

**CITY OF BENTON HARBOR  
PLANNING COMMISSION MEETING  
LULA LEE COMMISSION CHAMBERS, 200 E. WALL STRET  
September 6, 2022**

**Present:** Commissioners Henry, Hensel, Marshall, City Manager Mitchell, Chairman Reed  
**Absent:** Commissioners Ferguson, McGee, Mayor Muhammad, Commissioner Yarbrough  
**City Staff Present:** Chief Code Compliance Officer Bruce, Community & Economic Development Director Little, and City Clerk Moore.

The meeting was called to order at 5:05p.m. by Chairman Reed.

**AGENDA**

**A motion was made by Manager Mitchell and supported by Chairman Reed to add Update – AEP to item d) under Old Business and move Update – Master Plan to item e) under Old Business. Motion approved** on the following roll call vote. Yeas: Commissioners Henry, Hensel, Manager Mitchell, Commissioner Marshall, Chairman Reed. Nays: None. Members Absent: Commissioners Ferguson, Yarbrough, Mayor Muhammad, Commissioner McGee.

**MEETING MINUTES**

**A motion was made by Commissioner Marshall and supported by Chairman Reed to edit the minutes of July 5, 2022 to reflect Commissioner Marshall as present. Motion approved** on the following roll call vote. Yeas: Manager Mitchell, Commissioners Marshall, Hensel, Chairman Reed. Nays: None. Abstain: Commissioner Henry. Absent: Commissioners McGee, Ferguson, Mayor Muhammad, Commissioner Yarbrough.

**A motion was made Chairman Reed and supported by Manager Mitchell to approve the minutes of August 9, 2022 as presented. Motion approved** on the following roll call vote. Yeas: Manager Mitchell, Commissioners Hensel, Marshall, Chairman Reed. Nays: None. Abstain: Commissioner Henry. Absent: Commissioners McGee, Ferguson, Yarbrough, Mayor Muhammad.

**PUBLIC COMMENTS**

None

**NEW BUSINESS**

**PUBLIC HEARING – SPECIAL USE PERMIT FOR 326 E MAIN ST (11-54-00340-0243-00-1) FOR THE OPERATION OF AN ADULT USE (RECREATIONAL) MARIHUANA RETAIL FACILITY**

Chairman Reed opened the Public Hearing at 5:11pm

Jordan Florian, Attorney on behalf of the applicant stated that the same facility as the Medical Provisioning Center License will be used.

Commissioner Henry asked if there was an opening date. Attorney Florian stated he would check with his client who was unable to attend due to medical reasons.

Chairman Reed asked Director Little if this application was consistent with their medical license and if it was already issued. Little responded that the application is one of the original six medical provisioning licenses issued.

Henry asked how many more licenses were available. Little stated all six of the original approved Medical Provisioning Center licenses that were approved were given the opportunity to apply for an Adult-Use Retail Facility License and believes that this is the fifth application, Clerk Moore confirmed.

With no comments from the public, Chairman Reed closed the Public Hearing at 5:14pm.

**A motion was made by Manager Mitchell and supported by Commissioner Henry to approve the Special Use Permit for 326 E Main St (11-54-0340-0243-00-1) for the operation of an Adult Use (Recreational) Marihuana Retail Facility. Motion carried** on the following roll call vote: Yeas: Commissioners Hensel, Henry, Marshall, Manager Mitchell, Chairman Reed. Nays: None. Absent: Commissioners Yarbrough, McGee, Mayor Muhammad, Commissioner Ferguson.

#### SITE PLAN REVIEW FOR 326 E MAIN ST (11-54-0340-0243-00-1) FOR THE OPERATION OF AN ADULT USE (RECREATIONAL) MARIHUANA RETAIL FACILITY

Chief Code Compliance Officer Bruce stated that he has reviewed the facility and they are in some construction right now. He has made a recommendation based on zoning and finding in his recommendation letter.

Commissioner Henry asked if they were still doing repairs. Bruce stated that the applicant is going to reach out to his office so a walk through can be done to see how much work has been completed. He clarified he does have an original sealed copy of the site plan in his office.

Commissioner Hensel asked if it was a Michigan architect. Bruce stated yes it was a State of Michigan architect.

Chairman Reed asked Bruce if he recommended that an approval was made based on the condition of his final inspection.

**A motion was made by Chairman Reed and supported by Manager Mitchell to approve the Site Plan for 326 E Main St (11-54-0340-00243-00-1) for the operation of an Adult Use (Recreational) Marihuana Retail Facility with the Condition that at the next meeting of the Planning Commission an update is given on the progress and whether or not it is at a point that is approved by the Code Compliance and Building Departments. Motion carried** on the following roll call vote: Manager Mitchell, Commissioners Hensel, Marshall, Henry, Chairman Reed. Nays: None. Absent: Commissioners McGee, Yarbrough, Mayor Muhammad, Commissioner Ferguson.

#### OLD BUSINESS

#### MONTHLY ABSENCE REPORT OF MEMBERS

Chairman Reed stated that Commissioners McGee and Ferguson were excused. He brought it to the attention of the Commissioners that three consecutive, or 25% absences in a 12-month period is condition for removal. He asks for a call prior to the absence at a meeting.

#### UPDATE – 170 RIVERVIEW DRIVE APARTMENT COMPLEX

There are no contingencies left to be met.

#### UPDATE – KUSHAVA CRAFT – 261 WATER ST

Jeff Koshaba stated that work progresses, framing, structural wall covering is almost complete. Electric and plumbing have taken longer, still fielding quotes. Plumbing should begin next week, once plumbing happens, the parking lot can begin. There is no finish date yet until he talks to the electrician.

Officer Bruce stated the building inspector is aware of their work.

#### UPDATE – AEP SUBSTATION

Mona Livingston stated the Right of Way agents are working with surrounding property owners, that should be complete by the end of the September. The construction work with the water system will start in February and the plan is to have the current substation demolished by June of 2023.

**MASTER PLAN UPDATE**

Chairman Reed stated that he will be attending the next City Commission meeting to remind them of the RRC classes between September 14 & October 26. He suggests the Planning Commissioners be apart of those webinars as well. He will be in Chicago for the reclaiming vacant, abandoned and deteriorating properties. He will remind the Commissioner that they are still waiting to hear where to have neighborhood meeting. Asking that the At-Large Commissioners join in with the Ward Commissioners to have at least 2 Commissioners at each meeting.

**COMMISSION / STAFF COMMENTS**

Commissioner Henry asked if they were supposed to look for a location or if they were going to be provided a location. Chairman Reed clarified that it's the responsibility of each Ward Commissioner to find a location in their ward to make it easy for the residents to attend. He stated there are a lot of logistics, such as the day and time. Commissioner Hensel suggested some locations. Henry asked if there would be something to present to the residents. Lee replied that Mr. Lippens will have a prepared presentation.

**MOTION TO ADJOURN**

**A motion was made by Chairman Reed to adjourn the meeting. Motion carried** on the following roll call vote. Yeas: Commissioners Henry, Hensel, Marshall, City Manager Mitchell, Chairman Reed. Nays: None. Absent: Commissioners Ferguson, McGee, Mayor Muhammad, Commissioner Yarbrough.

The meeting was adjourned by Chairman Reed at 5:43 p.m.

---

Tiffany Moore, City Clerk

---

Lee Reed, Chairman