problem providing the information requested on that structure.

Mr. Santia suggested they submit some pictures of what is existing, and the Commissioners may be able to see what it is going to look like. He added they would like to see the buildings “dressed up” a little because they are only sided at this time.

Mr. Heiderer assured they can do that because they have a common “barn” theme.

Ms. Rhonda Lakip-Ochoa, petitioner, passed out some photographs of the garden at her current location. She assured that it will be “over the top” because it is a healing garden for those going through cancer, multiple sclerosis (MS) and other illnesses. She informed they do regular massages as well.

Mr. Santia stated he provided the Planning Commissioners with a copy of Ms. Lakip-Ochoa’s write-up of her business that she had submitted with her application. He explained that the landscaping was not shown on the plan, and perhaps aerials that will show where the gardens will be is needed.

Ms. Lakip-Ochoa explained they do not know exactly where the gardens will be until the cement is done for the driveway, because they do not know at this point the best location for the plants to thrive. She assured they will add it but cannot add it at this time.

Mr. Santia clarified that information will be required to be provided before the concrete is poured, although it can always be revised.

Mr. Spatafora inquired as to how much time Mr. Heiderer feels he needs to gather and submit this additional information.

Mr. Heiderer replied he anticipates he can have it complete within thirty days.

Motion by Ms. West, supported by Mr. Brumbaugh, with reference to File #17-6692 and application from Ms. Rhonda Lakip-Ochoa, 34345 Jefferson Avenue, Harrison Township, Michigan 48045, as represented by Mr. Erik Heiderer, 44045 Gratiot, Clinton Township, Michigan 48036, concerning the proposed Conditional Rezoning of part of Lot 887, Rosecroft Subdivision and 0.7946 acre of adjacent land being part of the vacated Rosecroft Shores Subdivision, generally located southwest of Shook Road, west of Harper, addressed as 23880 Shook Road (Section 26), from RML Multiple-Family Residential (Low-Density) for development of a massage therapy facility (A Healing Garden), which is a B-1 Neighborhood Business use, that further consideration of this request be postponed until such time as the petitioner and/or her representative can supply the Director of Planning and Community Development with the required information, revisions and additional detail to the plan as outlined in the correspondence. Roll Call Vote: Ayes – West, Brumbaugh, Deyak, DiBartolomeo, Moseley, Opalewski, Spatafora, Trombley. Nays – None. Absent – Charron. Motion carried.

## **WORK SESSION AND DISCUSSION**

- **MEDICAL MARIHUANA FACILITY LICENSING ACT (MMFLA)**
  - **CONTINUED DISCUSSION ON PROPOSED AMENDMENT TO THE PLANNING & ZONING CODE TO ALLOW FACILITIES IN CLINTON TOWNSHIP**
- 

Mr. Santia stated that the last discussion on this was about a month ago, at which time they talked about numerous items in the proposed amendment. He recalled Mr. Brumbaugh had raised the concern that the definitions in the ordinance should match those in the State Act, and they have been revised per that recommendation. He noted that a secure transporter can carry currency, and that wording was also added. The previous act, as approved in 2008, is defined, and several other definitions were added as well, including “Permit Holder” or “Licensee”. He explained “Stacked License or Licensing Stacking”, where a grower can be issued one or more Class C state operating licenses at a single medical marijuana facility, and they can also have a processing and provisioning center as well. Mr. Santia reviewed some of the other definitions included under Section 1291.02 Definitions.

Mr. Spatafora commented that if this amendment goes forward, he recommended that these definitions be listed in alphabetical order.

Mr. Santia assured they will do that, noting he just added them without putting them in the proper spot, but he indicated the final draft would list them alphabetically. Mr. Santia reviewed Section 1291.03 – Authorized Number of and Permitted Types of Facilities. He indicated the types of licenses and the recommended number of each, as follows: Growers – not more than five locations; Processors – not more than five locations; Provisioning Centers – not more than two locations; and both Secured Transporters and Safety Compliance Facilities have no limit.

