

OWOSSO

Planning Commission



Regular Meeting
7:00pm, Monday, December 14, 2015
Owosso City Council Chambers



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: December 9, 2015

TO: Chairman Wascher and the Owosso Planning Commission

FROM: Susan Montenegro, asst. city manager/director of community development

RE: Planning Commission Meeting: December 14, 2105

The planning commission shall convene at 7:00pm on Monday, December 14, 2015 in the city council chambers of city hall.

Monday's meeting has one rezoning request for 820 E. Main. I strongly encourage you to drive by this site and familiarize yourself with the property.

Additionally, I have included some article regarding medical marihuana and potential changes that could take place if House Bill 4209 is passed in the Senate. Changes will occur primarily regarding licensing procedures at the State level. Please read through the enclosed material and take a look at Owosso's current zoning regarding dispensaries, growing facilities and caregiver status. The commission should discuss how these potential changes in the law could affect the city's current zoning.

Please **RSVP for the meeting**. Feel free to contact me at 989.725.0544 if you have questions.

Sue

AGENDA
Owosso Planning Commission
Monday, December 14, 2015 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: December 14, 2015

APPROVAL OF MINUTES: November 23, 2015

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from November 23, 2015.
3. Rezoning application packet for 820 E. Main Street.
4. Public hearing notice for 820 E. Main Street.
5. Medical Marihuana articles.

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARINGS:

1. 820 E. Main Street rezoning.

SITE PLAN REVIEW:

None.

BUSINESS ITEMS:

None.

ITEMS OF DISCUSSION:

1. Medical Marihuana and potential changes in the law regarding licensing.

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: ***Next meeting will be Monday, January 25, 2016***

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Monday, December 14, 2015

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: www.ci.owosso.mi.us

Affirmative Resolutions
Owosso Planning Commission
Monday, December 14 2015 at 7:00 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

Resolution 151214-01

Motion: _____

Support: _____

The Owosso Planning Commission hereby approves the agenda of December 14, 2015 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 151214-02

Motion: _____

Support: _____

The Owosso Planning Commission hereby approves the minutes of November 23, 2015 as presented.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 151214-03

Motion: _____

Support: _____

The Owosso Planning Commission hereby approves the zoning changes for 820 E. Main Street from RM-1 to B-4.

OR

The Owosso Planning Commission rejects the zoning changes for 820 E. Main Street from RM-1 to B-4 based on the following:

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

Resolution 151214-04

Motion: _____

Support: _____

The Owosso Planning Commission hereby adjourns the November 23, 2015 meeting, effective at _____pm.

Ayes: _____

Nays: _____

Approved: ____

Denied: ____

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY NOVEMBER 23, 2015 – 7:00 P.M.**

CALL TO ORDER: Commissioner Bill Wascher called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE: Recited by all present.

ROLL CALL: Roll call was taken by Recording Secretary Denice Grace.

MEMBERS PRESENT: Chairman Bill Wascher, Commissioners Brent Smith, Tom Taylor, Garfield Warren, Michelle Collison and Janae Fear.

MEMBERS ABSENT: Vice-Chair Craig Weaver, Commissioners Frank Livingston and Mike O’Leary.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development; Charles Rau, Building Official; Jed Dingsen; Bob Selleck and several property owners regarding the 401 E. Howard Street rezoning.

APPROVAL OF AGENDA:

MOTION BY COMMISSIONER FEAR, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR NOVEMBER 23, 2015, WITH THE REMOVAL OF THE ITEM REGARDING THE REZONING OF 820 E. MAIN STREET.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY COMMISSIONER SMITH, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR OCTOBER 26, 2015 AS PRESENTED.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes for October 26, 2015
3. Rezoning applications for 401 E. Howard Street, 514 Division Street and 515 S. Saginaw Street.
4. Public hearing notices for 401 E. Howard Street, 514 Division Street and 515 S. Saginaw Street.
5. Site plan application for 401 E. Howard Street
6. Site plan staff review for 401 E. Howard Street
7. Section 38-397 of the Owosso ordinance – accessory language for swings

COMMISSIONER/PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. 401 E. Howard Street rezoning.

