

The regular meeting of the Clare City Planning Commission was called to order in the city commission chamber of Clare City Hall, 202 W. Fifth St., Clare, MI, at 6:32 p.m. by Commission Chair Josh Clark, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Angie Cozat, Josh Clark, Glenda Carmoney, and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, Brett Moser, and Kristin Heintz. Also present were Steve Kingsbury, City Treasurer; and Stacy Pechacek, Deputy City Clerk.

APPROVAL OF AMENDED AGENDA:

Moved by Commissioner Acton second by Commissioner Carmoney to approve the amended agenda. Ayes: All. Nays: None. Absent: Elaine Demasi, Jason Lowe, Brett Moser and Kristin Heintz. *Motion approved.*

APPROVAL OF MINUTES:

Moved by Commissioner Wyman second by Commissioner Cozat to approve the meeting minutes. Ayes: All. Nays: None. Absent: Elaine Demasi, Jason Lowe, Brett Moser and Kristin Heintz. *Motion approved.*

UNFINISHED BUSINESS: None.

NEW BUSINESS:

SITE PLAN PROPOSAL – ROBOTIC WELDED PARTS

The City of Clare has received a site plan application from Robotic Welded Parts to construct a new 12,000 sq. ft. industrial building on property being purchased contiguous to the current RWP manufacturing complex located at 314 East Fourth Street in Clare. The proposed layout plans have been provided to the planning commission. The new facility will be used to manufacture aeronautic components.

The City Staff conducted a review of all the aforementioned plans with Mr. Scott Carter, the RWP owner, on September 6th. The proposed plans and development meet or exceed the City's current zoning and building requirements. The City Staff offers its full endorsement of the project and unanimously recommends the Planning Commission approve the site plan as proposed.

The Clare Industrial Development Corporation reviewed the proposed plans and new development on August 29th and unanimously endorsed and recommended approval of the proposed expansion.

The City Planning Commission is the City's approval authority of the proposed project. To facilitate consideration of the site plan by the Planning Commission, public notice of the proposal has been published and notice to all residents and businesses within a 300' radius has been mailed.

The Planning Commission is required to hold a public hearing related to the proposed site plan. As reflected above, proper notice regarding the site plan application has been made by the City. To date the City has not received any verbal or written comments opposing the proposed development.

Mr. Kingsbury made note that Commissioner Josh Clark would be abstaining from the vote regarding the proposed site plan because he is one of the property owners within the 300' radius of the proposed project and was concerned his vote for or against the site plan would be a conflict of interest.

Subsequent to the hearing, the Planning Commission will be asked to formally consider the site plan and render a decision in respect to approval or disapproval.

Motion by Commissioner Wyman second by Commissioner Acton to open the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Jason Lowe, Brett Moser and Kristin Heintz. *Motion approved.*

Public Comment:

Commissioner Josh Clark reiterated that he would be abstaining from the vote due to a conflict of interest.

Motion by Commissioner Wyman second by Commissioner Carmoney to close the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Jason Lowe, Brett Moser and Kristin Heintz. *Motion approved.*

Mr. Carter informed the commission that the only change to the plans provided was the addition of restrooms. He stated that final sale of the property should commence within the next 30 days and he intends on breaking ground before year end. In a response to an inquiry by Commissioner Clark, Mr. Carter stated that the setback to the south (residential) of the proposed site is roughly 140' - 150' and limited noise can be heard outside of the buildings. He also stated that he anticipates the new structure will house approximately 20 new jobs within the next 18-24 months.

Commissioner Kristin Heintz arrived at 6:36 p.m. during Mr. Carter's presentation.