Ms. West thought they had discussed allowing five provisioning centers.

Mr. Santia recalled the discussion at the last meeting and they had talked about five, but they went back to two provisioning centers. He noted some additional language was added as to the Township Board’s ability and right to limit the number of locations and permits issued and their right to revise this ordinance from time to time by a Resolution. He also indicated that no permit issued by the Township may be assigned or transferred to any person unless the assignee or transferee has applied, and all required fees under this ordinance, and has been granted a permit by the Township and a State Operating License. He added that not permit issued under this ordinance is transferrable to any other location except for the permitted premise on the permitted property. Mr. Santia pointed out that a lot of wording was eliminated regarding requiring a Conditional Permit for Rezoning Application and Rezoning Approval.

Mr. Santia discussed Section 1291.04 – Location of a Medical Marijuana Facility, explaining they have removed language relating to an “overlay zoning where a conditional permit has been issued”. This section outlines the types of licenses and locations. He stated that Section 1291.05 – Application Procedure, is included in the Zoning Ordinance at this time, but may be removed and included in the Regulatory Ordinance.

Ms. West noted that a couple of these licenses reflect they would be permitted in the OS-1 Office/Service, B-2 Community Business and B-3 General Business Districts. She recalled at the last meeting, they discussed that these would all be restricted to the I-1 Light Industrial and I-2 General Industrial Districts.

Mr. Santia clarified that would only be allowed for the Safety Compliance Facilities, which are the testing facilities. It would be in a lab setting, similar to a medical lab testing blood, for example. He indicated that is something that can be discussed.

Ms. Moseley questioned whether they are testing one plant at a time, or are they testing large quantities.

Mr. Santia replied they are testing a small amount of the leaves and buds.

Mr. Bo Marasco [no address given] clarified that they test one gram at a time.

Mr. Santia stated he is not familiar with exactly how they do the testing.

Mr. Marasco stated it depends upon how many one-gram samples they are testing.

Ms. Trombley expressed concern if they end up testing a lot in one office building. She pointed out that many times the walls are not well-insulated, and she felt industrial may be more suitable.

Ms. West pointed out that if it is in an office building, it could be directly adjacent to a rehab center, and that would not be good. She also felt if this is allowed in a different district, it could involve transporting further distances, which scares her. She felt if it is all in an industrial area, the transport would not be as far. She would like the OS-1 Office/Service District stricken from the ordinance and would prefer to keep in within the I-1 and I-2 Districts, or possibly in B-2 and B-3. She pointed out that if it is permitted in an OS-1 District, it could be directly adjacent to a doctor’s office, attorney’s office, insurance office, etc., and she agreed that the walls in office complexes are thin, so she did not feel that would be a good fit.

Ms. Trombley felt they should stick with industrial districts and noted there are plenty of industrial properties at both ends of the Township.

Ms. Moseley agreed with Ms. Trombley.

Mr. Santia inquired as to the Planning Commissioners' feelings on commercial districts.

Ms. West replied she would prefer to keep it in industrial districts.

Ms. Trombley agreed with Ms. West.

Mr. Santia noted that he did not include TR Technical Research, which is mainly used for office. He pointed out that there is not much property in the Township that is zoned TR. Mr. Santia reviewed Section 1291.05 – Application Procedure, noting that will be transferred to the Regulatory Ordinance. He explained that Section 1291.06 – Buffering and Dispersion Requirements, is eliminating the requirement for Conditional Rezoning for the facilities, but they are also seeking to limit some of the locations. They do not want it in the southeast quadrant of the community, along with a couple of other areas, so they are proposing an overlay zoning which will delineate areas where medical marihuana facilities can operate. It will be like the Zoning Map and will be shaded to show the specific areas where it is allowed. Creating this overlay will require a zoning petition on behalf of the Township to create these specific zones.

Ms. West mentioned the question of measuring from lot line to lot line versus measuring from building to building. She pointed out that a single-family house can be situated on a large lot, and, while the lot line may abut an industrially-zoned parcel, the house may be 700+ feet away. She questioned whether they can establish a buffer if a house is far away.

