

**CITY OF ESCANABA
PLANNING COMMISSION
Official Proceedings – March 15, 2023**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Wednesday, March 15, 2023, in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Secretary VanGinhoven called the meeting to order at 6:00 PM.

ROLL CALL

Chair James Hellermann:	Absent	Comm. Nevin Naser:	Present
Secretary Kelli VanGinhoven:	Present	Comm. Michael Harris:	Present
Comm. Roy Webber:	Present	Comm. Mark Sadowski:	Present
Comm. David Mason:	Absent		

With five in attendance, a quorum of the Planning Commission was present.

A motion was made by Harris, seconded by Naser, to excuse the absence of Chair Hellermann and Commissioner Mason. MOTION PASSED.

ALSO PRESENT

City Administration:

Tyler Anthony, Planning & Zoning Administrator Ronald Beauchamp, Council Liaison

Others:

Zaid Arabo, Zaid Arabo Design-Build

Karen Moore

Robin Custance

Logan Stauber, The Fire Station

Patty Derouin

Stosh Wasik, The Fire Station

James Martone, The Fire Station

Six other unnamed individuals were present.

MINUTES

A motion was made by Naser, seconded by Harris, to approve the February 9, 2023 minutes as presented. MOTION PASSED.

AGENDA

A motion was made by Naser to remove UB2: "Site Plan Amendment – 201 North Lincoln Road" from the agenda. MOTION FAILED for a lack of support.

Commissioners discussed the motion's organization. VanGinhoven clarified the situation.

A motion was made by Naser, seconded by Webber, to remove UB2: "Site Plan Amendment – 201 North Lincoln Road" from the agenda, and to approve the agenda as amended. MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

Anthony noted that some commissioners had been subject to ex parte contact with agents of The Fire Station. He read section 8(A), "Ex parte contact", of the Commission's Bylaws. If this contact were to influence any decision's outcome, it could constitute a violation of the Open Meetings Act.

Harris reported that he had emailed the full Commission regarding contact with Wasik. Wasik had lobbied Harris, asking that UB2 be postponed until the April meeting, and send a summary of that exchange with the Commission at-large. Being a new member, he was unaware that it was improper to do so.

Commissioner Naser reported a phone call, being asked by The Fire Station to postpone UB2.

VanGinhoven reported a phone call from Wasik. She had also been asked to postpone UB2 until the April meeting.

PUBLIC COMMENT

Stauber apologized for The Fire Station's ex parte contact, expressing that they only sought a fair end to their site plan amendment. He handed out a timeline and narrative to commissioners and staff, which explained the proposed amendment's situation (see exhibit "A"). The Fire Station had recently contracted Fishbeck, an architecture & engineering firm in Grand Rapids, to do a traffic impact study for 201 North Lincoln Road. That study would not be ready for another five to six weeks. Stauber thanked the commission for their attention.

Custance, an Escanaba resident, asked whether a cap on marihuana establishments may be considered. She expressed concern over the number of retailers who'd sought locations in the city, adding that residents' quality of life should be the first concern.

Derouin, a Bark River resident, stated her opposition to allowing more marihuana establishments in the city. She expressed a need for more distancing restrictions and asked for more public input on the matter.

Martone thanked the commission for removing their item from the agenda. He explained why The Fire Station sought a site plan amendment and indicated that they are still pursuing access via neighboring land. Martone also apologized for The Fire Station's engagement in ex parte contact and noted that further contact would be through city staff.

PUBLIC HEARINGS**PH1: Capital Improvements Plan Review**

Anthony presented the Capital Improvements Plan [CIP]. He described requirements set out in the Michigan Planning Enabling Act (Act 33 of 2008) and how this CIP meets them.

Secretary VanGinhoven opened the public hearing.

No public comments were made.

Secretary VanGinhoven closed the public hearing.

Webber stated his concerns about City road conditions, mentioning that emphasis on that issue should be included in the CIP. Anthony described the major/minor road maintenance funds managed by Public Works. Weber noted that “cold patch” repairs he had seen lately were far from a long-term solution. He then moved to discuss the Ludington Street streetscape project, expressing that the item had been repeatedly discussed and reviewed *ad nauseam*. Despite that, no meaningful action taken had been taken on it for many years. Anthony added that the idea originated in the late 1980s. Webber understood that the CIP served as little more than a wish list, but added that current road conditions were a more pressing topic.