Ms. Montenegro gave an overview of the request for rezoning of this parcel. This is a unique situation as the parcel is divided with another parcel running down the middle of it, yet the entire area is used as one lot. The owners, Bob Selleck and Carrie Hoag do not wish to combine the lots at this time. Parcel 050-680-002-003-00 is zoned I-2 while parcel 050-680-001-002-00 is zoned I-1. Setbacks are different for each zoning district and affect the ability to use the space. The applicant asks to rezone parcel 050-680-002-003-00 to I-1.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER SMITH THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE REZONING REQUEST FOR 401 E. HOWARD STREET FROM I-2 TO I-1.

YEAS ALL. MOTION CARRIED.

2. 514 Division Street rezoning

Ms. Montenegro explained the request for the rezoning of this parcel. Current zoning setbacks would make it impossible to operate on this lot and I-1 zoning would decrease the setback requirements.

Commissioner Fear questioned if this would create spot zoning since the property to the north of this lot would remain I-2. Ms. Montenegro reminded the commission that rezoning this area was part of the Master Plan and had been discussed earlier this year.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER SMITH THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE REZONING REQUEST FOR 514 DIVISION STREET FROM I-2 TO I-1.

YEAS ALL. MOTION CARRIED.

3. 515 S. Saginaw Street rezoning

The commission had no questions on this parcel due to the explanations given for 401 E. Howard and 514 Division Street.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER SMITH THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE REZONING REQUEST FOR 515 S. SAGINAW STREET FROM I-2 TO I-1.

YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEW:

1. 401 E. Howard Street.

Jed Dingens presented the site plan for 401 E. Howard Street. Mr. Dingens asked planning commission to consider fencing options for this site along with 514 Division Street and 515 S. Saginaw Street. The site plan for review is only for 401 E. Howard Street. Options for the other two properties were lightly discussed but no determination or rulings were made at this time as they are not part of the original site plan application. The other two properties are separate parcels and will require separate site plan applications and review.

Mr. Dingens explained how the current fencing requirement would inhibit the ability to back trucks into the property for loading and unloading. Rather than placing fencing around the property he suggests using bollards to identify the property lines along the road. A six foot fence will be placed along the residential boarder to the east that abuts 429 E. Howard Street.

MOTION BY COMMISSION SMITH, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE SITE PLAN FOR 401 E. HOWARD STREET WITH THE FOLLOWING CONDITIONS:

- 1. MUST SHOW LOADING, UNLOADING AND STORAGE AREAS.**
- 2. A SIX FOOT FENCE MUST BE INSTALLED ALONG THE RESIDENTIAL PROPERTY ABUTTING 401 E. HOWARD STREET.**
- 3. ADDITIONAL FENCING WILL NOT BE REQUIRED DUE TO THE UNIQUENESS OF THE PROPERTY AND ROAD CONFIGURATION. FIVE (5) BOLLARDS WILL BE PLACED ON THE PROPERTY LINE**

**ALONG DIVISION STREET AND HOWARD STREET AND WILL BE USED AS PROPERTY LINE
DEMARCATIION.**

YEAS ALL. MOTION CARRIED.

BUSINESS ITEM:

1. Amending Section 38-379 to add swing sets as an accessory item.

Discussion was held among commission members regarding the insertion of language defining a swing set as an accessory structure and in which yard it can be placed.