Mr. Santia explained that, theoretically, if a house is 1000 feet away but the property is zoned residential, someone may want to develop the remainder of the property as residential. If a marihuana facility was permitted on the adjacent property based on the distance between buildings, it could cause a potential problem for the owner of the residentially-zoned land.

Ms. West stated there are some places where the industrially-zoned property extends right up to residentially-zoned property.

Mr. Santia questioned whether Ms. West is suggesting that an industrial building used for any type of marihuana facility would have to be a certain number of feet from the property line of a residentially-zoned parcel.

Ms. West replied affirmatively and felt there should be a regulation like that in place, because a lot of places may be eliminated if they only measure from lot line to lot line.

Mr. Santia stated they could look at what they do have to see if they have enough areas to measure from property line to property line.

Ms. West felt that is too limiting, especially when she was reading that a variance can be considered only if it is no more than 15% out of compliance with the regulations.

Mr. Santia stated they can look at it and possibly come up with something. He reviewed the buffering distances as 500 feet from playgrounds and playground equipment, licensed commercial child care organizations (non-home occupation), religious institutions that are tax exempt by the Township Assessor's office, and facilities providing substance abuse prevention, treatment or rehab. They are also proposing a minimum of 2,000 feet from one provisioning center to another provisioning center, and 300 feet from residentially-zoned property. He indicated they will look at the locations and see if they can come up with something a little different. He stated they will bring it back and share it with the Commissioners prior to the next meeting.

Ms. Kim Zuchora, 51777 Blue Spruce Drive, Macomb, Michigan 48042, stated she has worked in this community for over twenty years. She works in a store and can smell marihuana on some of the customers, and she often wonders if they are safe to drive under the influence. She is opposed to the community "opting in" on the medical marihuana, and felt if it is approved, they will see more people under the influence, including more of the community's youth. It will reduce safety on the roads and increase the cost of enforcement, offsetting any revenue that these business enterprises will have to pay. She asked the Township to protect its residents and businesses by refusing to allow this use in the Township.

Ms. Moseley thanked Ms. Zuchora for her comments.

Mr. Santia explained that, regarding the calculation of buffering distances, it has always been established from property line to property line for rezoning and special land uses. He noted it can be more difficult to calculate the distances from building to building, and the question has been raised as who will be measuring this.

Mr. Marasco replied that a surveyor can determine those distances.

Mr. Santia acknowledged a surveyor could determine the distances, and so a land survey may be required by the petitioner to establish that the minimum buffering distances are met. He continued to review the sections explaining that

a grower, processor and/or provisioning licensee may co-locate their facility within the same building or parcel; however, each facility must acquire separate Township permits and separate State Operating Licenses. He indicated that may be moved to the Operational Ordinance.

Mr. Santia reviewed Section 1291.07 – Minimum Operational Requirements for a Medical Marihuana Facility, specifies what is needed in the way of site plans, approvals, parking requirements, a locking safe, etc. He noted that most of this section will likely end up in the Operational Ordinance. He reviewed Section 1291.08 – Standards for Review, specifies some things they will look at when reviewing the proposed site, including the number of sites that have already been permitted, the remaining potential number of sites for which remain to be permitted, traffic patterns, the nature and proximity and design of the building and structures and uses, the presence or absence of surrounding residential uses, number of applications on file and nature of such applications, the nature and size of the subject facility and likely financial requirements in order to sustain the economic viability of a subject facility, floor plans, security plans, and the elements relating to the site with respect to their harmony in relationship to surrounding uses and structures.

Mr. Santia briefly summarized Section 1291.09 – Other Laws and Ordinances, which specifies that any commercial medical marihuana facility shall comply with all Township ordinances, including the Township medical marihuana zoning and regulatory ordinances, and with all other applicable federal, state and local ordinances, laws, codes and regulations. He also reviewed Sections 1291.10 – Revocation and Review, Section 1291.11 – Permit and License as Revocable Privilege, and Section 1291.12 – Penalty, Severability, Repealer and Effective Date.

