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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on August 1, 2019**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 August 1, 2019, commencing at 7:00 p.m., at the Township Hall.

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Present were:

15 William Chapman
16 Fred Nagler, Chairman
17 Denise Hartsough
18 Jim Cripps
19 Henry Dingemans

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Absent was:

23 Jeremy Hathcock

24 Also present were Township Manager, Dexter Mitchell, Township Zoning Administrator Patrick
25 Hudson, Township Attorney Seth Koches, and approximately two additional interested persons.

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Call to Order

29 The Chairman called the meeting to order at 7:00 p.m.

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Roll Call and Recognition of Visitors

33 Chairman Nagler welcomed those in attendance and noted that all Commissioners were
34 present, except Hathcock. Nagler noted that Hathcock called and said he would not be present
35 at the meeting. Upon motion of Dingemans, supported by Chapman, and unanimous vote,
36 Hathcock was excused from the August 1, 2019 regular Planning Commission meeting.

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Approval of the Agenda for the August 1, 2019 Meeting

40 The Commissioners received the agenda in their packets. Upon motion of Cripps, supported by
41 Chapman, and unanimous vote, the agenda was approved as presented.

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43

Approval of Meeting Minutes for July 11, 2019

44 The next item on the agenda was the approval of the July 11, 2019 regular Planning
45 Commission meeting minutes. Copies of the July 11, 2019 meeting minutes were provided to
46 the Commissioners in their agenda packets. The Commissioners had no additional revisions to
47 the proposed meeting minutes.

1 Upon motion of Hartsough, supported by Cripps, and unanimous vote, the minutes of the July
2 11, 2019 regular Planning Commission meeting were approved as prepared. Dingemans signed
3 the minutes and provided them to Hudson for transmission to the Township Staff.

4
5 **Scheduled Reviews**

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7 **4274 Ravine Road – Aggregate Resources**

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9 Hudson prepared a staff report regarding Aggregate Resources, 4274 Ravine Road. Hudson
10 noted that the site is well maintained; Hudson confirmed that the bond and insurance are up to
11 date and valid. Hudson said the soil erosion permit expires on 3/17/21. The inspection fee was
12 paid. Hudson noted that concrete crushing taking place on site is well placed and no complaints
13 have been received. Gary Moline of Aggregate Resources was present and said that all the
14 required documents were in order and asked the Commission to extend the Aggregate
15 Resources special exception use permit for one year.

16
17 Upon motion of Nagler, supported by Hartsough, and unanimous vote, the special exception
18 use permit for Aggregate Resources, 4274 Ravine Road was extended for one year.

19
20 **3800 Ravine Road – StoneCo**

21
22 Hudson prepared a staff report regarding StoneCo, 3800 Ravine Road. Hudson noted that the
23 site is well maintained and that the bond was given an indefinite term. Liability insurance is
24 valid and the soil erosion permit is valid until 2020. The inspection fee was paid. Hudson said no
25 complaints have been received regarding this site.

26
27 Upon motion of Hartsough, supported by Cripps, and unanimous vote, the special exception
28 use permit for Aggregate Resources, 3800 Ravine Road was extended for one year.

29
30 **Public Hearings**

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32 **1421 Healy – Kalamazoo County / Helios Solar LLC – Special Use**

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34 The next item on the agenda was a public hearing for the request of Kalamazoo County, 201 W.
35 Kalamazoo Ave. for a special land use and site plan approval for a proposed solar energy facility
36 on its property at 1421 Healy Street (Parcel Tax Number 06-23-445-120) within the Township.
37 The subject property is located in the I-2 General Industrial District Zoning Classification and is
38 approximately 6.1 acres in size. The standards for consideration of the special exception use by
39 the Township Planning Commission are set forth in Section 8.02.TT of the Township Zoning
40 Ordinance. The standards for site plan review are contained in Section 26.02 of the Township
41 Zoning Ordinance. Setback variances for this proposed facility were granted by the Township
42 Zoning Board of Appeals on June 19, 2019.

1 Nagler opened the public hearing. Nagler explained the rules of procedure that apply during
2 public hearings held by the Planning Commission. Nagler said that the Township Zoning
3 Administrator/Planning Consultant will present a summary or analysis of the request; then, the
4 applicant will present his request to the Commission. Nagler said all interested parties will be
5 given the opportunity to be heard during the public comment portion of the public hearing;
6 thereafter, the Commissioners will deliberate and take action on the request.

