

## **OVID TOWNSHIP PLANNING COMMISSION**

### **OVID TOWNSHIP OFFICE, BRANCH COUNTY, MICHIGAN**

**August 3, 2021**

#### **PUBLIC HEARING**

The Ovid Township Planning Commission Public Hearing was called to order by Andy AcMoody at 6:00p.m.

Members present: Andy AcMoody, Chris Donbrock, Tammi Schorfhaar

Chris Donbrock made a motion to accept the agenda as presented; seconded by Tammi Schorfhaar; motion carried.

Others present: Bill Benjamin, Dave Smith, Rege Rupp, Paul Dygert, Darren Malek, Roy Brannon, Andrew Labadie, Emily Motes, Jon Motes, Ava Motes, Michael DeLong, Max Delagrang, Judy Harris, Eric Crots, Gary Fraley

The item that was brought forth was a Public Hearing regarding amendments to the zoning map submitted by DNR Properties. The request is to rezone 7.3 acres from Agricultural to the Enterprise District for the purpose of establishing a retail marijuana dispensary. Rege Rupp, of DNR Properties, said that they have reduced the map to request that a smaller portion be rezoned. The building would set back approximately 200 feet off Fenn Road. They want to build on the upper portion of the property. Rege acknowledged the concerns that were presented at the last meeting, but he said that after the meeting, he started to ask around about those concerns and feels that they now have the answers. Rege feels that this will be a very attractive building and an attractive setting. Darren Malek (an attorney working with Rege) stated that the community voted in the right to allow up to two dispensaries in our Township. Darren acknowledged that this is all "new water" and he believes that everyone is here trying to do the right thing and work in good faith. Darren said that while there is considerably more land available to the west of the I69 interchange, the property is not currently available at a reasonable price. Darren said that the request of DNR Properties is a very limited request and he pointed out that some of the residents that raised previous concerns are not citizens of Ovid Township. Darren feels that the limited request that is being brought forward is extremely reasonable. As far as the concerns about potential water run-off, Darren believes the idea is to obtain enough property so that they could consider a water retention system if necessary.

Public comment:

Dave Smith does not believe anything has changed from the previous request other than the amount of acreage. The building would still be going in the same location as was previously proposed. Dave would like to ask the Board if the request to change the area from Agricultural to Enterprise conforms with the Master Plan and Future Use plan – he does not believe that it does. Dave does not think the water is the main issue. He believes various things need to be addressed with the first item being traffic issues (he feels that those who visit these establishments prefer to use back roads and not the interstate). Dave also feels that the area west of the interchange goes along with Coldwater Township's plan to develop that space for industrial/enterprise use. Finally, Dave is concerned about additional crime in the area that would result and be brought into a residential/agricultural area. Dave said that he sincerely appreciates that the Planning Commission is taking into consideration the feelings of residents of other Townships.

Bill Benjamin addressed the issue of traffic and said that if people are going to come up along back roads, it won't matter which side of I69 the dispensary is located on. Max said he thought that Ovid Township initially opted out of the referendum which would allow for dispensaries, and he did not believe that the margin of victory in the election was a very wide margin. Chris Khorey (McKenna) confirmed that the voted received 790 "yes" votes compared to "657" no votes.

Andrew Labadie would like everyone to think more about the "big picture" and not focus on the fact that the business is a cannabis operation.

Emily Motes lives directly across the street and is very concerned about the safety of her children playing in their front yard with the anticipated increased traffic in the area. Emily also expressed her appreciation that the Planning Commission is taking the Coldwater Township residents' feelings into consideration.

Denny Ambrose agreed with Emily in expressing appreciation.

Eric Crots lives directly across the street from the full acreage of the property in question. Eric wanted to know what would stop 7.3 acres from turning into 35 acres? If the whole parcel was rezoned to Enterprise, could we have a large distributorship in this location later and how would this comply with the Master Plan? Eric is also concerned about traffic – he has had three accidents in his field. He is not concerned about what "type" of business goes there, he's concerned about the increase in the volume of traffic.

Mike DeLong owns the land just south of the property in question. Mike is very concerned about the potential increase in traffic. He doesn't care what "type" of business is there – he wouldn't want any kind of business there. Mike addressed Mr. Rupp and said that he feels that Mr. Rupp's denial of the input of residents from Coldwater Township is wrong. Mike feels that we should keep business on the other side of I69.