Ms. Moseley inquired as to who will be responsible for overseeing that everyone is in compliance.

Mr. Santia replied it will be the Building, Police and Fire Departments, although the State may oversee the fire regulations.

Ms. Jenn Zielinski, of Dunaskiss Consulting & Development, stated they are required to have fire suppression and there are codes that must be met.

Mr. Santia stated they were recently told the State Fire Marshal will inspect the facility, although he is certain that the Township's Fire Department will be involved as well.

Mr. Opalewski inquired as to whether this proposed Ordinance has been reviewed by the Township attorney.

Mr. Santia replied affirmatively, and he has some comments, most of which were addressed this evening. He explained the comments mainly relate to some of the items that are more regulatory as opposed to zoning-related and will most likely be moved to a Regulatory Ordinance.

Mr. Spatafora inquired as to whether there are any representatives present this evening on behalf of the schools, or the health and hospital systems in the area.

No one from the audience indicated they were here on behalf of the local schools or hospitals.

Mr. Brumbaugh questioned the audience as to where the money is in this industry, and whether there is more money in the growing, processing or dispensing.

Mr. Bo Marasco, 53219 Pine Ridge Drive, Chesterfield, Michigan 48051, replied that there is money in the entire industry. He estimated there is more money to make servicing the industry than being a part of the industry itself. He replied to inquiry that can include disposal and removal of the products, construction of the facilities, etc.

Mr. DiBartolomeo noted Mr. Marasco had referred to disposal. He questioned whether this is done in a designated area.

Mr. Santia clarified there are regulations regarding the disposal of plant materials.

Ms. Zielinski replied to inquiry that there are procedural requirements they must follow, so that it does not enter the water or soil.

Mr. Marasco stated that, about his earlier comment about servicing the industry, there are marketers who point out that, although people may know how to grow, they do not know how to run a business, and they offer to help.

Mr. DiBartolomeo referred to the disposal and questioned whether the companies hired to dispose of the product are licensed.

Ms. Zielinski replied it depends upon what point the product is destroyed. The product being disposed of must be picked up in an unusable form and it must be rendered unusable. It is destroyed on site, so there is no transport of any usable product.

Mr. John Else, 28445 Cunningham, Warren, Michigan 48092, explained that the dispensing centers get heavily taxed, and there is an excise tax on the dispensing side, but in other states such as Washington, they have

an excise tax on the production of cannabis, as well as the processing side of it. Michigan is handling it different, placing a 9% excise tax on the dispensing operation, although that is good for the growers because they are not getting hit with that tax. He commented that everyone thinks dispensing is the largest money-maker, but a lot of people have the goal of being vertically integrated, offering a one-stop shop in one building, where they may have a grow operation, another building in the strip that processes, and at the end of the strip, there may be a provisioning center. He understands the state laws allowing doors connecting each individual unit, so a secure transporter is not needed. The State allows for them to not have to use a secure transporter if they are able to keep it on the same grounds.

Mr. Marasco agreed with Mr. Else's comments. He added if everything is on one building, there is no need to transport.

Mr. Mark Abraham, 5291 Parker Road, Fort Gratiot, Michigan 48059, stated in Colorado, which was the first state to go recreational, it was required that the facilities were vertically integrated, so they did not have all these different entities. They did not all have to be in one building, but he added Michigan is one of the only states requiring secure transporters. He stated he has worked with people all over the country. Most of the growers who use the RFID tag scan it, enter where it is destined, and it has a pre-determined time with which to get to the destination. He noted Ms. West has expressed concern about the secure transport operation, and he claimed that in Michigan, there have only been four people apply for a Secure Transporter license. Those who are providing secure transport will be carrying cash and product, but he pointed out that if truck picked up cash from three Kroger's stores, he would have more money than any marijuana business would have. He pointed out that every inch of that transport vehicle is tracked through satellite by a company called METRC. He claimed the State of Michigan has hired METRC, which is the "motherboard" everyone plugs into. There is different software that will connect to METRC, with the top three being Biotrack, MJ Freeway and LeafLogics, and handle all seed-to-sale tracking. He explained when the plant is 8 inches tall, it is fixed with an identification tag that goes around it, and if that plant happens to die, it must be scanned in and shown that it has been disposed of. He added that will be scrutinized very closely, and it will be policed so they can assure there will not be anyone diving in dumpsters to recover disposed plants. He added that the dumpsters will have to be secure.