7
8 Hudson prepared and summarized a staff report which was contained in the Commissioners'
9 agenda packets. The applicant proposed to construct a 149.65 kW solar project to reduce
10 energy purchases from Consumer's Energy. All adjacent parcels to the east, west, north and
11 south are all zoned I-2 and are occupied by county government facilities; or, to the north, by
12 existing industrial uses. The subject property borders the I-94 business loop on the west side.
13 Hudson said the subject property is a 6.1 triangular site abutting the I-94 Business Loop on the
14 west side and the county jail to the east side. The north half of the property is occupied by a
15 storm water basin and a building housing part of the county sheriff's department. Hudson said
16 the applicant proposed to erect approximately 380 solar panels in six rows of successively
17 shorter rows on a triangular southern tip of an otherwise vacant parcel adjacent to the I-94
18 Business Loop.

19
20 Section 25.02 of the Township Zoning Ordinance provides the Schedule of Regulations for the I-
21 2 General Industrial District Zoning Classification. The minimum lot area is 43,560 square feet;
22 the subject property is 265,716 square feet in size (approximately 6.1 acres). The subject
23 property satisfied the minimum lot width requirement of 150 feet. The front yard setback
24 requirement is 50 feet; each side yard setback requirement is 30 feet; the rear yard setback
25 requirement is 50 feet; and, the maximum lot coverage by all buildings is 75%; the existing lot
26 coverage is 8%. Hudson noted that the ZBA granted a 20' variance from the side setback
27 requirement (i.e. 10' side-yard setback). Hudson said the applicant did not provide a screening
28 plan.

29
30 Hudson completed the review of his staff report and Eric McNamara addressed the Commission
31 on behalf of the applicant. McNamara said he is the Director of Grounds for Kalamazoo County
32 and noted that the County is exempt from Township ordinances. McNamara said that the
33 County always brings its projects to the municipality to respect the Township's zoning
34 ordinances. He said the solar panels will be owned by Helios Solar, LLC (Helios) for 6 years, then
35 the County will assume ownership. The plan is to install a 380-400 solar panel system and
36 McNamara preferred that the solar energy panels are visible (not screened) to the public in
37 order to promote green energy solutions. The solar panels will be approximately 8 feet in
38 height. Hartsough asked what the life expectancy is for the solar panels; McNamara said
39 approximately 25 years. Nagler asked how the solar panels are replaced; McNamara said the
40 County has a fund for capital improvements and sets aside money for that purpose. McNamara
41 noted that the County will be paying Helios \$22,000 per year from that fund. Dingemans asked
42 whether the solar panels will be able to generate enough energy to power the building located
43 on the subject property; McNamara said yes, noting that the building is open seven days per
44 week, consists of office space and is 30,000 square feet in size. Cripps discussed environmental

1 protection issues and asked whether Helios has the burden to maintain the site; McNamara
2 said there aren't any hazardous materials contained within the solar panels, noting they are
3 made of aluminum and contain no batteries. The frame consists of steel poles, glass and copper
4 wiring. McNamara said that the same type of solar panels were sold to and installed at the
5 Kalamazoo Nature Center. Chapman asked how many jobs will be created from this project;
6 McNamara said approximately 6-8, noting that it will take approximately one month to install
7 the solar panels. McNamara discussed the removal process and said that the infrastructure has
8 scrap value, which far exceeds the removal costs.
9

10 Nagler opened the public comment portion of the public hearing and invited any interested
11 party to speak in support of or against the special land use request for a solar energy facility at
12 1421 Healy Street, within the Township. Hearing no additional public comment, Nagler closed
13 the public comment portion of the public hearing and the Commission entered into
14 deliberations.
15

16 Article 8, Section 8.02 TT addresses the special use requirements for wind and solar renewable
17 energy systems. Hudson directed the Commission's attention to Section 8.02TT.2.e, which
18 states:

19 e. Solar Energy Facilities – Utility Grade (over 10 kW, operated by a utility company or
20 government entity):
21