VanGinhoven noted that Public Works and Water/Wastewater had engaged in joint work to replace lead service lines [LSL] and repaving streets as crews progress. She added that this would take some time to complete, some of the work had already been struck from the plan, and that she agreed with Webber’s view. Anthony indicated that the joint-LSL/repaving project was stressful to funding sources for both departments, but that they had prepared themselves well beforehand. Webber and VanGinhoven agreed that road maintenance could still be included.

Sadowski called attention to the Marketplace Sliding Doors project, noting that he wanted it to maintain a low priority. He found current road conditions frustrating, and that tying LSL replacement to road work made sense; repaving and adding new curb instead of patching would be far more efficient, and work on heavily traveled streets should be a top priority.

Naser asked why no budget amount was listed for the Pickleball courts project. Anthony explained that the Recreation Department was pursuing grants to completely fund that work. VanGinhoven praised Director Peterson’s efforts, noting that Peterson planned to apply for a grant by the end of April.

A motion was made by Webber, seconded by Harris, to add a local road maintenance plan to the CIP, adopt the plan, and recommend it to City Council.

A roll call vote was taken with the following results:

Yes: VanGinhoven, Webber, Sadowski, Harris, Naser.

No: None.

MOTION PASSED.

PH2: Special Land Use Review – 201 North 30th Street, “AHA”

Anthony presented the special land use application. Per Zoning Ordinance Section 205, a Public Hearing needed to be held to consider the application. It was filed for a marihuana retailer to be located at 201 North 30th Street.

Secretary VanGinhoven opened the public hearing.

Custance, an Escanaba resident, noted the number of marihuana establishments which had sought locations in the city. She indicated that the number was too high, and that there must be a need for other types of stores in Escanaba. Custance asked that the Commission keep in mind what marihuana means to society.

Secretary VanGinhoven closed the public hearing.

Harris stated that he saw no issues with the application, and that he felt no authority to deny it. At VanGinhoven's request, Anthony read from the staff report.

He described proposed site work, noting two peninsulas which would improve the parking lot. One problem identified was that the property lines were drawn inaccurately, placing a new dumpster enclosure and a loading zone outside the lot. Moving on to proposed interior work, Anthony mentioned equipment which would be added on the roof. That equipment must be screened from public sidewalks. He also noted that existing drive-through windows were not shown in the drawings at all; since those are prohibited for marihuana establishments, some proof of their removal was required.

Anthony listed all city departments' approval conditions. He concluded, asking that review be postponed until all conditions had been addressed. VanGinhoven asked why Director Taavola recommended a traffic study. Anthony noted that such a review could be requested of any applicant, regardless of use, but that it was requested on this project due to its siting on North 30th Street between Ludington Street/US 2/41 and 3rd Avenue North; this short stretch of road presented serious traffic issues. Harris and Naser sought detail on site plan issues.

VanGinhoven noted that this application had the longest list of conditions yet, at least in her experience. Commissioners discussed what course of action they would take, whether it would be conditional approval, denial, or postponement. Anthony supplied further ordinance details.

A motion was made by Naser, seconded by Sadowski, to deny the site plan/special use permit application for its failure to meet zoning ordinance sections 205.6.9.8(1), 205.6.9.9, 1703.2, 1707.1.3, 1711, 1802.2(A) (B) (G) (N), & 1907.1(B) (F) (G) (H) (J) (K). It is also ordered that the applicant obtain a traffic impact study, focused on peak traffic volume and its impact around this location.

Arabo, whose company prepared the drawings, found this to be reasonable. He agreed to correct all issues. Naser found this solution to be acceptable.

**A roll call vote was taken with the following results:
Yes: VanGinhoven, Webber, Sadowski, Harris, Naser.
No: None.**

MOTION PASSED.

UNFINISHED BUSINESS

UB1: Whitetail Industrial Park – Sale of Lots 12 and 13

Anthony presented the request. Sadowski asked what both properties' appraised value was, but Anthony did not have that information. He did note that the posted sale price is \$14,000 per acre, and that the two lots totaled about 3.5 acres. Anthony then read City Manager McNeil's letter of recommendation. The Commission and staff discussed allowed uses in the district.