Ms. West inquired as to whether the picking up of the garbage falls under any of these licenses.

Mr. Abraham replied no and assured that a plant will have to be rendered worthless to be disposed of, and they will have to mix and grind garbage with the bad product, and it will be rendered unusable.

Ms. Zielinski agreed and stated that the THC and all the effects of the plant would have to be broken down so that nothing is left, and it is unusable.

Ms. Moseley inquired as to whether they actually mix the remains with garbage.

Mr. Abraham replied affirmatively, noting they will have it mixed with coffee grounds and other garbage. He noted the waste plan is about 15 pages long, and they are required to put that in their application.

Mr. Abraham brought up the point of measuring from building to building rather than lot line to lot line with regards to a buffer. He stated there is a 21.5-acre parcel of industrial land for sale on Groesbeck. It does not border anything except for a tiny corner way in the back, where it backs up to residences. He noted that parcel would be disqualified the way the proposed ordinance is written, and he pointed out that if a person built on the front portion of the property, they would be about a mile from any residence. He compared it to an industrial building that is 10 feet from the property line, with a 300-foot-wide parcel between it and a residentially-zoned property, where there may be a house located 10 feet from the lot line. He pointed out that, theoretically, there could be a distance of 320 feet from a marijuana facility to a residential home.

Mr. Brumbaugh thanked the audience for their input. He stated that on Page 4, it specifies the number of provisioning centers, which started out to be two, then went to five, and now is back to two. He felt the support for this type of ordinance is to serve the people who need the end product, and the only way they can get the product is by going to a provisioning center. He commented that Clinton Township is a large township, and he was concerned that limiting provisioning centers to two is limiting accessibility for residents, as well as competition. If the ordinance specifies five, the Township does not have to give out all five licenses, but he would like to see that number changed back to five.

Mr. Opalewski agreed with Mr. Brumbaugh.

Ms. Moseley inquired as to the reasoning for going back to two provisioning centers.

Mr. Santia replied that Clinton Township is basically a residentially-based community and they felt locating two in the more industrial / business-based areas of the community would serve this community best, and perhaps also satisfy the concerns of the schools that feel having provisioning centers near

their neighborhoods would create a problem and cause additional abuse by the students.

Mr. Marasco reminded everyone knows it is not a “child activity”.

Mr. Brumbaugh felt the provisioning centers are no different than drug stores or any different or more evil than a bar. He clarified that he is talking about medical marijuana facilities, and not recreational, which he felt is a different issue. He felt the State of Michigan should have let the drug stores sell medical marijuana, because if the only way to get it is with a prescription, they could do that at a drug store. He noted the State opted not to do that. He felt if the Township is going to allow it, five provisioning centers is reasonable. Whoever wants to provide this service will have to come before the Board of Trustees and prove to them they are worthy of the responsibility.

Ms. Zielinski urged the Board, before deciding to limit the number of dispensaries to two, to consider supply and demand. If the growing and cultivation is “heavier-handed” than the provisioning centers, supply and demand will be off. There will be more supply than they can supply through the demand, and she cautioned that an imbalance between grow operations, processing centers and dispensaries can fester into an illicit market.

Ms. West stressed if they only have two provisioning centers, they should possibly be discussing transportation to these places if people do not have cars. She questioned whether it should be close to a bus route. If this ordinance passes, she does not want Clinton Township to become the next “Eight Mile”, with green lights and signage.