22 i. Ground-Mounted Solar Energy Systems: Ground mounted and freestanding solar
23 energy systems over 10 kW capacity are permitted subject to special land use
24 approval in the R-1, R-2, I-1 and I-2 zoning districts, and subject to the following
25 regulations:
26

- 27 • Location and Setbacks: The solar energy system shall not be located closer to
28 the street than any portion of the principal building, and shall meet the
29 minimum front, side and rear yard setbacks of the zoning district.
30
- 31 • Height: The height of the solar energy system and any mounts shall not
32 exceed fifteen (15) feet when oriented at maximum tilt.
33
- 34 • Screening. Landscaping shall be provided to screen the racking from view on
35 all sides.
36
- 37 • Building Permit: A building permit shall be required for any ground-mounted
38 solar energy system.
39
- 40 • Area: Ground-mounted solar energy systems shall be subject to the
41 maximum lot coverage standards of the zoning district.
42

43 ii. Batteries: When solar storage batteries are included as part of the solar collector
44 system, they must be placed in a secure container or enclosure when in use, and

1 when no longer used shall be disposed of in accordance with applicable laws and
2 regulations.

- 3
- 4 iii. Removal: If a solar energy system ceases to perform its intended function
5 (generating electricity) for more than twelve (12) consecutive months, the operator
6 shall remove the collectors, mounts, and associated equipment and facilities no later
7 than ninety (90) days after the end of the twelve (12) month period. Where the
8 removal has not been lawfully completed as required above, and after at least thirty
9 (30) days written notice, the Township may remove or secure the removal of the
10 solar energy system or portion thereof, with the Township's actual cost and
11 reasonable administrative charges to be placed as a lien on the property. A lien on
12 the property shall be superior to all other liens except taxes.

13

14 The Standards for Granting a Special Land use are contained in Section 26.03.C of the Township
15 Zoning Ordinance, which provides, in part:

16

17 C. Standards for Granting Special Land Use Approval.

18

19 1. Compatibility with Adjacent Uses.

- 20
- 21 a. The location and screening of vehicular circulation and parking areas in relation to
22 surrounding development.
- 23 b. The location and screening of outdoor storage, outdoor activity or work areas, and
24 mechanical equipment in relation to surrounding development.
- 25 c. The hours of operation of the proposed use. Approval of a special land use may be
26 conditioned upon operation within specified hours considered appropriate to ensure
27 minimal impact on surrounding uses.
- 28 d. The bulk, placement, and materials of construction of the proposed use in relation
29 to surrounding uses.
- 30 e. Proposed landscaping and other site amenities. Additional landscaping over and
31 above the requirements of this Ordinance may be required as a condition of
32 approval of a special land use.

33

34 2. Compatibility with the Master Plan. The proposed special land use shall be consistent
35 with the general principles and objectives of the Township's Master Plan.

36

37 3. Public Services. The proposed special land use shall be located so as to be adequately
38 served by essential public facilities and services, such as highways, roads, police and fire
39 protection, drainage systems, water and sewage facilities, and schools, unless the
40 proposal contains an acceptable plan for providing necessary services or evidence that
41 such services will be available by the time the special land use is established.

- 1 4. Impact of Traffic. The location of the proposed special land use within the zoning district
2 shall minimize the impact of the traffic generated by the proposed use. In determining
3 whether this requirement has been met, consideration shall be given to the following:
4 a. Proximity and access to major thoroughfares.
5 b. Estimated traffic generated by the proposed use.
6 c. Proximity and relation to intersections,
7 d. Adequacy of driver sight distances.
8 e. Location of and access to off-street parking.
9 f. Required vehicular turning movements.
10 g. Provisions for pedestrian traffic.
11
- 12 5. Detrimental Effects. The proposed special land use shall not involve any activities,
13 processes, materials, equipment, or conditions of operation, and shall not be located or
14 designed so as to be detrimental or hazardous to persons or property or to public
15 health, safety, and welfare. In determining whether this requirement has been met,
16 consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors,
17 dust, glare, and light.
18
- 19 6. Economic Well-Being of the Community. The proposed special land use shall not be
20 detrimental to the economic well-being of those who will use the land, residents,
21 businesses, landowners, and the community as a whole.
22
- 23 7. Compatibility with Natural Environment. The proposed special land use shall be
24 compatible with the natural environment and conserve natural resources and energy.
25