Motion by Commissioner Acton second by Commissioner Heintz to approve the Site Plan by adoption of 2017-018PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. Abstaining from vote: Josh Clark. *Motion approved.*

SITE PLAN PROPOSAL –SHARPCO NEW WELDING FACILITY

The City of Clare has received a site plan application outlining a proposal to construct a new 9,000 square foot industrial building on property being purchased in the City's North Industrial Park. A diagram and sketch has been provided to the planning commission. The new building will house a welding fabrication company (SHARPCO) owned and operated by Mr. Seth Sharp, who created the new start-up company with one employee in leased space on Pine Street in Clare approximately six years ago; he outgrew that building and moved to another leased industrial space on E. Fourth Street owned by Mr. Scott Carter, the proprietor of Robotic Welded Parts, and gradually grew the company to 11 employees; he has now outgrown the current leased space – thus his decision to purchase property and construct a new building that he will own on Consumers Parkway (address not yet assigned) in the industrial park.

The City Staff conducted a review of all the aforementioned plans with Mr. Seth Sharp on September 6th. The proposed plans and development meet or exceed the City's current zoning and building requirements. The City Staff offers its full endorsement of the project and unanimously recommends the Planning Commission approve the site plan as proposed.

The Clare Industrial Development Corporation (IDC) has approved the sale of property to Mr. Sharp and concurrently reviewed the proposed plans and new development on August 29th. The IDC unanimously endorsed and recommended approval of the proposed expansion, citing it as a great example of the type of development desired and needed in our community and recognizing the entrepreneurship of Mr. Sharp and others like him as the future of Clare.

The City Planning Commission is the City's approval authority of the proposed project. To facilitate consideration of the site plan by the Planning Commission, public notice of the proposal has been published and notice to all residents and businesses within a 300' radius has been mailed.

The Planning Commission is required to hold a public hearing related to the proposed site plan. As reflected above, proper notice regarding the site plan application has been made by the City. To date the City has received one letter of support from Mr. Tom Kunse, the proprietor of Northern Dry Bulk, recommending approval of the proposed development.

Subsequent to the hearing, the Planning Commission will be asked to formally consider the site plan and render a decision in respect to approval or disapproval.

Motion by Commissioner Carmoney second by Commissioner Wyman to open the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Public Comment:

The Planning Commission received a letter from Mr. Tom Kunse of Northern Dry Bulk in support of the Sharpco proposed site plan.

Motion by Commissioner Wyman second by Commissioner Acton to close the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Mr. Seth Sharp of SharpCo briefly addressed the commission and answered questions about the proposed site plan. He indicated that, though they planned to break ground before year end, it looks like it will be spring 2018.

Motion by Commissioner Carmoney second by Commissioner Heintz to approve the Site Plan by adoption of 2017-019PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

SITE PLAN PROPOSAL – FCI CLARE PROVISIONING CENTER

The City of Clare has received a site plan application outlining a proposal to construct a new 4,608sf industrial building on vacant property being purchased in the City's South Industrial Park. Drawings and Survey have been provided to the planning commission. The new building will house a Medical Marihuana Grow and Provisioning Center with a proposal for a 15,000 square foot second-phase expansion to house a Medical Marihuana Processing Center.

The City Staff conducted a review of all the aforementioned plans with Lapham's Engineers and the three partners of FCI, a down-state investment company, and their attorney on August 23rd. The proposed plans and development meet or exceed the City's current zoning (to include lighting, parking, and landscape) and building requirements. The City Staff offers its full endorsement of the project and unanimously recommends the Planning Commission approve the site plan as proposed.

The Clare Industrial Development Corporation (IDC) reviewed the proposed plans and new development on August 29th and unanimously endorsed and recommended approval of the proposed construction project.

The City Planning Commission is the City's approval authority of the proposed project. To facilitate consideration of the site plan by the Planning Commission, public notice of the proposal has been published and notice to all residents and businesses within a 300' radius has been mailed.

The Planning Commission is required to hold a public hearing related to the proposed site plan. As reflected above, proper notice regarding the site plan application has been made by the City. To date the City has received one letter of objection from Mr. Tom Kunse, the proprietor of Northern Dry Bulk, a neighboring business of the proposed development, recommending disapproval of the proposal.

Subsequent to the hearing, the Planning Commission will be asked to formally consider the site plan and render a decision in respect to approval or disapproval.

Motion by Commissioner Wyman second by Commissioner Acton to open the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Public Comment:

A letter from Mr. Tom Kunse of Northern Dry Bulk was read aloud and entered into public comment as requested by Mr. Kunse. His letter reflected his disapproval of moving forward with the FCI facility.