MOTION BY COMMISSIONER WARREN, SUPPORTED BY COMMISSIONER TAYLOR THAT THE OWOSSO PLANNING COMMISSION RECOMMENDS AMENDING SECTION 38-379 OF THE ZONING ORDINANCE BY ADDING A NEW SEC. 38-379(3) AS FOLLOWS:

Sec. 38-379. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.
- (2) Accessory buildings shall not be located in any required yard, except a rear yard.
- (3) Accessory play structures shall not be located in any required yard, except a rear yard.**
- (4) An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.
- (5) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (6) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to board of appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

- (7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than nineteen (19) feet to a street right-of-way line.
- (8) On residential lots of less than seventeen thousand five hundred (17,500) square feet, only two (2) accessory buildings shall be permitted. On residential lots seventeen thousand five hundred (17,500) square feet or greater, only three (3) accessory buildings shall be permitted. These limits shall not apply to wind energy systems, satellite dishes, or dog pens.
- (9) All recreational vehicles, boats, snowmobiles, jet skis and comparable devices along with the trailers for these items stored on individual lots shall respect the requirements of this section applicable to accessory buildings, except that side yard storage is permitted against the wall of a principal structure when these items are beneath a legal conforming carport structure or are setback at least three (3) feet from the property line and eleven (11) feet from a principal building of an adjoining parcel. Storage in a

driveway is permitted when the stored item can be placed entirely behind the front wall of the principal structure.

(10) Regulations for dish-type satellite receiving antennae and similar structures (hereinafter referred to as satellite dishes):

a. Ground mounted:

1. In residential districts a satellite dish must be located in the rear yard. If a usable satellite signal cannot be obtained in a rear yard then a side yard location may be selected if all other provisions of this section are able to be enforced.
2. In all commercial and industrial districts, a satellite dish may be located on a rear or side lot if all other conditions of the ordinance can be followed, and if the side yard of the commercial or industrial lot is not adjacent to a residential district or detached single family use.
3. No satellite dish including its concrete base, slab, a similar substructure or projected portion shall be constructed less than eight (8) feet from any property line or easement of the rear or side yard, or be within twenty-five (25) feet from a right-of-way line of a public street.
4. In residential districts no satellite dish shall be constructed without appropriate evergreen landscaping to reasonably conceal said satellite dish from view. The planting shall be completed prior to final approval by the building inspector. Vegetative screening shall not be required where reception of a usable satellite signal would be adversely affected.
5. In residential districts a satellite dish shall not exceed a grade height of fourteen (14) feet. In all other districts the grade height limit is twenty (20) feet.
6. All structural support shall be of corrosion resistant metal.
7. A satellite dish shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
8. The color of the satellite dish cannot be contrasting with its surroundings or setting. A contrasting color is one that does not blend with the background as defined by the normal senses.
9. In residential districts a satellite dish cannot be used as a sign.
10. The number of satellite dishes over four (4) feet in diameter is limited to one (1) on residential lots under one (1) acre in size.
11. No satellite dish (ground or roof mounted) shall be linked physically or electronically to a receiver which is not located on the same lot, premises, or parcel of land as is the satellite dish.
12. Wiring beneath a satellite dish and receiver shall be installed according to the specifications of the National Electrical Code.
13. A satellite dish must be bonded to a grounding rod.
14. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.

b. Roof-mounted:

1. In the event that a usable satellite signal cannot be obtained by locating the antennae in the rear or side yard, such antennae may be placed on the roof of a primary or accessory structure.
2. Satellite dishes shall be mounted directly upon the roof of a primary or accessory structure or on a ground anchored pole projecting through an eave of the structure. Satellite dishes shall not be mounted upon appurtenances such as chimneys, trees, or spires.
3. For residential uses, a satellite dish shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.