A motion was made by Webber, seconded by Harris, to make a recommendation of sale to City Council regarding Whitetail Industrial Park lots 12 and 13.

A roll call vote was taken with the following results:

Yes: VanGinhoven, Webber, Sadowski, Harris, Naser.

No: None.

MOTION PASSED.

UB3: Discussion – Corner Lot Language in Zoning Ordinance

Anthony began the discussion, noting that the Commission asked him to provide Zoning Ordinance language revisions. Per Chair Hellermann's request at the February meeting, staff would present these revisions in short sections. These would be reviewed at successive meetings, either agreed to or sent back for changes, then put together to form an amendment. That amendment would then be sent as a recommendation to City Council.

As a first section, staff provided a series of definitions changes. These suggestions were then reviewed. Webber noted an error, pointing out that the definition for "setback" showed no change. Anthony agreed to correct it. Commissioners found all changes acceptable.

A motion was made by Harris, seconded by Webber, to approve lot line-specific, setback-specific, and building & use-specific definition changes for consideration as a zoning ordinance amendment.

A roll call vote was taken with the following results:

Yes: VanGinhoven, Webber, Sadowski, Harris, Naser.

No: None.

MOTION PASSED.

Commissioners thanked Anthony and former commissioner Mark Hannemann for their work.

UB4: Discussion – Marihuana Zoning & Regulatory Ordinance

Commissioners reviewed a map of proposed buffers. These buffers were between marihuana uses and Bay College, churches and the like, parks, child daycare centers, and other marihuana uses. These would be added to an existing 750-foot buffer around K-12 schools, and a 100-foot buffer around one-family dwellings.

VanGinhoven added more detail to benefit both new commissioners, noting that the concept of new distancing restrictions began with Bay College. Laura Coleman, President of Bay College, had asked that the campus be granted a 750-foot buffer since they have dual-enrollment students. Being of high school age, they qualified the campus for inclusion in the K-12 school buffer.

Indicating the original discussion's intent, VanGinhoven added that the commission only sought text changes. The intent was to clarify marihuana-specific language in the ordinance, not to add new buffers to the map. Bay College's proposed buffer had always been considered, but other buffers were not. She explained that this came from a joint-City Council/Planning Commission meeting held in January.

Commissioners discussed all proposed buffers. Anthony noted that the map focused specifically on retail marijuana establishments. Since no other types had yet come to the city, they were not factored in. VanGinhoven noted that none of the retailers which were already approved would be affected by any of these buffers, and that she would not support those for child daycare centers, parks, or churches. The only two she would support were the buffer for Bay College and those between establishments.

Naser recalled that legal counsel had recommended against two items that had been raised; adding buffers between each establishment could cause legal issues, and so could a limit on the number allowed in the city. Commissioners and staff discussed how activity from new establishments had slowed, if not stopped. Sadowski and Harris commented on parking & traffic impacts and how they might influence this discussion. Other options for buffering at Bay College were explored. Residential buffering would not apply, and measuring from buildings was impractical; measuring from the property line was the only sure way to enforce buffers.

VanGinhoven observed that the buffering discussion seemed close to a final decision, but that it should be held off until the full commission was present. Sadowski asked whether the map under review could be posted for the public; he noted that transparency should be their highest priority. Anthony proposed a less formal meeting style which could allow for more public input, noting that it could allow for more direct contact between citizens and the commission. VanGinhoven expressed that the time for such dialogue had passed; much work had been done to this point with more than enough input.

A motion was made by VanGinhoven, seconded by Webber, to direct staff and the City Clerk to post the current and proposed marijuana ordinance maps on the city's website and Facebook page for public review. MOTION PASSED.

NEW BUSINESS

NB1: Boards and Commissions Updates

Delta County Planning Commission (VanGinhoven): The February meeting was cancelled.

Zoning Board of Appeals: Anthony reported on the variance denied by the board at their March 7 meeting. He also described the training session done by the Board.

Zoning and Land Use Permits: Anthony noted little activity.