Motion by Commissioner Wyman second by Commissioner Heintz to close the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Making presentations and answering questions were multiple representatives of FCI including: Alan Craighead, Engineer; Joslin Monahan and Mike Leavy, Attorneys for FCI; and Eric Kinaia and Kevin Kirkpatrick, representatives of FCI.

Mr. Craighead began by discussing the construction and layout of the facility and answered commissioner questions regarding the phases of construction: phase (1) 4,608 square feet for processing and provisioning and phase (2) 15,000 square feet warehouse for the grow facility, security including fencing and traffic flow, parking, landscaping, and setbacks. The attorneys for FCI further discussed what will take place during each phase of the process. The building completed in phase one (4,608 sq.ft.) will be used as a dispensary and processing facility, the second phase building (15,000 sq. ft.) will be a warehouse for growing. Initially, the plan is to use the 4,608 square foot building as just a dispensary until the second phase of building is complete. Until the completion of phase two, FCI will have a state regulated and licensed transport company bring in the product to be dispensed.

Commissioners raised questions about how the recent LARA requirements for operation of a dispensary will affect the intended site plan. Ms. Monahan and Mr. Leavy explained that because they are not currently in operation and do not intend to be prior to December 15, 2017, that the shut down and re-open stipulation for current unlicensed dispensaries set forth by LARA will not have any impact on this project.

In response to an inquiry by commissioner Wyman regarding resale of the property and potential contamination, the FCI team stated that there would be not contamination concerns. If the project at some phase fell through, the building(s) could be resold for other business ventures.

In response to a question raised by Commissioner Clark, Mr. Leavy explained that if Michigan, like Colorado, were to expand from legalized medical marijuana to legalization of recreational marijuana, the city would have the option to either stay solely medical or incorporate recreational. The process, however, would again start from the beginning in regard to local ordinance, code, regulations, approval and licensing on the local level. This notion was reiterated by Mr. Kingsbury. Mr. Leavy indicated that, at this point, there are many unanswerable questions with regard to the potential expansion into the realm recreational marijuana.

Mr. Craighead addressed questions about expansion of the south industrial park further in terms of how many of these facilities can be accommodated. Mr. Kingsbury stated that in the current location the city engineers have indicated that there is room for three facilities. Mr. Craighead indicated that the hope is to break ground and move forward with the project as soon as possible; however, that will depend on the cooperation of the weather. A realistic goal for opening the facility is early 2018.

A brief discussion was had about building signage. The FCI team reassured the commission that though no definitive design has been completed, signage would be in good taste and follow any guidelines set forth by the city code of ordinances and comply with the state standards set forth by LARA. Mr. Craighead also addressed questions about landscaping and stated that it will all be done per city code.

The FCI team also fielded questions about disposal of "green waste". Mr. Kirkpatrick stated that they mix the green waste with other materials with the intention of rendering the product unusable. The process of disposing of green waste will be dictated by the state and LARA. At all stages the green waste will remain inside of the building and locked away for a double measure of safety. The proposed dumpster pad in the site plan is for regular waste.

Motion by Commissioner Wyman second by Commissioner Cozat to approve the Site Plan by adoption of 2017-020PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

SPECIAL USE PERMIT APPLICATIONS – FCI

The City has received a Special Use Permit Application from Lapham Associates on behalf of FCI, a Lansing-based investment group, to allow the issuance of three specific Medical Marijuana licenses by the City of Clare (a provisioning center license; a processing center license; and a Class B [1,000 plants] license) to allow the company to operate multiple Medical Marijuana Facilities on property they are purchasing on Clare Industrial Parkway in the City's South Industrial Park. The Clare City Planning Commission is the approval authority for the special use permits.

FCI has completed the required Special Use Checklist and provided Supplemental Answers related to Compatibility, Environmental Impact, Floor Plans, a Narrative of Operations, and a Statement of Effect on Public Services/Resources. The City Staff has reviewed the Check List and the Supplemental Answers provided and found no fault or error in these documents and takes no exception to the responses offered.

