



PLANNING COMMISSION SYNOPSIS

Thursday, April 21, 2016

CALL TO ORDER Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Nordstrom, Willette, Spiess, Batterson, Fischer, Bennett, Goodrum
STAFF PRESENT: Markegard, Johnson, O'Day

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

ITEM 1 **CASE:** PL2016-39
6:01 p.m.

APPLICANT: Minnesota Medical Solutions LLC
LOCATION: 5200 West 84th Street
REQUEST: Conditional Use Permit for a medical marijuana distribution facility in an existing retail center

SPEAKING FOR THE APPLICANT:

Josh O'Neill, 207 S 9th Street, Minneapolis

SPEAKING FROM THE PUBLIC:

Delores Nelson, 8409 Stanley Avenue South, Bloomington, MN 55437
Patrick McClellan, 8438 14th Avenue South, Bloomington, MN 55425
Ken Vinje, representing the property owner, Kraus Anderson

PUBLIC HEARING DISCUSSION:

Johnson presented the location for the proposed distribution facility. He showed the various uses surrounding the 1,600 square foot facility. The Conditional Use Permit will require a final decision by the City Council. The Medical Cannabis Therapeutic Research Act was adopted by the State of Minnesota in 2014. As part of the law, there were 10 qualifying medical conditions to purchase medical cannabis and the patients must be registered by a certified physician. Two cannabis manufacturers were licensed by the State and each was granted four congressional districts for opening distribution facilities. The proposed facility in Bloomington would serve as the only distribution facility allowed in the 3rd Congressional District. Medical cannabis is defined as liquid, oil and pill form only, and smoking of cannabis is prohibited under the law. All employees of the facilities must be licensed pharmacists.

Johnson stated the City of Bloomington adopted a medical cannabis ordinance in October 2015 that created performance standards and licensing requirements. The floor plan of the facility

includes a reception area, waiting room, three counters, consult rooms, security room, bathrooms and breakrooms. Staff toured the Minneapolis facility and Johnson showed pictures of that facility. Zoning performance standards include no harvesting or manufacturing on site, must be greater than 1,000 feet from a K-12 school, 1 facility per 100,000 residents, electronic controlled access requirements and must be highly visible from the right-of-way. Required operating documents include plans identifying security measures, emergency response, and product delivery. Staff finds the application meets the required findings.

Willette asked about the rear door security and lighting plan.

Johnson stated the rear access would be primarily used for product delivery and trash takeout. The lighting plan is in full compliance. The site must be inspected by the Police Department prior to Certificate of Occupancy.

Josh O'Neill said the submitted plan did not identify an exit door. The revised plan would include a rear door that would be secured and primarily used for trash takeout and product delivery. The door will have an electronic strike with 180 degree cameras in both the front and rear of the facility.

Fischer asked if the applicant will be using high-definition cameras.

O'Neill confirmed they would.

Goodrum asked about O'Neill's role with Minnesota Medical Solutions.

O'Neill stated he is part of the leadership team and focuses on real estate. The proposed facility will be Vireo Health's eighth distribution facility between New York and Minnesota.

Willette asked if there will be a limit on the number of people visiting the site at one time.

O'Neill stated that has not been an issue so far in Minnesota. If the site becomes overly busy, patients could be consulted by appointment only if necessary.

Fischer noted there could be security issues with cash handling.

O'Neill stated they have a number of banking partnerships in Minnesota and New York. All the cash is deposited to a bank daily. The facility does not accept credit cards at this time.

Batterson noticed the lack of cameras in the reception and pharmacy area in the floor plan.

O'Neill stated the submitted plans did not show a camera but the revised plans include multiple cameras within the facility.

Fischer asked if there is a security desk.

Before a patient may enter, O'Neill stated an employee greets the patient, asks for identification, and pulls up the Department of Health database to confirm that the patient is registered.

Fischer asked how would a patient access the facility.

O'Neill said the patient would state their name, would be entered into the secured vestibule and asked to produce identification to confirm they are registered.

Willette asked about the process for first-time costumers.

O'Neill said a new customer must first have a physician document a qualifying medical condition and then must pay a \$250 fee and register with the MN Department of Health.

Bennett asked about the sequencing within the facility.

O'Neill said, for new patients, the pharmacists prescribe the doses then the pharmacist will conduct a 15-20 minute consultation. The patients will start with a smaller dose and see how the dose is working.

Delores Nelson asked why the retail shopping center was chosen as a site for medical cannabis and about the proposed signage. She noted the facility will degrade property values. Finally, she asked if a petition could alter the decision of the Planning Commission.

Nordstrom stated the signage will be consistent with other signage on the building.

Johnson said the ordinance states the signage should not include images of cannabis, cannabis smoking paraphernalia, colloquial references to cannabis, images of plants, or medical symbols. In terms of the location, the City identified allowable zoning districts where a medical marijuana distribution facility is a conditional use. The State adopted a rule limiting the proximity to a K-12 school to 1,000 feet, which the City mirrors in its standards.

She asked about the approximate distance to Poplar Bridge Elementary School.

Johnson said the school is approximately 1,100 square feet from the facility.

Regarding a potential petition, Markegard said the decision must ultimately be based on the required findings. The Commission and the City Council would consider public testimony and correspondence in their overall evaluation. Markegard noted medical marijuana distribution facilities are allowed as conditional uses in zoning districts that allow pharmacies.

Patrick McClellan noted he was one of the first patients of Minnesota Medical Solutions. It is important to address the needs of ill patients. He supports the proposed facility and appreciates the close proximity to his home.

Fischer asked how medical marijuana has helped him.

McClellan said he suffers from muscular dystrophy with occasional severe muscle seizures. He said his health has significantly improved since using medical marijuana. The medical marijuana response time to his severe seizures is much faster and safer than other types of medication he has taken in the past.