NB2: Training Updates

Anthony explained the "Build Your Own Workshop" program provided by the Michigan Association of Planning. He and VanGinhoven had explored this possibility since the February meeting. Anthony described three modules which might work for the commission: "Housing", "Parking", and "Staying in Your Lane and Building Bridges". Sadowski asked why the parking module was considered. Anthony and VanGinhoven noted multiple issues that the city struggles with on that topic. Other training options were briefly discussed.

A motion was made by Naser, seconded by Harris, to organize the workshop as discussed through staff. MOTION PASSED.

GENERAL PUBLIC COMMENT

Stauber thanked commissioners for their professionalism and courtesy. He also thanked the Commission for their action on UB4. In his view, the more information available to them and other businesses, the better. Stauber explained why no other types of marihuana establishments had come to the city; since the market’s rapid growth in Michigan, supply then outpaced demand, and the production side had stagnated. He found it unlikely that any growers would look to expand any time soon.

Derouin asked commissioners to reconsider their course on buffers. She felt that all proposed buffers were necessary. Derouin also expressed concern over traffic on North 30th Street between Ludington Street/US 2/41 and 3rd Avenue North.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

VanGinhoven announced a meeting to be held at the Delta County Chamber of Commerce on March 21. The purpose of that meeting was for the community to discuss cruise ships. American Cruise Lines had recently added Escanaba as a port on one of their routes.

Webber welcomed Sadowski and Harris to the Commission. He also announced that he would be absent from the April meeting.

Anthony also welcomed Sadowski and Harris to the Commission. He also announced that he and City Manager James McNeil would attend a meeting in Marquette on March 23. That meeting was a partnership kickoff centered on MSHDA’s first Statewide Housing Plan.

Harris expressed surprise over a lack of attention to housing by this body. VanGinhoven described a history of housing missteps taken by the city in recent years. Webber noted an error in focus for each of those proposals, indicating that they only offered low-income and senior options.

ADJOURNMENT

**A motion was made by VanGinhoven, seconded by Webber, to adjourn.
MOTION PASSED.**

VanGinhoven adjourned the meeting at 8:05 PM.