4. In residential uses, a satellite dish shall not exceed eight (8) feet in diameter.
 5. A satellite dish shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
 6. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.
 7. A satellite dish must be bonded to a grounding rod.
- (11)** A small wind energy system shall be an accessory building in all zoning districts subject to the following requirements:
- a. Setbacks and location, as measured from the furthest outward extension of all moving parts.
 1. A STWES shall be set back a distance equal to its total height plus an additional five (5) feet from any occupied building, street or highway right-of-way; any overhead utility lines; all property lines; and any existing guy wire, anchor or small wind energy tower on the property.
 2. A SSWES shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure.
 3. A SSWES shall not be affixed to the roof or wall of a structure facing a street.
 4. A STWES shall not be located in any front yard except for properties zoned and used for industrial purposes.
 5. The lowest extension of any blade or other exposed moving component of a WES shall be at least fifteen (15) feet above the ground as well as any outdoor surface intended for human use.
 6. Setbacks may be reduced to not less than twenty (20) feet if the applicant provides a registered engineer's certification that the WES is designed to collapse within a zone smaller than the height of the tower, yet still remain within the owner's property or the applicant acquires an easement to meet the required setback distance.
 - b. Access.
 1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
 - c. Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
 - d. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
 - e. Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
 - f. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
 - g. Code compliance. A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.
 - h. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the public service commission regulations.

- i. Small wind energy systems may be attached to any building, including guy wires, provided the city approves the submittal of documentation sealed by an engineer licensed by the State of Michigan showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The city may not be found liable for damage caused by noise or vibration created by the system.
- j. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- k. Each property is eligible for two (2) small wind energy systems only, except properties of at least one (1) contiguous acre may be allowed one (1) additional system for each additional one-half (½) acre or portion thereof.
- l. A small wind energy system that is out-of-service for a continuous six-month period will be deemed to have been abandoned. The zoning administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within thirty (30) days from the date of the notice. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
- m. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the owner's sole expense within ninety (90) days of the date of the notice of abandonment. If the owner fails to remove the wind generator from the wind tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense.
- o. Noise emanating from a small wind energy system shall not exceed fifty (50) dB(A) as measured from any offsite habitable structure or fifty-five (55) dB(A) to any lot line.
- p. Wind energy systems shall not interfere with communication systems such as radio, telephone, television, satellite, emergency communications, or Wi-Fi.
- q. Shadow flicker created by a STWES shall not exceed thirty (30) hours per year as observed on the windows or outdoor spaces (such as porches, patios, and decks) of any offsite building intended for human habitation or occupation. The zoning administrator may request a study to demonstrate the impact of a WES proposal.
- r. Public inquires and complaints by an aggrieved property owner that alleges that a STWES or SSWES does not meet noise or shadow flicker requirements shall be processed as follows:
 - 1. The property owner shall notify the city in writing regarding the concerns related to noise and/or shadow flicker.
 - 2. If the city zoning administrator or engineer deem the complaint sufficient to warrant an investigation, the city will request the aggrieved party to deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician and/or a shadow flicker study as performed by a professional.
 - 3. If the tests(s) show that the WES does not exceed the noise or shadow flicker requirements of this chapter, the city will use the deposit to pay for the test.
 - 4. If the WES is violating this chapter's noise requirements, the owner(s) shall reimburse the city for the testing and take immediate action to bring the WES into compliance, include ceasing operation of the WES till the violations are corrected. The city will refund the deposit to the aggrieved property owner.

YEAS: CHAIRMAN BILL WASCHER, COMMISSIONERS TAYLOR, WARREN AND COLLISON.

NAYS: COMMISSIONERS FEAR AND SMITH.

MOTION CARRIED.

Chairman Wascher stated that the Section 38-5 of the zoning code should also be updated to define what a play structure is.

MOTION BY COMMISSIONER WARREN, SUPPORTED BY COMMISSIONER TAYLOR THAT THE OWOSSO PLANNING COMMISSION RECOMMENDS THAT SECTION 38-5, DEFINITIONS, SHALL BE AMENDED TO ADD A DEFINITION FOR “PLAY STRUCTURE” AS FOLLOWS:

SECTION 38-5. – DEFINITIONS.

***PLAY STRUCTURE.* A PLAYSTRUCTURE IS DEFINED AS A JUNGLE GYM, SWING SET, SLIDE, PLATFORM OR OTHER SIMILAR UNENCLOSED STRUCTURE OR DEVICE INTENDED FOR THE USE OF CHILDREN’S PLAY.**

YEAS: CHAIRMAN BILL WASCHER, COMMISSIONERS TAYLOR, WARREN AND COLLISON.