The City published notice in a local newspaper and mailed notice to all property owners within a 300' radius of the proposed site. As the Clare Industrial Development Corporation (IDC) oversees all industrial park operations, the permit applications were considered by the IDC on August 29th. The IDC unanimously endorsed and recommended approval of the special use permits for the grow facility and the processing center as they consider them totally compatible with operations within the industrial park; however, the IDC expressed concern that the provisioning center may generate excessive vehicular traffic within the boundaries of the industrial park and consequently create a public safety hazard.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to each of the special use permits; Proper notice regarding the special use permit application has been made by the City. The City has also mailed notice to all property owners within a 300' radius of the site of proposed Medical MJ facility. To date the City has received a letter from Northern Dry Bulk objecting to the issuance of a special use permit for a provisioning center in the industrial park. .

Subsequent to the respective hearings, the Planning Commission will be asked to formally consider each of the Special Use Permit Applications and render a decision in respect to approval or disapproval for each.

(1) Special Use Permit – Medical MJ Class B Grow License

Motion by Commissioner Acton second by Commissioner Wyman to open the public hearing for Medical MJ Class B Grow License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Public Comment:

Ms. Monahan presented items 1-10 of the ordinance special use application checklist items and provided answers to each questions. Through addressing each pertinent item on the checklist Ms. Monahan demonstrated that FCI meets all of the requirements for the special use permit for the Class B Grow License.

In response to a question raised by Commissioner Clark, Ms. Monahan stated that there are no windows in the grow portion of the facility. This was done by design, so that no one can see into the facility and light within can be controlled.

Motion by Commissioner Heintz second by Commissioner Carmoney to close the public hearing for Medical MJ Class B Grow License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Motion by Commissioner Acton second by Commissioner Wyman to approve the Special Use Permit for Medical MJ Class B Grow License by adoption of 2017-021PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Brett Moser, Josh Clark, Jason Lowe, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

(2) Special Use Permit – Medical MJ Processing License

Motion by Commissioner Wyman second by Commissioner Acton to open the public hearing for Medical MJ Processing License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe *Motion approved.*

Public Comment:

Mr. Leavy discussed the method of processing marijuana from cannabis flower into oil or liquid. In a response to a question by Commissioner Acton Mr. Leavy reaffirmed that all codes would be complied with, including fire code as it directly related to the processing special use license. Mr. Kingsbury said that the fire chief has signed off on all aspects of the site plan, as have other city department heads. In one prior discussion it was stated that butane will not be used at the Clare facility, instead they will be using CO₂.

Mr. Kinaia stated, in a response to an inquiry by commissioners, that the initial plan is for the processing portion of the facility to operate within normal business hours. However, if need required it, there is a possibility of having shift workers. In a response to a question posed by Commissioner Wyman, Mr. Kingsbury noted that we do have a number of businesses within the industrial park that operate in "shifts" on a 24 hour basis. Also, that we have police patrol in that area throughout a 24 hour period. Mr. Kingsbury made clear that ultimately state law will dictate these aspects of this particular business.

Mr. Kirkpatrick, in a response to a question from Commissioner Wyman, stated that those individuals working in the processing center would be specially trained "in house". It would be required that at least one individual working in processing have a specialized license or advanced scientific degree. The hope is to hire and train local individuals and FCI anticipates approximately 80 employees will be needed to run the Clare facility.

Mr. Leavy, attorney for FCI, explained that certain local and state officials, specifically law enforcement, will have unfettered 24/7 access to all aspects of the facility. This will include a 24/7 365 day live video feed inside of the property.

Motion by Commissioner Wyman second by Commissioner Heintz to close the public hearing for Medical MJ Processing License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Motion by Commissioner Wyman second by Commissioner Heintz to approve the Special Use Permit for Medical MJ Processing License by adoption of 2017-022PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

(3) Special Use Permit – Medical MJ Provisioning License

Motion by Commissioner Carmoney second by Commissioner Acton to open the public hearing for Medical MJ Provisioning License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Public Comment:

Ms. Monahan answered questions presented by the commissioners. She reiterated that this facility is solely for the production, processing and provisioning of marijuana for medicinal use. Strict requirements to even gain access to the facility will be in place on a continuous basis. Individuals without a verified patient/physician relationship AND a medical marijuana card will be denied the ability to even gain entry to the building.

