



**PLANNING COMMISSION**

April 11, 2019

A Special Planning Commission meeting was held in the City Hall Community Room, Petoskey, Michigan, on Thursday, April 11, 2019. Roll was called at 7:00 P.M. and the following were:

Present: Dana Andrews, Vice Chair  
Betony Braddock  
Dean Burns  
Chad McDonald  
Rick Neumann  
Ted Pall  
Cynthia Robson  
Eric Yetter

Absent: Emily Meyerson, Chairperson

Staff: Amy Tweeten, City Planner  
Rob Straebel, City Manager  
James Murray, City Attorney

Others Present: Ian & Melisa Bertram, Lake Ann, MI  
Joe Blachy, 810 Harbor Watch Drive  
Dustin Boyer, 417 South Division Road  
Shirley Burns, 215 Division Street  
Dan Cleary, 615 State Street  
Ann Carolan, 3730 East Mitchell Road  
Kasandre Dangler, 1407 Standish Avenue  
Emma Decker, 619 Bay Street  
James Dittmar, 914 East Lake Street  
David Eggers, 417 South Division Road  
James Ehrnst, 702 Elizabeth Street  
Katie Frantz, 615 Michigan Street  
Deborah Gagnon, 624 State Street  
Corey Hebner, 1200 M-119  
Judith Hills, 575 Hillcrest Avenue  
Sierra Hilt, 503 State Street  
Phil Huffman, 11201 Rickett Road, Alanson  
Natalie Kasiborski, 205 Ottawa Street  
Marie Law, 209 Summit Street  
Izzy Lyman, 1117 Jennings Avenue  
Allie Maldonado, 1033 Howard Street  
Matt Meyer, 421 East Mitchell Street  
Josh Meyerson, 710 East Lake Street  
William Perkins, 709 Jackson Street  
Kathy Peterson, 718 Michigan Street  
Susan & Audri Pulaski, 2800 Gregory Road, Brutus

Tony Ray, 420 Howard Street  
Jessica Shaw-Nolff, 517 Lake Street  
CT Shuman, 2359 Boulder Circle  
Clare Simard, 436 Myrtle Street  
Reg & Lori Smith, 515 Lockwood Avenue  
Lindsey Walker, 1312 Emmet Street  
Bill Wentworth, 960 Vista Drive  
Others arrived after meeting commencement

Chair Andrews explained that the meeting is a working session for the Planning Commission and that public comment would be taken after a requested presentation and Commission discussion. Staff added that the meeting purpose is to begin the discussion of possible regulations for medical marijuana provisioning centers as requested by City Council and that the decision whether or not to allow provisioning centers rests with City Council.

### **SAFE in Northern Michigan Presentation**

Susan Pulaski gave an overview of SAFE of Northern Michigan, that it is a youth lead and adult guided organization. Students Clare Simard, Audri Pulaski, Emma Decker and State Trooper Corey Hebner presented information to the Commission on the impacts of marijuana on youth and why provisioning centers do not belong downtown. The students provided information on potency of marijuana, pervasiveness of advertising changing social norms, studies on impact on developing brains. Mr. Hebner believed it was apples and oranges to compare the vote on legalizing marijuana in the state and allowing provisioning centers in the City; that none of the other communities in northern Michigan have opted in; that it is wise to take a wait and see approach; that the law for recreational marijuana took away revenue that existed when only medical marijuana was legal; that there will not be a tax benefit to the City; that marijuana grow and processing operations use a lot of electricity and water and has a concern about butane explosions during THC extraction process; and recommended that recovery centers be a land use that is buffered.

### **Discussion on Medical Marijuana Ordinance Provisions**

Staff reiterated that the Commission is being asked to identify 1-2 locations for possible provisioning centers. Council also asked for input on signage and business hours. Staff then referred the Commission to the maps developed, noting that it was a first attempt at providing information to the Commission, but that she had received a lot of interest in the maps from realtors, real estate attorneys and national marijuana companies. Staff is looking for input on needed uses to buffer, buffer distances, and preferred zoning districts.

Commissioners discussed the difficulty in using other community ordinances as small communities are different than large communities and that the Commission typically tries to follow best practices when developing regulations but that good models to follow were lacking. There was discussion and disagreement on the types of parks that need buffers, whether areas where youth are not supervised are more important to buffer than areas where they are generally supervised such as playgrounds. Adding treatment facilities and childcare center as uses to buffer were requested.

Commissioner Pall asked the City Attorney and City Manager for clarification on what City Council had discussed because while the request was for provisioning center locations, he isn't sure if their intention is to opt-in to recreational marijuana.

The City Manager noted that Council had made the policy decision to allow medical marijuana provisioning centers and the request was for the Commission to develop regulations for that use only,

and further that there will be an ordinance at Council Monday night to opt-out of recreational marijuana.