NAYS: COMMISSIONERS FEAR AND SMITH.

MOTION CARRIED.

ITEMS OF DISCUSSION: None.

COMMISSIONER/PUBLIC COMMENTS:

The Commissioners asked about the color choices for the building on the corner of M-21 and Hickory Street.

ADJOURNMENT:

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER SMITH TO ADJOURN AT 8:43 P.M. UNTIL THE NEXT MEETING ON DECEMBER 14, 2015.

YEAS ALL, MOTION CARRIED.

Janae Fear, Secretary

dg

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, TX 989-725-0540, FAX 989-723-8854

Note to Applicants:

1. In order that this application may be processed, the applicant must completely fill in the application and make a payment of Three Hundred Dollars (\$300) to the treasurer's office, to cover costs associated with the processing. Checks are to be made out to "City of Owosso".
2. The applicant or his/her representative must be present at the planning commission and city council public hearings for action to be taken on this request.
3. Application must be received by the end of the previous month before planning commission meeting. City council will address the rezoning at the following council meeting after planning commission meeting makes its recommendations for the rezoning.

TO THE OWOSSO CITY COUNCIL:

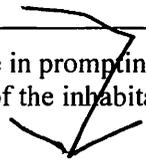
I, (we), the undersigned, do hereby respectfully make application and petition the city council to amend the zoning ordinance and change the zoning map as hereinafter requested,

1. PROPERTY TO BE REZONED: Street address 820 E. MAIN ST.
 Description: (lot, block or metes and bounds) LOTS 78 AND 79 OF THE PLAT OF STAFFORD, GARDNER AND TRANKLE'S CENTRAL ADDITION TO THE CITY OF OWOSSO.
 Frontage in feet 88' Depth in feet 88'

2. PROPERTY OWNERSHIP: (Name, Address, and Phone Number)
Michael J. Kovich - 1940 BRIARCLIFF BLVD., OWOSSO, MI 48867
989-723-6891

3. ZONING REQUEST Current zoning RESIDENTIAL Requested zoning COMMERCIAL
 Proposed use of the property FUTURE COMMERCIAL SALE.
The trend clearly appears to be leaning towards commercializing
properties within THIS BLOCK OF EAST MAIN STREET.

Indicate why, in your opinion, the requested change is consistent with the ordinance in promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso:



The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

Michael J. Kovich
 (Signature of applicant)

1940 BRIARCLIFF BLVD, OWOSSO, MI
 (Address) 48867

(Signature of co-applicant)

989 723-6891
 (Phone)

- Legal representative
- Owner
- Option to purchase



Kaye Grubba - Shiawassee Co. DQU

3112959

Page: 1 of 2
11/25/2003 12:17P

L-1051 P-399

LF298-04
R298-04

QUITCLAIM DEED

~~THIS QUITCLAIM DEED~~, executed this 25 day of NOVEMBER, 2003,
by first party, Grantor, WILLIAM J. KOVICH, A SINGLE MAN
whose post office address is 820 E. MAIN ST., OWOSSO, MICHIGAN 48867
to second party, Grantee, WILLIAM J. KOVICH AND MICHAEL J. KOVICH
whose post office address is 820 E. MAIN ST., OWOSSO, MICHIGAN 48867

WITNESSETH, That the said first party, for good consideration and for the sum of
ZERO DOLLARS Dollars (\$0.00)
paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release
and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first
party has in and to the following described parcel of land, and improvements and appurtenances thereto in
the County of SHIAWASSEE, State of MICHIGAN to wit:

LOTS 78 AND 79 OF THE PLAT OF STAFFORD, GARDNER AND TRANKLE'S
CENTRAL ADDITION TO THE CITY OF OWOSSO, SHIAWASSEE COUNTY,
MICHIGAN.