MaryAnn Fraley lives on Fenn Road and said that they also have a lot of issues with the traffic – they have car parts in their yard from previous accidents and they frequently have people turning around in their driveway (same thing expressed by Eric Crots). MaryAnn said that they struggle to get in and out of their driveway now. She doesn't care what kind of business goes in there. MaryAnn also asked how many of these meetings are going to keep happening? Andy AcMoody explained that anytime a rezone is requested, we are required to have a Public Hearing.

Darren Malek pointed out that Carleton Equipment may not always remain what it is today. He feels that Carleton may decide to put their own dispensary in. There are only two licenses available. Mr. Rupp has one of them and he already has a plan – Darren suggested that a "known plan" would be preferable to the unknown. Regarding the Master Plan, from what Darren he can tell, nothing has happened to the Enterprise Zone. And so far, businesses have not located there so he doesn't feel that the "intent" of the Master Plan has been achieved. Darren doesn't believe that it would matter which side of I69 the facility is located at because traffic is always a concern, and they almost had an accident west of the interchange on their way to the meeting today.

Denny Ambrose feels that the residents of Coldwater Township are being disrespected by those who want this.

Jon Motes addressed Darren Malek and said that basically, they can't afford the property in the Enterprise Zone and so that's why they are requesting the rezone.

MaryAnn Fraley said that Carleton Equipment does not generate the volume of traffic like what the proposed property would.

Mike DeLong said that as far as the argument from Darren Malek about Carleton doing something later on – Mike’s grandfather always told him to deal with the hand you’ve been dealt and not the one you “might” get later.

Dave Smith said that if Mr. Rupp puts a dispensary in that location, it still doesn’t eliminate the possibility of another one coming in (even at Carleton Equipment) – just look at the saturation in Coldwater.

Paul Dygert asked two questions. The first question was if the Elaine Schultz property is allowed to sell off only 7.3 acres. Paul’s second question was to ask about the proposed square footage of the facility – Rege Rupp answered that it would be approximately 3000 square feet.

Mike DeLong said that he believed that the original intent of the Enterprise Zone was to keep development on the west side of I69. Chris Khorey said that both the adopted, and the current draft, Master Plan expands the Enterprise Zone to the west and not to the east.

Chris Donbrock reminded Mr. Rupp that, at the last meeting, he told everyone that he would not pursue this if it wasn’t wanted. Mr. Rupp replied that the last meeting was very emotional.

Rege Rupp said that he has pursued property on the west side of I69 but the current owners are asking a lot of money and don’t want to split it up. The current request is the only option he could come up with since no one in the Enterprise Zone will sell.

Emily Motes asked about the possibility of rezoning some of the empty commercial buildings that are in our area.

Gary Fraley asked why we would expand the Enterprise Zone if we don’t have to.

We received a letter from Elaine Schultz in support of the rezoning and Emily Motes submitted a letter in objection of the rezoning. These have both been entered into the Minutes.

Darren Malek said that if there was another location option available, they wouldn’t be here. Mr. Rupp just wants to use his license that he applied for and was granted.

Paul Dygert then asked if it would be possible to rezone the Sportsman’s location. Paul personally opposes the currently requested location.

Mike DeLong would like to see the Township work with the developers to find a location that would work.

Andy Labadie encouraged us to take advantage of our resources and to take our time in figuring this out.

Bill Benjamin pointed out that, at the time of the conversation when we considered where to put this type of business, we focused on the I69 Enterprise zone.

Tammi Schorfhaar expressed concern that despite the results of the election, in the various meetings that have been held regarding the possibility of establishing a marijuana dispensary, the only people who have expressed support for doing this are the developers and the people who are selling the property. Tammi has not seen support from others. Rege Rupp responded that those who show up to those meetings are people who have received letters about the Public Hearing due to where they live. But those who support it, do not receive letters. Tammi clarified that we always provide public notice in the newspaper about the meetings and on the Township website.

Tammi Schorfhaar made a motion to adjourn; seconded by Andy AcMoody; motion carried. Meeting adjourned at 7:02p.m.

Respectfully submitted by Tammi Schorfhaar, secretary.