Ms. Zielinski assured there is language in the ordinance to protect the appearance and have control over exterior signage. It states that the signage must meet the ordinance regulations regarding the Township’s Sign Ordinance, and it is also specified that the sign cannot contain any term referencing marijuana, “nor shall it contain leaves, marijuana-related imagery, green crosses or any other word or image deemed inappropriate by the Township”.

Ms. West wanted to make sure they are not on every block.

Ms. Zielinski was confident that this community is large enough to handle five provisioning centers and have those disbursed throughout the Township.

Mr. Shawn Mansour, attorney in the Township [no address given], urged the Commission that if they are considering more than two dispensary licenses, he suggested they reconsider the 2000-foot restriction between

medical marihuana provisioning centers. There is already a limited industrial zone, and with this restriction, it will be very difficult to find locations that would meet the ordinance requirements. He questioned whether the Township has looked at other municipalities that have opted in, and how many facilities they allow. He stated he has looked at them, and he claimed it does not make much sense. He cited the City of Centerline, a tiny city that allows 15 of each type of license. He offered to provide them with a list if they would like that information.

Mr. Santia requested the Planning Commission as to how many provisioning centers they want to see in this ordinance.

Ms. West inquired as to when the public hearing is going to be scheduled on this proposed ordinance.

Mr. Santia replied it will be held on Thursday, April 12<sup>th</sup>, 2018, which is the next Planning Commission meeting.

Mr. Santia clarified this is a work session and he is not requesting a vote of the Commission this evening, but he would like to know their opinions on the number of provisioning centers.

Ms. Moseley replied that she would like to see five provisioning centers and felt people should be able to have easy access to them; however, she clarified she is referring to medical marihuana only and not recreational.

Ms. West felt Ms. Zielinski had a good point regarding supply and demand.

Mr. Marasco clarified they are discussing medical marihuana now, and he felt it will go to recreational marihuana. He cautioned they are going to have to find the right number, and he mentioned the word “unlimited”. He suggested they can specify “unlimited” but still issue only five licenses if that is what the Township feels comfortable with. When recreational marihuana is passed, which he felt will happen, the Township can then increase those numbers across the board. If they do not do it now, they will have to go back to the State after the fact and fight to get those numbers increased. He was concerned that people who need it for medicinal purposes may not be able to acquire their medicine.

Ms. Moseley stated that “unlimited” would make her nervous, although what Mr. Marasco said makes sense.

Mr. Brumbaugh noted this ordinance only applies to medical marihuana, and if it is legalized for recreational use, this ordinance would not apply.

Mr. Santia cautioned there are different opinions on that.

Mr. Brumbaugh stated if it is legalized for recreational use, the State will have to work on legislation.

Mr. Santia cautioned there are varying opinions on that. The Township Board is moving forward on this because they like the idea of medical marihuana; however, he claimed there is no one on the Board who is in favor of the recreational marihuana.

Mr. Marasco claimed, “one hand washes the other”.

Ms. Zielinski claimed that, with the current recreational initiative in the State, it would require a municipality to permit recreational use in the facilities, not by the residents. It would allow for an ordinance to allow for recreational facilities to locate within the Township. She indicated Mr. Santia is eluding to the current language, as drafted, that will go to the voters, indicating it provides the opportunity for a group of residents or constituents to create a referendum to challenge the Township and “force their hand”, regardless of how the city or township charter is written. She commented that if the Township Board does not address it, the residents might do so through a referendum.

Mr. Brumbaugh understood her to say that the State, through this referendum process legalizes recreational use of marihuana, but any municipality can opt out.

Ms. Zielinski replied affirmatively.

Mr. Brumbaugh could then bring a petition forward stating they do not like what the State has done, and that would go along on the local ballot.

Ms. Zielinski replied that is correct. She also noted that, should recreational be approved, for the first two years, only medical licensees can obtain a recreational license for the first two years, so there will be experienced operators obtaining licensure with the recreational initiative.

Mr. Brumbaugh questioned if this passes, the State would still have to draft legislature.