26 The Commission discussed whether it should require the applicant to incorporate a landscaping
27 plan. The Commission decided it wasn't necessary due to the character of the subject property
28 and the importance to promote green energy solutions. Cripps and Hartsough noted that
29 landscaping to the north and east of the subject property is not an issue and both were satisfied
30 with the applicant's plans.
31

32 Upon motion of Cripps, supported by Hartsough, and unanimous vote, the request for a special
33 exception land use and site plan approval for a proposed solar energy facility on its property at
34 1421 Healy Street (Parcel Tax Number 06-23-445-120) was approved as presented because the
35 provisions of Article 8, Section 8.02, TT.e, Article 26, Section 26.02; and, Article 26, Section
36 26.03.C were satisfied.
37

38 **New Business**

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40 **Site Plan Amendment for Additional Office Space – 3715 E. Main Street**

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42 The first item under New Business was the request of Dianne and Elizabeth Griffith, 6682 Celery
43 Street for a site plan amendment to property addressed as 3715 E. Main Street (Parcel
44 Identification Number 06-12-435-071) to construct a 7,300 square-foot commercial office

1 building in two phases, removing the existing house after the first phase is complete to a site
2 with an existing office building. The property is located in the C-2 District Zoning Classification
3 and is approximately 2.3 acres in size.
4

5 Hudson provided a staff report to the Commissioners and summarized it. The property has an
6 existing 4,500 square-foot building, a 1,180 square-foot building, a 1,716 square foot storage
7 building and a 2,245 square-foot house on a 99,894 square-foot lot, with 268 feet of road
8 frontage on E. Main Street and 408 feet of frontage on Huntington Ave. The current lot
9 coverage is 10.3%. The property is located in the C-2 District. The properties across Huntington
10 Ave. to the east are zoned R-2 and are occupied dwellings. The properties across E. Main Street
11 to the south are zoned C-2 and are occupied by commercial uses. The properties to the west
12 are zoned C-2 and are occupied by various types of buildings in some states of disrepair. The
13 properties to the north are zoned RM-2 and are occupied by apartment buildings.
14

15 Ron Vegh addressed the Commission on behalf of the applicant. Vegh said he wanted approval
16 for the building and then will submit a detailed site plan. Vegh said he did not want to incur the
17 costs of hiring an engineer and/or architect before knowing whether he will obtain approval for
18 the additional building.
19

20 Cripps requested that this matter be tabled until a complete detailed site plan was submitted to
21 the Commission for review. Cripps noted that there were too many missing pieces in the site
22 plan that was submitted to the Commission for it to be properly reviewed. Cripps said more
23 information was needed on the proposed use and office setup/layout; parking had to be
24 addressed and storm water calculations must be completed. Cripps said he had no issue with
25 the applicant's conceptual plan, but the details were lacking at this time for the Commission to
26 properly review his request; Dingemans agreed.
27

28 Upon motion of Cripps, supported by Dingemans, and unanimous vote, the Commission tabled
29 the request of Dianne and Elizabeth Griffith, 6682 Celery Street for a site plan amendment to
30 property addressed as 3715 E. Main Street (Parcel Identification Number 06-12-435-071) to
31 construct a 7,300 square-foot commercial office was tabled until the applicant submits a
32 complete detailed site plan.
33

34 **Old Business**

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36 **Zoning Ordinance Issues**

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38 **Continued discussion regarding recreational marijuana text amendments**

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40 The Planning Commission held a special meeting on July 30, 2019 to discuss the recreational
41 marijuana text amendments. Hudson provided an updated copy of the proposed recreational
42 text amendments to the Commissioners, which was contained in their agenda packets. The
43 Commission discussed the proposed text amendment in Article 8, Section 8.02, XX, 6. Adult Use
44 Marijuana Event Organizer License and decided to remove this sub-section (XX, 6.) in its

1 entirety. The Commission discussed fencing requirements; Mitchell noted that the purpose of
2 the fencing is to prevent people from seeing other people smoke marijuana.