APPROVAL

These minutes approved at the 4/13/23 meeting. A


James Hellermann, Chair
Escanaba Planning Commission


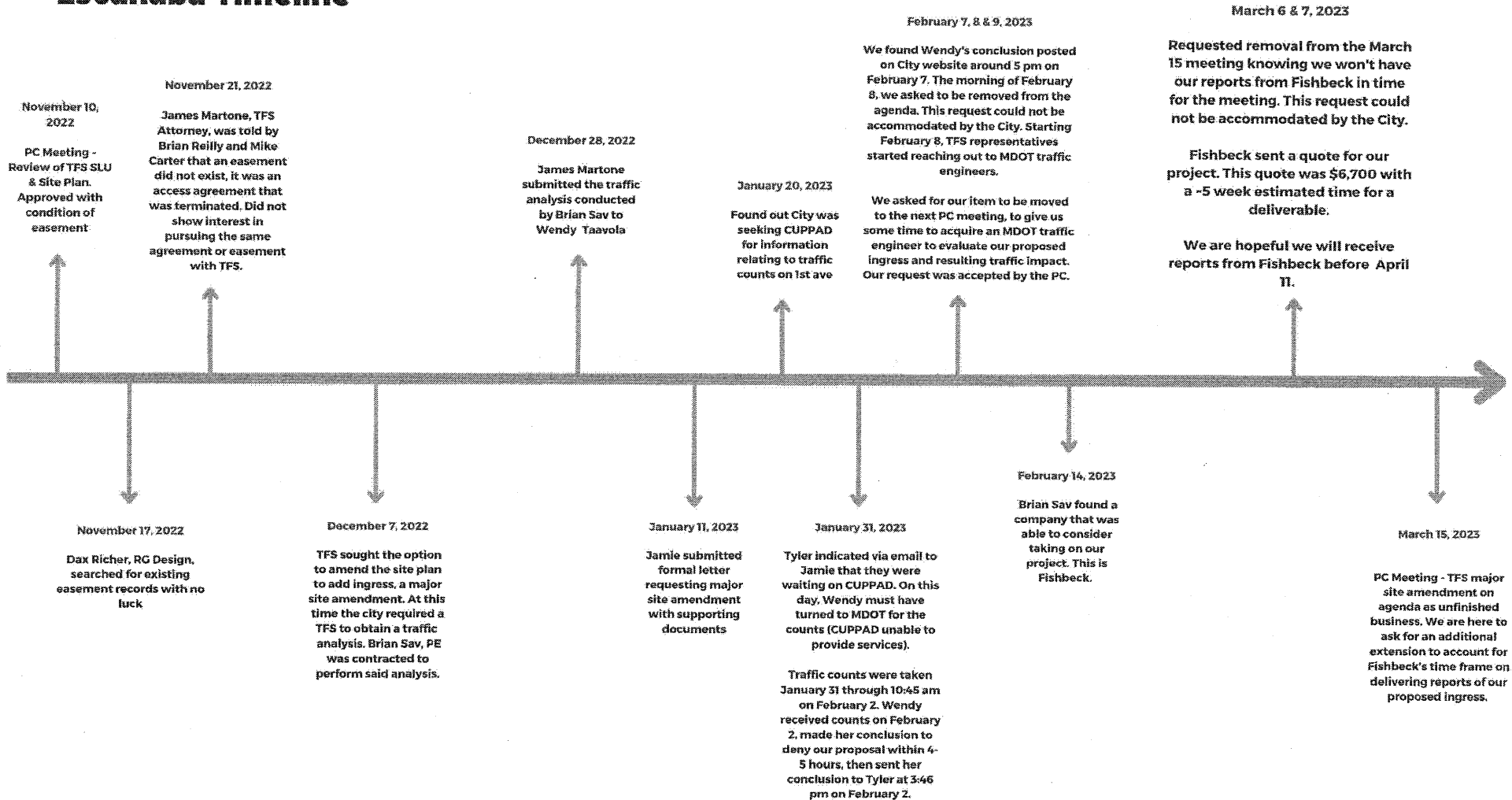

Tyler Anthony, Planning and Zoning Administrator
City of Escanaba

Exhibit “A”

City of Escanaba Planning Commission

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Escanaba Timeline



Interactions with City of Escanaba

Canva Timeline

- **October 11, 2022**
 - Submitted retail application and SLU application via email
 - Original site plan proposal was constructed using the existing egress on the 201 property, and existing ingress on the adjacent mall's property - as this was used by the previous Hudson's business
- **October 19, 2022**
 - Received confirmation that we were on Nov 10 PC meeting via email
- **November 10, 2022**
 - Planning Commission Meeting - review of 201 N Lincoln special land use application and site plan
 - Public Hearing (image below)

Brian Reilly approached the podium. Reilly explained that the mall had anticipated restrictions and setbacks that were not actually provided for in the final ordinance, including that the City would not allow a marijuana establishment to be located within 200' of a church. Reilly noted that he submitted a letter at the previous Planning Commission meeting. He stated that the mall is not trying to oppose marijuana dispensaries at this particular location, but that Dial's chief concern is that Hobby Lobby could close this location over the company leadership's moral objections to marijuana. Reilly then elaborated on Dial's history in Escanaba and how much work his company has done to bolster the local economy among other markets in the area. He is hoping that the Fire Station and the mall can find a middle ground, but at this current time he will need to oppose the idea of the Fire Station because of their tenant, Hobby Lobby. Commissioner Hannemann pressed Reilly on what specific results he may be expecting in a conditional approval, to which he indicated that more time may be beneficial for all parties involved. Commissioner Mason questioned Reilly on rumors and comments that Dial may construct physical barriers to prevent vehicular access to The Fire Station's property from across their parking lot. Reilly stated that they no longer had an access easement, whether one existed previously or not, between the properties, and that Dial regards such action as a last resort. Mason asked Reilly if Hobby Lobby would be appeased by a barricade, and Reilly indicated that they hadn't discussed this with the company yet.