Clarifications were made regarding the stacking process of facilities licensing act. Of the five elements discussed in the licensing act, three can be combined. These three include the growing, processing and provisioning. The two that cannot be stacked or combined are transporting and testing. Ms. Monahan also clarified that there is no difference between the terms "provisioning" and "dispensing".

Discussion took place regarding the number of potential clients the provisioning center will draw in. Mr. Leavy expressed that FCI anticipates somewhere between 80 and 100 customers per day, but if no other facilities open near Clare, it is possible that this facility will take in more clients.

A brief discussion was had about the potential financial benefits of having the facility in our industrial park to the City of Clare.

Security of the provisioning center was discussed. It was reiterated that certain criteria must be met to access the facility. Card holders will have to show their medical marijuana license as well as additional photo identification. Also, it was mentioned that the State maintains a database of card holders, to ensure that there is no "double dipping" within the system.

Motion by Commissioner Wyman second by Commissioner Heintz to close the public hearing for Medical MJ Provisioning License. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Motion by Commissioner Acton second by Commissioner Wyman to approve the Special Use Permit for Medical MJ Provisioning License by adoption of 2017-023PC. Roll call vote: Ayes: Darren Acton, Glenda Carmony, Josh Clark, Angie Cozat, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

EXCUSAL OF COMMISSIONER DEMASI

The Planning Commission bylaws stipulate "if a Planning Commissioner shall miss three consecutive meetings or 30% or more of scheduled meetings in any calendar year, his/her office shall be considered vacant unless the Planning Commission shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Planning Commission."

Commissioner Demasi provided advance notification to city staff and has requested excusal from tonight's meeting.

Motion by Commissioner Carmony second by Commissioner Wyman to excuse Commissioner Demasi from tonight's meeting by adoption of 2017-024PC. Roll call vote: Ayes: Darren Acton, Glenda Carmony, Josh Clark, Jason Lowe, Angie Cozat, Elaine Demasi, Kristin Heintz, Brett Moser, and Nick Wyman. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

INFORMATION ITEMS

The Commission was advised by email earlier this week that the City Staff had reviewed and approved a parking lot expansion for the Rogers Group to accommodate the hiring of additional employees.

Ordinance 2017-003. The City is changing its ordinance codes to conform with federal law in respect to allowing an individual to openly carry a firearm in public places as our current ordinances prohibit doing so.

Abandonment of City Property - The City has received requests to abandon two parcels of property: a small section of sidewalk on W. Fourth Street to allow the Venue to return its building to its historic past with an outside stairwell entrance and the abandonment of a portion of Beech Street to provide the elevator room for potential future expansion. The City Staff is recommending approval of both requests.

The City Staff is proposing the City Commission approve this year's Trick or Treat Hours for 6-8pm on October 31st.

We are again hosting our annual 2nd Grade Tour of our City Facilities and are seeking volunteers to assist and be tour guides.

The City is coordinating a tour of a Medical Marihuana Processing Center the week of September 18th. If you are interested in joining us, please inform Diane, Steve, Sarah, Stacy, or Ken at City Hall.

PUBLIC COMMENT: None.

INTRACOMMISSION COMMUNICATIONS: Commissioner Carmoney noted that signage on McEwan still exists for a beauty salon on Wilcox that is no longer open.

Commissioner Clark commented that there is a section on the west side of Pine Street behind the old consumer's energy building near the entrance to the rail trail that his holding water.

ADJOURNMENT

Moved by Commissioner Wyman second by Commissioner Heintz to adjourn. Ayes: All. Nays: None. Absent: Elaine Demasi, Brett Moser, and Jason Lowe. *Motion approved.*

Meeting adjourned at 8:50 p.m.

Stacy B. Pechacek, Deputy City Clerk