3
4 Hudson discussed text amendments to Article 8, Section 8.02 WW Recreational (Adult Use)
5 Marijuana Text Amendments. Nagler discussed whether someone could smoke marijuana at a
6 medical marijuana facility, noting the exception found on page 8, paragraph 4.a Adult Use
7 Marijuana Temporary Event License. The exception provided that “an Adult Use temporary
8 Marijuana Event may temporarily allow consumption of marijuana on a premises where a
9 medical marijuana or adult use marijuana facility has been properly approved and established
10 and such activity is otherwise prohibited.” The Commission asked for clarity regarding this note
11 and on Section WW, 1.e General Regulations, which provides, “an Adult Use marijuana retailer,
12 grower, processor, transporter, testing facility and/or microbusiness, shall not be permitted as
13 a home occupation, home-based business or accessory use nor may they include accessory uses
14 except as otherwise provided in this ordinance”; and, Section WW, 3.c. Adult use Marijuana
15 Retailer – Other Activities, which provides that, “marijuana and tobacco products shall not be
16 smoked, ingested, or otherwise consumed in the building space occupied by an adult use
17 marijuana retail business.”

18
19 The Commission discussed various buffer requirements, and recommended a buffer from
20 municipal buildings. The Commission discussed treating microbusinesses separately. Dingemans
21 and Nagler discussed residential buffer requirements contained in Section WW, 4.e. of the
22 proposed text amendments. Section WW, 4.e. “Buffer Zones” provides for a 1,000’ buffer from
23 public or private elementary, or secondary schools and public libraries; and, a 500’ buffer
24 requirement from, among other uses, public parks, housing, religious institutions, child daycare
25 facilities, and youth centers. Hudson said he will create a new sub-paragraph, within Section
26 WW to address microbusinesses. Cripps discussed Section WW, 3.c Adult Use Marijuana
27 Retailer – Other Activities, and asked that buffer requirements from government buildings be
28 addressed. Hartsough discussed indoor event centers, and said it is similar to a bar. Mitchell
29 discussed how a business may want to host a temporary indoor event; Hartsough said it may be
30 possible within the C-2 District. Hartsough discussed buffer requirements and recommended
31 allowing this type of use in the C-2 District. Being no further discussion, the Commission
32 discussed setting the proposed text amendments for public hearing for the September 5, 2019
33 Planning Commission meeting.

34
35 Hudson directed the Commission to discuss the proposed text amendments regarding C-1, C-2,
36 I-1 and the I-2 Zoning District Classifications. The Commission began by discussing the proposed
37 text amendments to the C-1 Local Business District Zoning Classification. The Commission
38 recommended deleting the proposed amendment contained in Section 17.02.A. Principal
39 Permitted Uses, sub-paragraph 22 from the proposed text amendments (sale of Cannabidiol)
40 (CBD), subject to obtaining and holding a license from the Michigan Department of Agricultural
41 and Rural Development (MDARD) from the C-1 District. The Commission next discussed the
42 proposed amendments to Section 17.03.B Special Land Uses. The Commission confirmed the
43 additions of sub-paragraphs to Section 17.03.B:

1 11. Adult use Marijuana Retailer, subject to Article 8, Section 8.02, WW., 3;

2
3 12. Adult Use Marijuana Designated Consumption Establishment, subject to Article 8,
4 Section 8.02, XX., 5.; and,

5
6 13. An adult use Marijuana Temporary Event License subject to Article 8, Section 8.02,
7 XX, 4.

8
9 Hudson said he will prepare the proposed revisions to the C-1 District as indicated by the
10 Commissioners.

11
12 The Commissioners next considered the proposed text amendments to Article 18, the C-2
13 Commercial Corridor District Zoning Classification. The Commissioners discussed and confirmed
14 the proposed amendments to Section 18.02.B. Special Land Uses by adding the following sub-
15 paragraphs:

16
17 24. Adult Use Marijuana Retailer, subject to Article 8, Section 8.02, WW., 3;

18
19 25. Adult Use Marijuana Designated Consumption Establishment, subject to Article 8,
20 Section 8.02, XX, 5; and,

21
22 26. Adult Use Marijuana Temporary Event License, subject to Article 8, Section 8.02, XX,
23 4.

24
25 Hudson said he would confirm the revisions in the updated text amendments that will be
26 considered for public hearing.