Ms. Zielinski replied that is already written, although there is a way for the legislature to amend it, but she recalled it requires a three-quarters vote in the House and the Senate. All the language for regulatory structure has been written in the initiative.

Mr. Mansour commented that the industrial zone is already small, so he could not see why they need to limit the number of licenses. He felt they

should only be concerned with the restrictions because that is their focus to keep these places away from homes, schools and churches. He could not see the reasoning behind limiting the number of licenses and questioned what difference it would make if the Township has five grow facilities or ten grow facilities, if they are restricted and away from the things they want to keep them away from.

Mr. Marasco agreed, and stated that is why it should be unlimited.

Mr. Mansour clarified that it would not be “unlimited” but would limit itself based on the areas that meet the criteria.

Mr. Deyak felt they should look at the zoning map to get a better idea of the numbers and which properties meet the criteria.

Ms. Trombley inquired as to whether the proposed ordinance on April 12<sup>th</sup> will be the final version.

Mr. Santia replied that it does not have to be final, but if they are satisfied with it at that point, they can make a recommendation.

Ms. Trombley inquired as to whether Mr. Santia has enough time to prepare the zoning map with the overlay discussed.

Mr. Santia replied they can still hold the public hearing on April 12<sup>th</sup> and look at the zoning map at that meeting. They do not have to make a decision that evening and can opt to vote the following meeting or however long it takes.

Ms. West stated she is in favor of this but wants to make sure the structure is in place.

Mr. Santia stated they still must work on the Regulatory Ordinance before it goes to the Board.

Mr. Opalewski agreed that he would like to see the map to look at where these places will be able to locate, based on the restrictions they are putting on them. He admitted there may not be room for more than two with the restrictions they are placing on them.

Mr. Spatafora inquired as to whether they are going to go through this same process for the Regulatory Ordinance.

Mr. Santia clarified the Regulatory Ordinance does not require a public hearing.

Motion by Ms. West, supported by Mr. Deyak, to receive and file the information provided this evening. Roll Call Vote: Ayes – West, Deyak, Brumbaugh,

DiBartolomeo, Moseley, Opalewski, Spatafora, Trombley. Nays – None. Absent – Charron. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF THE MARCH 8<sup>TH</sup>, 2018 REPORT**

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Motion by Mr. Brumbaugh, supported by Mr. Opalewski, to approve the report of the March 8<sup>th</sup>, 2018 Planning Commission Meeting, as submitted. Motion carried (Mr. DiBartolomeo and Ms. West abstained).

## **PLANNING COMMISSION SCHEDULE OF MEETINGS**

### **-- NEXT MEETING SCHEDULED FOR THURSDAY, APRIL 12<sup>TH</sup>, 2018**

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Mr. Santia confirmed the meeting for Thursday, April 12<sup>th</sup>, 2018. He anticipates the following items to be on that agenda, in addition to a Public Hearing on the proposed Zoning Ordinance regarding MMFLA (Medical Marihuana Facility Licensing Act):

- A Conditional Rezoning for property at 15 Mile and Utica Roads to permit two strip shopping centers with a drive-thru restaurant. He noted this is the same property that was proposed for development with senior apartments at one time.
- A Site Development Plan for Galloup Distribution Center, and industrial building fronting the south line of 15 Mile Road, west of Harper, on 20 acres of land. He noted they sell pipes and pumps for underground sewer work.
- A Conditional Rezoning for property east of Gratiot, north of Joy Road, to permit an overnight parking area for large trucks (Detroit Truck Equipment LLC).
- A Special Land Use for a church/school to locate in an existing building on St. Francis, near Ormsby (the old St. Mary's School), for Precious Angels Christian Church / Academy.

Mr. Spatafora stated he will not be able to attend the next meeting and requested to be excused.

**ADJOURNMENT**

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Motion by Ms. West, supported by Mr. Opalewski, to adjourn the meeting.  
Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

*Denise C. Trombley*

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:03/27/18

ces:04/02/18

*Approved 04/12/18*