RECEIVED NOV 25 2003

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Meredith L. Keating
Signature of Witness

Meredith L. Keating
Print name of Witness

Nancy L. Blair
Signature of Witness

Nancy L. Blair
Print name of Witness

William J. Kovich
Signature of First Party

WILLIAM J. KOVICH
Print name of First Party

William J. Kovich
Signature of First Party

WILLIAM J. KOVICH
Print name of First Party

State of Michigan }
County of Shiawassee }

On November 25, 2003 before me, Amy K. Kohagen
appeared William J. Kovich

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Amy K. Kohagen
Signature of Notary

My commission expires October 17, 2006

Affiant Known Produced ID
Type of ID MI-DL-K 120 887 367 625



State of _____ }
County of _____ }

On _____ before me,
appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID
Type of ID _____

(Seal)

William J. Kovich
Signature of Preparer

WILLIAM J. KOVICH
Print Name of Preparer

820 E. MAIN ST., OWOSSO, MICHIGAN
Address of Preparer

48867



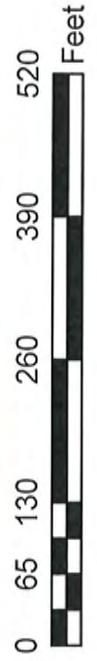
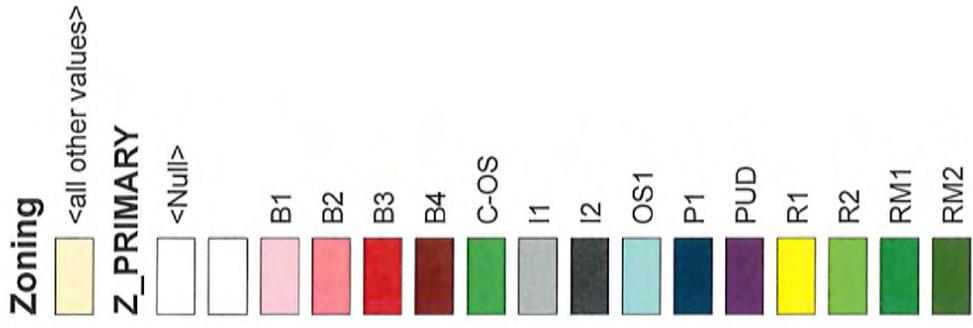
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City of Owosso

820 E. Main Street

November 19, 2015

Legend



Michigan police propose changes to medical pot dispensary bill, end of model.

By Jonathan Oosting
on November 11, 2015 at 10:16 AM

LANSING, MI — Michigan law enforcement officials are not fully backing plans to overhaul the state's medical marijuana system, but unlike last year, they aren't standing in the way of [proposed legislation](#).

"While law enforcement cannot support any legislation that by definition is illegal under federal law due to the classification of marijuana, what we can do is find a position not to oppose having a tough and tight regulatory framework," said Howell Police Chief George Basar, legislative chairman for the Michigan Association of Chiefs of Police.

Basar and other law enforcement officials testified Tuesday before the Senate Judiciary Committee, which is considering House-approved legislation that would allow the state to [license and regulate medical marijuana dispensaries](#), growers and other related businesses.

Michigan's medical marijuana law, approved by voters in 2008, created a system where registered patients and caregivers can grow a limited number of plants, but it did not address storefront dispensaries. The state Supreme Court, in a 2012 ruling, held that dispensaries can be shut down as a public nuisance.

Law enforcement groups successfully blocked medical marijuana dispensary legislation last session, but sponsoring Rep. Mike Callton, R-Nashville, made a concerted effort to bring them to the table this year.

His new medical marijuana bill, which would impose [a 3-percent tax](#) on dispensaries' gross retail income, is part of a larger package that would also create a seed-to-sale tracking system for plants and establish rules for edible and other non-smokable forms of the drug.