27
28 The Commissioners next considered the proposed text amendments to Article 19, I-1 Light
29 Industrial District Zoning Classification. The Commissioners discussed and confirmed the
30 proposed text amendments to Section 19.02.B Special Land Uses by adding the following sub-
31 paragraphs:

32
33 32. An adult use Marijuana Retailer, subjection to Article 8, Section 8.02, WW., 3;

34
35 33. An adult use Grower, Processor, Transporter and/or Testing Facility, subject to
36 Article 8, Section 8.02, WW., 4;

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38 34. An adult use marijuana Excess Grower License, subject to Article 8, Section 8.02, XX.,
39 3.;

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41 35. An adult use marijuana Temporary Event License, subject to Article 8, Section 8.02,
42 XX.4;

1 36. An adult use marijuana Designated Consumption Establishment, subject to Article 8,
2 Section 8.02, XX., 5.; and,

3
4 37. An adult use marijuana Microbusiness, subject to Article 8, Section, 8.02, WW, 5.
5

6 Hudson said he would confirm the revisions in the updated text amendments that will be
7 considered for public hearing.
8

9 The Commissioners next reviewed the proposed text amendments to Article 20, I-2 General
10 Industrial District Zoning Classification. The Commissioners discussed and confirmed the
11 proposed text amendments to Section 20.02.B Special Land Uses by adding the following sub-
12 paragraphs:
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14 37. An adult use Retailer, and/or Grower, Processor, Transporter, and/or Testing Facility,
15 subject to Article 8, Section 8.02, WW., 4;
16

17 38. An adult use marijuana Excess Grower License, subject to Article 8, Section 8.02, XX.,
18 3;
19

20 39. An adult use marijuana Temporary Event License, subject to Article 8, Section 8.02,
21 XX., 4;
22

23 40. An adult use marijuana Designated Consumption Establishment, subject to Article 8,
24 Section 8.02, XX., 5; and,
25

26 41. An adult use marijuana Microbusiness office, subject to Article 8, Section 8.02, WW.,
27 5.
28

29 Hudson said he would confirm the revisions in the updated text amendments that will be
30 considered for public hearing.
31

32 Upon motion of Cripps, supported by Dingemans, and unanimous vote, the Commission set the
33 proposed recreational marijuana text amendments for public hearing on September 5, 2019
34 (the date of the next regular Planning Commission meeting).
35

36 **Master Plan – 5 Year Update**

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38 This matter was tabled until the next regular Planning Commission meeting.
39

40 **Parks and Recreation Plan**

41

42 The Commission discussed the current state of the Parks and Recreation plan. Hudson said he
43 would go to W. Main Street to look at the sidewalks/paths to compare to the current
44 infrastructure to the plan.

1 **Open Discussion – Members of the Audience**

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3 None.

4

5 **Report of the Township Board Representative**

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7 None.

8

9 **Report of the Township ZBA Representative**

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11 None.

12

13 **Comments from Planning Commission Members**

14

15 None.

16

17 **Report of the Planner/Zoning Administrator**

18

19 None.

20

21 **Report of the Township Attorney**

22

23 None.

24

25 **Adjournment**

26

27 There being no further business to come before the Planning Commission, upon motion of
28 Cripps, seconded by Nagler, and unanimous approval, the July 11, 2019 Planning Commission
29 was adjourned at 9:47 p.m.

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Henry Dingemans, Secretary

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SYNOPSIS OF ACTIONS

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40 The Kalamazoo Township Planning Commission undertook the following actions at the
41 August 1, 2019 regular Planning Commission meeting:

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- 43 1. Extended the special exception permit for one year for Aggregate Resources,
44 4274 Ravine Road;

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2. Extended the special exception permit for one year for StoneCo, 3800 Ravine Road;
3. Approved Kalamazoo County’s request for a special exception land use and site plan approval for a proposed solar energy facility on its property at 1421 Healy Street (Parcel Tax Number 06-23-445-120) as presented;
4. Tabled the request of Dianne and Elizabeth Griffith, 6682 Celery Street for a site plan amendment to property addressed as 3715 E. Main Street (Parcel Identification Number 06-12-435-071) to construct a 7,300 square-foot commercial office until the applicant submits a complete detailed site plan.
5. Set the proposed text amendments for recreational marijuana for public hearing for September 5, 2019 @ 7:00 p.m. (next regular Planning Commission meeting).