Ken Vinje, management with Kraus Anderson, discussed the rear of the building. The shopping center abuts Stanley Avenue and would allow more eyes on the rear of the building than at a typical strip center. Regarding a degradation in property value, he stated after research and visiting the facility in Minneapolis, it is a well-run operation and similar to a medical office building. The current tenants in the existing shopping center do not have issues with the proposed facility.

The public hearing was closed via a motion.

Nordstrom said the hours of operation would limit operation in the evening and night hours. They can control deliveries and distribution of trash.

Spiess supported the medical marijuana distribution facility and believed it is important to service the needs of the community.

Willette would like to see the up-to-date building plans.

Fischer was concerned about the robbery risk of the building and the customers holding a large amount of cash. Overall, the security plan is adequate.

Goodrum said he is comfortable with the security plan. The proposed plan meets all the required findings and is no different than a bank or pharmacy which would be allowed at this location.

Fischer asked if the State law changes regarding recreational marijuana, how it would affect the Conditional Use Permit.

Markegard said the City ordinance prohibits recreational marijuana sales. None would be allowed unless the State was to override any City prohibition. Any new qualifying medical conditions approved at the State level would be able to use the facility for purchasing medical marijuana.

Fischer asked if the ordinance limits the type of marijuana.

Markegard stated it is limited to oils, pills and liquids.

Johnson said if the State changes the law, the City would likely adopt a moratorium on the use of recreational marijuana distribution until the City can further study the issue.

Nordstrom reiterated if the law changes, the new use would have to go through a new process.

Batterson noted that the medical marijuana distribution facility will be a good use. The facility will help those facing health hardships and he is comfortable with the security measures.

Nordstrom noted the item will move to City Council on May 2nd.

Willette noted it would be beneficial to include the tenant address.

ACTION OF THE COMMISSION:

M/Spiess, S/Willette: To close the public hearing. Motion carried 7-0.

M/Spiess, S/Bennett: In Case PL2016-39, having been able to make the required findings, I move to recommend approval of a Conditional Use Permit for a medical marijuana distribution facility in an existing retail center located at 5200 West 84th Street subject to the conditions and Code requirements attached to the staff report.
Motion carried 7-0.

CONDITIONS OF APPROVAL RECOMMENDED TO THE CITY COUNCIL:

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be determined and satisfied.
3. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal and Bloomington Police Department.
4. Ongoing The proposed use and building improvement are limited to those as shown on the approved plans in Case File #PL201600039.
5. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code, the approved Uniform Sign Design Plan, and Section 21.302.22 of the City Code.
6. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
7. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).

ITEM 2
6:47 p.m.

APPLICANT: City of Bloomington

REQUEST: Consider approval of draft Planning Commission meeting synopsis 3/17/16

ACTIONS OF THE COMMISSION:

M/Batterson, S/Willette: I move to recommend approval of the draft Planning Commission meeting synopsis of 3/17/16 as amended.
Motion carried 6-0. Fischer absent.

Nordstrom would like to amend his comment regarding vegetation contamination of Nine Mile Creek. His comment should read, "Nordstrom asked where was the source of contaminated vegetation coming from. If it is coming from Nine Mile Creek, how are they dealing with the issue?"

ITEM 3
6:50 p.m.

APPLICANT: City of Bloomington (study item)**REQUEST:** Discuss potential resolution on proposed Waukesha, Wisconsin water withdrawal from Lake Michigan

Bennett referenced the recent Star Tribune article addressing potential water withdrawal from Lake Michigan. The governors included in the compact, including Minnesota, must vote on the diversion request. Water is an important resource and the Great Lakes, especially Lake Superior, is important to Minnesota's regional tourism industry. Bennett prepared a draft resolution for consideration by the commission.

Spiess is interested in the water resources but is uncomfortable recommending this to City Council without a study discussion.

Goodrum is also interested in water resources. The Comprehensive Plan could address the water resource issue in the region. He will be supportive of the resolution but needs more time.

Willette agreed with the proposed recommendations listed in the resolution.

Nordstrom said the Comprehensive Plan only addresses the City of Bloomington. There are issues beyond the City that do not belong in the City's Comprehensive Plan. If the City Council wants to address a larger issue, they can contact the legislators.

Goodrum said his previous employment role was to review and write Comprehensive Plans for cities within the metropolitan region. The Comprehensive Plan addresses regional issues and adopts language to provide scope for a specific issue.

Nordstrom said that is a basis of comparison but does not address concerns outside the City.

Goodrum said the City could include those regional conversations in the Plan. He suggested bringing this as a discussion item with the Comprehensive Plan update.

Fischer asked about the commission's participation with watershed districts.

Nordstrom said Bloomington is part of the Nine Mile Creek Watershed District.

Willette said the Nine Mile Creek Watershed District only deals with issues involving that waterbody. The resolution would offer an opinion for those communities outside the Great Lakes watershed.

Bennett believed the issue is applicable to the role of the Planning Commission. The Great Lakes tourism is directly connected to the overall tourism industry in Minnesota.

Nordstrom said the minutes will be available to the City Council.

Markegard said the minutes would be available to the City Council but a resolution would not go to City Council unless the Planning Commission was to take action on one.

Batterson was unsure if the Planning Commission is a good place to start, but the elected officials can make a recommendation to the Governor. It is important to protect the natural resources of the Great Lakes.

Nordstrom asked about next steps.

Goodrum suggested the City Council review the minutes.

Nordstrom proposed to send the minutes to the City Council or the Governor.

Spiess believed the item should be a discussion item and will contact her representatives.

The meeting adjourned at 7:09p.m.

Prepared By: EO **Reviewed By:** GM/NJ

Approved By Planning Commission: _____