

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Monday, November 28, 2022 – 6:30 P.M.

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Secretary Fear, Commissioner Law, Vice-Chair Livingston, Commissioners Martin, Robertson, Schlaack, Taylor and Chairman Wascher

MEMBERS ABSENT: Commissioner Jenkins

OTHERS PRESENT: Tanya Buckelew, Planning & Building Director & Justin Sprague, CIB Planning

APPROVAL OF AGENDA:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER ROBERTSON TO APPROVE THE AGENDA FOR November 28, 2022.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY SECRETARY FEAR SUPPORTED BY VICE-CHAIR LIVINGSTON TO APPROVE THE MINUTES FOR THE August 22, 2022 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS:

1. Zoning Ordinance Text Amendments to allow for drive-thru window service at marihuana retail locations

The City received a request from JARS Cannabis at 200 E. Main Street to amend the Zoning Ordinance to allow for drive-thru window service at marihuana retail locations.

Chairman Wascher opened the Public Hearing at 6:32 p.m.

The following spoke during the Public Hearing:

Tom Manke spoke about alcohol not being allowed via drive-thrus so marijuana should not be either. He stated he has been approached to purchase marijuana in the downtown area from a local business.

Jason Abro with JARS Cannabis spoke about the addition of a drive-thru window to their building to better serve their customers.

Justin Sprague, CIB Planning, offered the following comments per his review letter:

CIB has reviewed the application from Hani Kassab Jr. to consider amending the Zoning Ordinance text in Sections 38-197 (11.a.2), 38-217 (4.a.2), 38-242 (9.a.2) and 38-267 (10.a.2) to allow for drive-thru window services at marihuana provisioning centers.

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the zoning ordinance:

1. Documentation has been provided from city staff, or the zoning board of appeals indicating problems and conflicts in implementation of specific sections of the ordinance.

Finding – There is currently no issues, problems or conflicts with implementation of existing ordinances, however the city has been permitting curb-side delivery of marihuana during the Covid- 19 Pandemic.

2. Reference materials, planning and zoning publication, information gained at seminars or experiences of other communities that demonstrate improved techniques to deal with certain zoning issues, or that the city's standards are outdated

Finding – As noted above the state has changed rules to allow for the use of drive-thru services. Those rules can be seen below.

Rule 7a.

- 1) A marihuana sales location may designate an area for contactless or limited contact transactions unless prohibited by an ordinance adopted by the municipality where the marihuana sales location is located.
- 2) Contactless or limited contact transaction include, but are not limited to the following:
 - a) Curbside service.
 - b) Drive through window service.
- 3) A marihuana sales location may accept online or telephonic orders for marihuana product and payment for the order that will be picked up at the marihuana sales location.
- 4) The designated area for contactless or limited contact transactions must be identified in the marihuana business location plan.
- 5) A marihuana sales location operating a contactless or limited contact transaction must have a written standard operating procedure in place and be made available to the agency upon request.
- 6) Contactless or limited contact transactions must be completed during normal business hours.

- 7) A marihuana sales location using a designated area for contactless or limited contact transactions must have in place an anti-theft policy, procedure, or automatic capability.
 - 8) The designated area for contactless or limited contact transactions must comply with R 420.209.
 - 9) The contactless and limited contact transaction must comply with R 420.505 and R 420.506.
 - 10) Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.
3. The city attorney recommends an amendment to respond to significant case law.

Finding – The city attorney is not opposed to the proposed amendments but is not recommending approval as a result of significant case law.

4. The amendment would promote implementation of the goals and objectives of the city's master plan.

Finding – The amendment would not promote the goals and objectives in the downtown where auto- oriented uses are intended for other commercial areas of the city.

5. Other factors deemed appropriate by the planning commission and city council.

Finding – This application has not been previously before the City.

RECOMMENDATION

Based upon the above comments, **the Planning Commission will need to consider a number of factors to determine if this amendment is most appropriate for the city and its residents and businesses as follows;**

1. That the request is not in overwhelming conflict with the Master Plan or the Zoning Ordinance;
2. The rules have changed at the state which now allow for these services;
3. That a change in the ordinance will not lead to public safety issues or a nuisance to the city and its residents and businesses.