Chair James Hellermann read a letter that Hobby Lobby emailed to Mayor Mark Ammel, City Administrator Patrick Jordan, and Planning & Zoning Administrator Tyler Anthony (see Exhibit A). After reading the letter, Hellermann asked Anthony about a page of text which had been provided to the Commission at the beginning of the meeting. Anthony explained that Brian Reilly stopped by City Hall earlier in the evening to discuss his concerns, noting that he would like to clear the air and explained that there are no restrictions or buffers around churches as Reilly had indicated during that meeting. It was found that Reilly had referenced a webpage on Michigan marijuana zoning law from the website of Grow America Builders, a national architectural design-build firm specializing in the cannabis industry. (<https://growamericabuilders.com/cannabis-dispensary-michigan>). The zoning ordinances referenced belong to another community in Michigan and do not apply to the state overall. Hellermann indicated that the City of Escanaba needs to follow their own zoning ordinance, and that the Commission would take the provided information under consideration as an example of another community's approach to marijuana zoning.

- Discussion/Motion (image below)

Hellermann Closed the Public Hearing

Commissioner Mason expressed frustration with the way that marijuana establishments have begun to locate themselves. He continued, offering his opinion that he cannot approve of the whole matter in good conscience. Hellermann offered his opinion that a bar serving alcohol would likely not face the same amount of resistance if one were before the Commission that evening instead of a marijuana establishment, but that they had no authority either way in terms of moral conflicts or conscientious matters.

Hannemann and Naser questioned the parking shown on the site plan drawing. In said drawing, The Fire Station indicated that there were 10 on-site parking sites with 30+ parking sites on adjacent property. Hannemann and Naser continued pressing this point, questioning whether the 30+ adjacent parking sites were in the mall's parking lot, and whether this situation may create an issue. Richer explained that they did their diligence and are following the City of Escanaba zoning ordinance, and that the mall's management had likely kept an agreement regarding site access across the parking lot. Anthony indicated that staff had found no real estate connection between the properties, and that The Fire Station's lot likely predated the mall's property, and that Richer was correct in believing that the City of Escanaba does not have any parking requirements. Hannemann and Richer discussed that the building is existing as well as the parking, and that the previous restaurant had apparently encountered no issues with these points before. Richer noted that he had repeatedly heard statements during the meeting referring to marijuana as a bad business but felt it necessary to clarify its standing as something else. He continued, pointing out the successes of the industry in Michigan with few to no consequences, and that the perception of it being an undesirable type of business is unfounded. Hellermann reassured Richer that the

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Commission does not maintain any such views, and that they do not intend any such discrimination.

Reilly indicated that the property line has been marked between The Fire Station and the mall, to which Hannemann responded by noting that the property only has 5 parking spots. Hannemann and Naser again pressed the parking issue, stressing that the provided parking spaces noted on The Fire Station's drawings was an incorrect number. Anthony noted again, for all parties' information, that discussion on parking requirements was a moot point. Richer again stressed that he felt this business was drawing undue criticism because it was a marijuana establishment, to which Chair Hellermann replied that the restaurant owner had negotiated the same parking and access problems that faced The Fire Station and reassured Richer that the Commission had no intentions of discrimination due to the business's nature. Spoehr indicated that the Fire Station wants to be a good neighbor and that they are willing to work with whoever is necessary for access or any other issues.

Webber summarized that the proposed use and building seemed attractive, but that access issues could amount to putting "a round peg in a square hole". With prompting from Hannemann, Spoehr described how business would be conducted on site, how customers would be processed and progress through the building, and which way they enter and exit. Hannemann and Naser expressed some relief at realizing that business would not be conducted strictly from personal vehicles the same way as it is done at the Lumé marijuana dispensary elsewhere in the City.

It was explained to the Fire Station's attention that The Fire Station's property technically only has an egress. The only way to enter the property is by driving through the mall's parking lot, which may present a civil issue between the mall and the Fire Station. Site egress is accomplished via a driveway opening onto North Lincoln Road, and any changes to that driveway would ultimately be decided by MDOT. Chair Hellermann stressed that the State would be extremely resistant to changing the nature of that access.

A motion was made by Hellermann, seconded by Hannemann to conditionally approve the site plan for a provisioning center/retail marijuana establishment located at 201 North Lincoln Road. The sole condition being that a legal easement must be secured between the applicant and a neighboring property regarding vehicular access to the site.