Senate Judiciary Chairman Rick Jones, a former Eaton County Sheriff, generally supports the move toward a regulated medical marijuana industry but is sympathetic to concerns from the law enforcement community.

"I think we've reached the point of the wild wild west out there right now," said Jones, R-Grand Ledge. "Apparently caregivers are selling their overages to these dispensaries, there's not licensing, people don't know what they get."

Law enforcement groups proposed several changes to the medical marijuana bills on Tuesday. Read about some of their requests below.

GET RID OF CAREGIVERS

If dispensaries are formally allowed, law enforcement groups would like the state to stop registering caregivers, who are allowed to grow up to 12 plants each for five patients in a secure location, including their home. As of last year, there were about 23,000 registered caregivers in Michigan and 96,000 patients.

"Once the system is up and running, there will be no need for caregivers to grow a product since the patient will be able to access marijuana at the dispensaries," said Ingham County Sheriff Gene Wriggelsworth, who testified on behalf of the Michigan Sheriffs' Association.

Sgt. Amy Dehner of the Michigan State Police said the agency remains concerned that extra marijuana grown by caregivers — known as "overage" — will make its way to the black market, and MSP does not support allowing caregivers to sell to dispensaries.

"We don't have an answer for the overage other than to either phase out or completely get rid of the caregiver model," she said.

Doing so would confirm the worst fears of medical marijuana activist, who believe the reform effort is an attempt to undermine the caregiver model.

"This is what patients and caregivers have been worried about since the start of this legislative process back in 2011," said Rick Thompson, a medical marijuana advocate and board member for Michigan NORML.

"We've never seen law enforcement agencies openly speak about destroying a core value of the Michigan Medical Marihuana Act until now, but they spoke about it so casually, it almost made it seem as if the decision has been made."

It would be hard for the Legislature to eliminate the caregiver system — a 3/4 supermajority vote is required to amend a voter-approved law — and Jones made clear that is not the intent of the current legislation.

But Thompson, who was frustrated that there was no public comment period during Tuesday's hearing, said he is concerned that a court ruling or legal interpretation could jeopardize the caregiver model in the future.

OUTLAW 'UBER WEED'

The medical marijuana legislation would create a new state license for "secure transporters" to shuttle marijuana between businesses, but state police suggested adding language to prevent home deliveries and internet sales by dispensaries.

"What we want to avoid is the private delivery services — Uber Weed, insert random name here — people that are delivering as dispensaries to patients or caregivers," Dehner said.

She also suggested the Legislature consider additional regulations for transporters — such as bonding, the use of unmarked trucks or having at least two people in a vehicle at all time — to ensure that marijuana is delivered in a safe and secure fashion.

Dehner acknowledged concerns that tight marijuana transportation regulations could create a monopoly-like system for companies that already ship tobacco and alcohol, but she said a secure system is a top public safety priority for state police.

"In our mind, the transportation part of this is just as important as licensing the other tiers within this structure," she said.

ADD LOCAL INSPECTIONS, LOCAL FUNDING

The current legislation would allow state police to inspect medical marijuana facilities, but local police and county sheriff's should also have that authority, according to Wriggelsworth.

"Inspection by local police is a valuable tool for making sure that licensees are in compliance with the law and to enforce the act," he said.

Wriggelsworth also suggested that registered caregivers should be subject to similar licensing and inspection rules, a proposal that did not sit well with activists.

"It's scary," said Thompson. "Allowing police to enter your home anytime they want just to inspect your grow is constitutionally troubling and violates what the Founding Father's intended."

If local police are to enforce the law, they should also get a cut of the dispensary tax revenue, according to Wriggelsworth. The law, as currently written, provides funding to sheriff's but not municipal police departments.

Basar, with the Michigan Association of Chiefs of Police, also suggested law enforcement should have "access to any database of licensees, so we're able to quickly and easily confirm individuals' standing."

STRENGTHEN DRUGGED DRIVING LAWS

Law enforcement officials want legislators to sign off on "enhanced roadside detection" methods for for drugged driving, as Dehner put it.