Public Hearing closed at 7:00 p.m.

MOTION BY COMMISSIONER MARTIN SUPPORTED BY COMMISSIONER LAW TO RECOMMEND TO THE CITY COUNCIL TO APPROVE THE TEXT AMENDMENTS TO THE FOLLOWING ARTICLES OF CHAPTER 38 ZONING ORDINANCE –

- **ARTICLE IX. B-1 LOCAL BUSINESS DISTRICT – SEC. 38-197. PRINCIPAL USES PERMITTED (11) a. 2.**
- **ARTICLE X. B-2 PLANNED SHOPPING CENTER DISTRICTS – SEC. 38-217. PRINCIPAL USES PERMITTED (4) a. 2.**
- **ARTICLE XI. B-3 CENTRAL BUSINESS DISTRICT – SEC. 38-242. PRINCIPAL**

USES PERMITTED (9) a. 2.

- **ARTICLE XII. B-4 GENERAL BUSINESS DISTRICTS – SEC. 38-267. PRINCIPAL USES PERMITTED (10) a. 2.**

THE AMENDMENT IS AS FOLLOWS – REMOVE

a. 2. INDOOR ACTIVITIES TEXT FOR THE B-1, B-2, B-3 AND B-4 DISTRICTS.

REPLACE WITH

a. 2. CONTACTLESS OR LIMITED CONTACT TRANSACTIONS. A MARIHUANA PROVISIONING CENTER MAY DESIGNATE AN AREA FOR CONTACTLESS OR LIMITED CONTACT TRANSACTIONS EITHER BY CURBSIDE SERVICE OR A DRIVE THROUGH WINDOW SERVICE. CONTACTLESS OR LIMITED CONTACT TRANSACTIONS MUST BE COMPLETED DURING NORMAL BUSINESS HOURS. MARIHUANA BEING TRANSFERRED DURING A CONTACTLESS OR LIMITED CONTACT TRANSACTION MUST BE IN AN OPAQUE BAG AND THE CONTENTS MUST NOT BE VISIBLE TO THE GENERAL PUBLIC UPON PICK UP.

YEAS: SECRETARY FEAR, COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER MARTIN, ROBERTSON, SCHLAACK, TAYLOR AND CHAIRMAN WASCHER

NAYS: NONE

RCV: 8-0 MOTION CARRIED

ITEMS OF BUSINESS:

1. Zoning Ordinance Full Re-Write Review and Discussion

Justin Sprague commented on the current chapters in review -

Article I. Title, Purpose and Authority

Article XVI. Rezoning, Zoning and Master Plan Amendment Review

Article VEII. Nonconforming uses, Structures and Lots

Articles XXI. Landscape Standards and Tree Replacement

Article XXIII. Administration and Enforcement

Articles XXIV. Zoning Board of Appeals (ZBA)

Article XIX. Off-Street Parking and Loading Standards

Discussion was held regarding making parking a standalone chapter and reducing parking requirements on private property.

Additional chapters are forthcoming in the next few weeks.

COMMISSIONER/CITIZEN COMMENTS:

The garage on the St. Paul's parking lot is in need of repairs.

The hospital fencing along Ada Street does not conceal the mechanical units. The plantings along the parking lot have died. The parking lots across the street are dirt. Justin Sprague and Tanya Buckelew will reach out to the hospital to discuss corrections.

The next meeting is scheduled for December 12, 2022. This is earlier in the month due to the holidays. Discussion was held on whether there would be a meeting or not. Tanya Buckelew stated she has not received any applications and the deadline has passed. Therefore, she

would not be scheduling a meeting in December. Commissioners were asked to continue reviewing the zoning ordinance amendments for the January meeting.

ADJOURNMENT:

**MOTION BY SECRETARY FEAR SUPPORTED BY COMMISSIONER TAYLOR TO
ADJOURN AT 7:40 PM UNTIL THE NEXT MEETING ON JANUARY 23, 2023.**

YEAS ALL, MOTION CARRIED

Janae Fear, Secretary

DRAFT