- **November 14-17, 2022**
 - Dax/tyler conversed about easement via email
- **November 21, 2022**
 - Jamie spoke with Brian Reilly and Mike Carter. He asked for the easement and they said no. They did discuss the prior agreement. Brian said there was an access agreement with Hudson's. It was terminated approximately 4-5 years ago because Hudson's stopped paying. Apparently the agreement had essentially a licensing fee for Hudson's to have the right to access across the Mall's property.

- **December 7, 2022**
 - Lauren, Tyler, Logan, Jason, Jamie discussed over the phone the idea of a new site plan amendment - would be a major amendment, which requires a traffic analysis
 - Jamie and Jason began conversations with Wendy and looped in Brian Sav
 - Tyler/Laura discussed what our amendment constitutes: major amendment via email
- **December 12, 2023**
 - **Jamie reached out to Wendy and let him know what our plans were. Wendy said that we**
- **December 14, 2022**
 - Tyler sent an email to Jamie of the discussion held between him and Laura on December 7, 2022
- **December 23, 2022**
 - Brian Sav sent Jason his completed traffic analysis via email, which was then circulated to Jacie, Lauren, Jamie
- **December 28, 2022**
 - Jamie submitted Brian Savolainen's traffic analysis to Wendy
- **December 29, 2022**
 - Jacie/tyler convo about current standing via email
- **December 30, 2022 - Jan 6, 2023**
 - Jamie addressed current standing with Tyler via email - came to the conclusion to formally submit a major site amendment - not just send in the traffic analysis.
- **January 5, 2023**
 - **Jamie resent Wendy the traffic analysis because her link expired**
 - **January 6th**
 - **Jamie reached out to Tyler and confirmed he sent the traffic study to Wendy**
- **January 11, 2023**
 - Jamie formally submitted letter requesting major site amendment for 201 N Lincoln (asking to be placed on the February 9th PC meeting) via email
- **January 20, 2023**
 - Lauren called Tyler for an update on City-sought traffic counts, we were told they were not obtained yet, and might need to proceed on February 9th without the counts
- **January 23, 2023**
 - Special Meeting (minutes)- City Council and the Planning Commission agreed to a joint meeting to continue the discussion on the Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.
- **January 30, 2023**
 - Jamie sent Tyler an email - we haven't heard back. Checking in if everything is on track
- **January 31, 2023**
 - Tyler responds to Jamie saying they are working with CUPPAD on traffic counts - we may have to proceed on February 9th without the traffic counts.

- At this time, Wendy must have found out that CUPPAD was unable to provide timely services, Wendy resorted to MDOT for traffic count information
- **February 2, 2023**
 - Tyler posted agenda packet on website
 - Wendy received MDOT traffic count info
 - Counts were taken from 1/31/23 through 2/2/23
 - Wendy sent the counts and her conclusion to Tyler
 - Traffic counts attached. Conclusion: Current peak hour counts on east and westbound 1st Avenue N will not accommodate turning traffic at the location of the proposed curb cut. The inevitable stacking of vehicles waiting to turn into the drive will back up into the highway in the westbound lane or gridlock the driveways on the south side of the street in the
 - westbound lane. My recommendation is to deny the proposed curb cut as this data, uninfluenced by the prior
 - business, does not support the provided traffic-flow analysis findings of no increased impact to traffic.
 - City Council Meeting (minutes) - Administration requested the City Council to consider approval and adoption of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses. ADOPTED
- **February 7, 2023**
 - We found Wendy's recommendation to deny on city website around 5 pm
- **February 8, 2023**
 - Jacie asked Tyler if we could be removed from meeting via email
 - Jamie sent email to Tyler regarding this matter (explains that CUPPAD was understaffed and MDOT was sought)
 - Brian Sav started reaching out to various traffic engineers
- **February 9, 2023**
 - Planning Commission Meeting - review of major site amendment for 201 N Lincoln. Representatives of TFS that were present included Stosh Wasik, Brian Savoleinan, Tony Ruiz, Jacie Duranso and Lauren Spoehr. During this meeting, Tony, Stosh and Brian requested for our agenda item to be moved to the following PC meeting so we could have time to seek an MDOT traffic engineer to analyze our proposed ingress/egress and related traffic operations, to be able to provide this data to the PC for proper review of our major site amendment.
 - Talking points from Jamie
 - February 9th PC Meeting minutes
 - **ZONING AMENDMENTS** - During the joint City Council and Planning Commission meeting on January 23, 2023, the Commission was asked to consider requiring additional buffers. Recommendations included buffers between marihuana establishments and Bay College, daycares, playgrounds, churches, and other establishments. They were also asked to revisit the idea of overlay districts for marihuana establishments, and to reconsider the 100' residential distance exception for the E3 zoning district. Commissioners agreed that a 750' buffer around Bay College was necessary. Hellermann noted that the UP State Fair property would be considered a park, and that if the Commission established distances for