State police have seen a "spike" in the number of cases where "cannabinoids" were detected in a driver's system since the medical marijuana law took effect, she said, topping out at 91 cases in 2012.

Separate Senate legislation, would allow Michigan State Police to develop a pilot program for roadside marijuana testing, including the use of oral swabs or new breath test technology designed to detect the main psychoactive chemical in the drug.

The edible medical marijuana bill should make direct reference to driving while impaired, according to St. Clair County Prosecuting Attorney Mike Wendling, president of the Prosecuting Attorneys Association of Michigan.

"Just like we are concerned about the use of all substances, whether they be legalized or illegal or prescription or alcohol, these substances need to be considered in the operation of cars."

The Michigan Legislature approved a drugged driving bill last year, but only after removing roadside saliva testing language due to concerns that the science was inexact and could lead to improper arrests of medical marijuana patients.

"THC standards just aren't there," said Thompson, who is opposed to the new roadside testing bill. "They can detect presence but not impairment. It's an incomplete tool, and to try to put that into widespread use, without training or understanding the science, is irresponsible."

WHAT'S NEXT

The recommendations from law enforcement groups are just that, recommendations. The Senate Judiciary is expected to continue testimony on the bills in December before making any changes or holding a vote.

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Changes to medical marijuana law aim to clarify use, regulate dispensaries.

POSTED 5:59 PM, OCTOBER 7, 2015, BY [JOSH SIDOROWICZ](#)

LANSING, Mich. — The Michigan House on Wednesday approved major changes to the state's medical marijuana program that would add regulations to dispensaries, create a tracking system for plants, and further clarify usable forms of medical marijuana.

House Bill 4209, approved by overwhelming 95-11 vote, will create a new state board to license growers and distributors and mandates testing in an effort to add more oversight to end legal uncertainty for both patients and growers.

"I don't understand why my clients that have really good, spotless records are now becoming felons because they wanted to become involved with a medical marijuana program," Matt Herman told FOX 17 in April. The Grand Rapids-based attorney **made headlines last spring** when he opened a massive medical marijuana grow operation on the city's west side. He now has six buildings for grow operations across the state.

Herman, who has described Michigan's Medical Marijuana Act as "poorly written," said the new regulations will go a long way to solving some problems with the state's current law.

"Any time you're talking about a large distribution of something, there's going to be regulations," he said Wednesday. "We need to get it out of the house, regulate it, not just so you can tax it and make your money, but just so it's safer."

Under the proposal, medical marijuana dispensaries would be taxed at three percent while patients would pay the state's standard six percent sales tax. Herman says he's still not on board with that and medical marijuana should either be taxed less or not at all.

"Why is it a medication you buy from Walgreens is not taxed but marijuana is?" he said. "It's not perfect but it's progress."

Lawmakers on Wednesday also approved measures enacting what's been dubbed a "seed to sale" tracking system for medical marijuana that would allow regulators to keep track of every plant used and distributed to legal dispensaries.

The law passed by the House would address one of the biggest hang-ups in the current medical marijuana laws: defining what "usable marijuana" entails by extending legal protections to legitimate patients who use non-smokable forms of pot. Currently, the law does not include protections for using medical marijuana concentrates or edibles, medicine that some patients have said does not get them high but does cut their pain.

With the framework set in new regulations, Herman foresees more medical marijuana caregivers taking the route he has by opting to take part in large scale grow operations. He argues that it's not only safer for patients but more economical for growers.

"There's a lot of money to go around when it comes to medical marijuana," he said. "There's a lot of people who can benefit and lots of people who can help other people. This act allows for that."

The legislation now moves to the state Senate for consideration.

Several coalitions are currently working toward **getting the legalization of recreational marijuana** on the statewide ballot in the 2016 election. Herman believes House Bill 4209 could open the door to lawmakers taking action to legalize recreational pot sales before the issue even makes it to voters.

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