Commissioner Burns felt it was important to discuss the effect of putting provisioning centers in the community not just to spend the time identifying 1-2 locations for City Council.

Commissioners asked about the Council deliberation, what education they received, where the number of provisioning centers came from, and whether provisioning centers were considered a retail use for patients in which case the Hospital District made sense as a location. The City Manager responded that Council received a lot of information from the Michigan Municipal League and that only medical provisioning centers as retail locations for patients are being considered.

Commissioner Pall added that he had been at the February 18 Council meeting; that it was not a zoning discussion, nor was there discussion of whether this policy decision was in the best interest of the community; and that he believes it is the Commission's responsibility to study the issue thoroughly before simply making a recommendation. He noted the role of the Planning Commission, reading from the Planning Commissioners Journal that they need to look at the public health, safety and welfare when making zoning recommendation and that he felt that City Council had made the land use decision and simply told the Commission what to do without having the discussion of whether provisioning centers are a use that belongs in the community.

Commissioner Robson asked the City Attorney whether the health, safety and welfare of the community had more to do with environmental issues and not the morality of an issue.

The City Attorney responded that it was broader than environmental issue; that he believed that the legislative process was being followed; that Council had given the Commission an outline of what they wanted; that identifying uses and buffer distances was part of the process; and that this was the time and place for discussion and public input.

Staff clarified that direction is needed on what uses need to be buffered and at what distances, possible zoning districts, whether any special conditions specific to the use are needed, whether specific sign restrictions are wanted, and business hours.

Commissioners continued discussion on uses to buffer, noting that there should be buffers between licensed facilities. Commissioners did not agree on buffered uses priorities, but gave direction that schools, churches, daycare centers, parks and parks with playgrounds, and rehabilitation centers were the uses of concern and to start with buffers of 500 and 1,000 feet from the property line. Based on the Department of Public Safety feedback, operating hours of 9:00 AM to 9:00 PM were recommended.

At this time, Chair Andrews opened the meeting to public comment.

Reg Smith, 515 Lockwood Avenue, commented that he agreed with Commissioner Pall's analysis of the Council meeting but that he feels they do want the Commission to thoroughly study the issue. His feeling is that the parks where there isn't adult supervision is more important than where there are playgrounds.

Allie Maldonado, 1033 Howard Street, commented that she is a LTTB Judge and mother and emphasized the tourist nature of the community. She also gave statistics from the Rocky Mountain High report and believed that allowing marijuana facilities in the community would be a negative for the City based on Denver's experience; that the vote for allowing in-home use was not a vote on allowing marijuana sales, manufacture or distribution facilities in the community; and she questioned whether it was the character wanted for the community.

Emma Decker, 619 Bay Street, SAFE noted that they have identified parks without playgrounds are hot spots for youth engaging in drug use.

Shirley Burns, 215 Division Street, commented that she had questions on electricity use, whether provisioning centers grew marijuana, and didn't feel medical marijuana should be sold in the community.

Kasandre Dangler, 1407 Standish Avenue, asked if the Commission had looked into how many people are growing and stated that she believes there is a benefit to allow it but it should be regulated.

Nathan, Marion, MI, commented that Colorado studies are all over the board; marijuana is becoming mainstream; packaging cannot appeal to the youth; and you can limit the odors of marijuana.

James Ehrnst, 702 Elizabeth Street, believed the Commission was confusing medical with recreational marijuana; that not allowing medical provisioning forces people to go to drug houses; that the buffers are ridiculous, and that the provisioning centers shouldn't be hidden away in industrial districts.

David Eggers, 417 South Division Road, commented that it is a pharmacy and kids will do it either way.

Marie Law, 209 Summit Street, cautioned that she lived in Telluride and knows what legalization did to that community; that allowing marijuana sales will create a character contrary to what people seek when they come here; that it doesn't benefit the City residents but the marijuana industry; and that the Commission should consider the tourism/ resort economy.

Natalie Kasiborski, 205 Ottawa Street, commented that her family uses all the parks, questioned whether the number of 3-4 provisioning centers was appropriate for the population; that the ballot language did not ask whether people want dispensaries in their community; and asked why, when other communities are opting out, Petoskey would want to be the first to opt-in.

Ann Carolan, 3730 East Mitchell Road, commented that she is a substitute teacher and students do not know the health risks or benefits of marijuana; that allowing provisioning centers is sending message that it is healthy.

Commissioner Braddock asked whether the concern with butane explosions applied to provisioning centers.

Mr. Hebner noted that you need to be concerned about combining sales and processing and recommended that the City contact Gaylord to find out their experience with provisioning centers.

At this time, the meeting was closed for public comment.

Commissioner Pall asked whether staff could provide information from Gaylord and Commissioner Yetter commented that he appreciated everyone coming out for the meeting.

The meeting then adjourned at 8:54 P.M.

Minutes reviewed and approved by Dana Andrews, Vice Chairperson/Secretary.