parks, the impact to viable properties would be significant. He disagreed that buffers should be provided for daycares as they were only located in residential districts, and that maintaining current records for such uses was virtually impossible for the City. The Planning Commission decided to review changes at the next meeting, as they felt they lacked enough members to make the strongest decision necessary

- **February 14, 2023**
 - Brian Sav linked up with Fishbeck for their professional traffic engineering services
- **February 16, 2023**
 - Jamie spoke again with Mike and Brian regarding the easement. He explained that if we are denied the amendment to the site plan, our alternative is to sue Dial to get an easement by necessity. Asked if they would reconsider an easement agreement to avoid litigation and in exchange for some payment to them. He also suggested that a sit down meeting between TFS and Hobby Lobby occurs. They made no promises, but agreed to take the issue back to Hobby Lobby.
- **February 27, 2023**
 - Lauren Spoehr submitted a FOIA request for the PC meeting minutes for the site plan approvals for the adjacent properties (City website only contains agendas/minutes dating back to 2018)
 - All adjacent properties have access off of 1st St, similar to our proposal.
 - Bay Bank Agenda Packet & Bay Bank Minutes - available on City website
 - 10/12/17 site plan approval for 205 N Lincoln (Aspen Dental) & signed minutes
 - No PC meeting minutes for other adjacent properties - 200 N Lincoln (Wendy's) and 111 N Lincoln (Square Mall) - occurred in 1983 & 1985
- **March 6, 2023**
 - Jacie emailed Tyler requesting removal from March 15th PC agenda due to Fishbeck's time frame to complete report - we will not receive a report until after the March 15th PC meeting
 - Tyler: *Well, you certainly caught us before it was too late! I'm grateful for that. But our hands are tied on this one. The postponement motion specifically stated the Commission would revisit the issue at the March meeting. I don't have the power to change that, but there may be a way to handle it appropriately. Since I am bound to bring it back before the Commission on 3/15, I could recommend postponement at that meeting. That postponement could be to the effect of "... postponement until The Fire Station has received all information from their traffic engineer." I would be more comfortable with that more open-ended approach since we could then avoid the same situation in April. I cannot guarantee that Commissioners will take my recommendation, so sending a prepared representative would be a good idea. It's not an ideal situation, I know, but it's the best I can do with what we have. Please let me know what you think.*
- **March 7, 2023**
 - TFS received a Proposal for Professional Traffic Engineering Services from Fishbeck for the evaluation of the proposed ingress/egress at 201 N Lincoln and related traffic operations

- *~5 weeks minimum for a deliverable from Fishbeck, \$6,700.00 fee
- **March 8, 2023**
 - Jamie followed up with Mike and Brian with a letter discussing easement.
- **March 13, 2023**
 - Jamie followed up with Mike and Brian and again suggested to have a sit down meeting via email.
- **March 15, 2023**
 - Planning Commission Meeting (agenda packet) - TFS major site amendment for 201 N Lincoln (WE ARE REQUESTING ADDITIONAL TIME TO GATHER TRAFFIC ENGINEER REPORT - PUSH TO APRIL MEETING)
 - On January 23, 2023, a special joint meeting of City Council and the Planning Commission was held. The purpose of that meeting was to discuss a Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses. As a result of that meeting, the Planning Commission was directed to discuss potential Ordinance amendment recommendations to City Council.
 - No new language found in agenda packet
 - New Buffer Map.
 - Churches - 250 ft buffer
 - Parks - 500 ft buffer
 - Daycare - 500 ft buffer
 - CURRENT APPLICATION indicated on map - 201 N Lincoln is highlighted - does this mean new zoning amendments would apply to our existing application and render our property unusable?