

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 6:30 p.m. by Commission Chair Josh Clark, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Josh Clark, Angie Cozat, Glenda Carmoney, Elaine Demasi, Brett Moser and Nick Wyman. Absent: Jason Lowe and Kristin Heintz. Also present were Ken Hibl, City Manager; Jim Chapman, Fire Chief; Sam Eberhart, Assistant Fire Chief; and Diane Lyon, City Clerk.

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

Moved by Commissioner Acton second by Commissioner Carmoney to approve the Minutes. Ayes: All. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**CHILD CARE RATION CHANGE-CLARE UNITED METHODIST CHURCH**

The City has received an email request from Ms. Gail Neff, the Chairperson of the Clare United Methodist Church's Child Care Center Board of Directors, advising that during the process of licensing of the new Center, the state has recommended that the Infant/Toddler ratio of child care providers to the number of children be changed from 4:8 to 4:12. During conversation with Diane Lyon, our City Clerk, Ms. Neff further advised that the City's Planning Commission is required to approve the change locally before they will approve the license with the recommended change. Consequently, we ask the Planning Commission to consider and approve the requested ratio change.

As this request does nothing to alter any aspect of the exterior or interior of the building, nor does it change the operations or functions of the Child Care Center other than allowing the Center to care for four more infants and toddlers with the same number of care providers, and the fact that the state regulatory agency is recommending the change, we have not publicly noticed the requested change.

Ms. Neff was present at the meeting to explain the need for the change and answer questions of the Planning Commission. The State of Michigan has recommended the ratio change to allow staff to enter the toddler

Motion by Commissioner Moser second by Commissioner Wyman to approve the ratio change request by adoption of 2018-020PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser and Nick Wyman. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

**SPECIAL USE PERMIT AND SITE PLAN REVIEW – GROUP DAY CARE, 501 SCHOOLCREST AVENUE**

The City has received a Special Use Permit and Site Plan Application and supporting documents from Sally Jo Eberhart to operate a group day care facility for no more than 12 children at the residence located at 501 Schoolcrest. Ms. Eberhart is the owner of record of the property.

The proposed use by Ms. Eberhart is an allowed use by the City's current zoning codes with the issuance of a Special Use permit. The Clare City Planning Commission is the approval authority for the required Special Use permit and Site Plan application.

The City Staff has reviewed the applications and recommends approval of the issuance of the Site Plan and requested permit.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to the Special Use permit and Site Plan

application; Proper notice regarding the Special Use permit and Site Plan application has been made by the City.

Subsequent to the respective hearings, the Planning Commission will be asked to formally consider the Site Plan Application and Special Use Permit and render a decision in respect to approval or disapproval.

Ms. Eberhart was present at the meeting to explain the reason for application answer questions regarding parking concerns of the Planning Commission. Ample off street parking is available in the driveway and customers drop off and pick up times will be staggered.

Motion by Commissioner Carmoney second by Commissioner Demasi to open the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

Public Comment: None.

Motion by Commissioner Acton second by Commissioner Moser to close the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

Motion by Commissioner Carmoney second by Commissioner Demasi to approve the name change of Green Day Investments, LLC. to Green Bronco, LLC. and approve the Special Use license transfer by adoption of 2018-018PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser and Nick Wyman. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

### **SPECIAL USE PERMIT AND SITE PLAN REVIEW – GREEN BRONCO 535, 545 & 555 INDUSTRIAL DRIVE**

The City has received a Special Use Permit and Site Plan Applications from Green Day Investments, LLC to operate a Medical Marihuana Grow Facility on leased property (owned by North Ten, LLC) at 555 Industrial Drive within the City of Clare. The Clare City Planning Commission is the approval authority for the permit.

Green Day Investments 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 and mailed notice to all property owners within a 300' radius of the proposed site. As the IDC oversees all industrial park operations, we also queried the IDC membership regarding any objection to the proposed special use permit; the members of the Clare Industrial Development Corporation, has considered the request for transfer of the provisioning center permit from 555 Industrial Drive to 535 Industrial Drive and reiterated that they are supportive of the industrial aspects, i.e., grow and processing facilities of the medical marihuana industry, but oppose in principle to the sale of medical marihuana within the boundaries of the City's industrial parks and does not support the transfer of the permit.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to the proposal. 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 no stated objections to the proposed construction; we've received a statement of "No Objection" from Alro Steel.

Subsequent to the hearing, the Planning Commission is asked to formally consider the Special Use Permit Applications and transfer request, and render a decision in respect to approval or disapproval.

Attorney Joey Kejbou presented the Special Use requests and Site Plan's on behalf of Green Bronco, LLC.

As of September 10, 2018, 60 Medical Marijuana permit applicants, including Green Bronco, have been prequalified by the State.

Initially, a Class B Growing License (1,000 plants) and Provisioning center permit was approved by this body for leased property located at 555 Industrial Drive.

Green Bronco is now purchasing 535, 545 & 555 Industrial Drive. They wish to transfer the provisioning license to the front half of the 535 building because paved parking already exists at that location. They propose a processing center in the rear half of that building. Class C license (1,500 plants) growing facilities are proposed to be housed in the buildings at 545 & 555.

Hathon Hammawa was in attendance to present on behalf of Green Bronco because he is familiar with the processing aspect of the medical marijuana business. Mr. Hammawa offered that the camera plan, lighting plan, security plan, odor control, hoods, explosive proof equipment, smoke detectors and NFPA requirements are covered in the plans. An Industrial Hygienist will be contracted by Green Bronco to ensure that equipment meets regulation standards. Space is limited to how much butane can be stored at the facility and guidelines do not allow for its storage outdoors. The State requires a chemist to be on staff. The facilities will be professionally staffed and the City will have access to facilities at all times.

Chief Chapman observed that there are (state and federal) rules and regulations in place to protect the community. The City fire department has limited capabilities in some areas so we will bring in the Isabella County HAZMAT team to provide inspection and recommendations.

Waste product from marijuana processing will be disposed of according to the waste disposal plan as approved by the State. Only certified waste haulers will handle medical marijuana waste which in turn will be hauled to a certified waste facility.

Chairman Clark voiced concern about handicap patients being in the front provisioning center while potentially explosive processing activities are taking place in the rear portion of the building. Per Mr. Kejbou, the processing and provisioning facilities will be completely insulated from one another with no direct access and the butane processing will be contained within an explosion proof room.

No one knows exactly what the State intends to do regarding regulation and licensing if the proposal on November's ballot for recreational marijuana is approved by voters.

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

Public Comment: Tom Kunse vouched for Mr. Kejbou's integrity and character. He further supported the growing and processing activities outlined in the Special Use request but opposed the provisioning center on the grounds that retail activity should not be allowed in an industrial park.

Mr. Kejbou noted that they were denied a zoning variance to allow the provisioning center to be housed in a building located outside the industrial park in a commercially zoned district; this location was also under the 1,000' distance requirement from residential housing.

Mr. Kunse suggested that because recreational marijuana is on the ballot this November, the Planning Commission should make their position clear on recreational marijuana.

Mr. Scott Sykora queried city staff about property that he had recently sold within the industrial park. Mr. Sykora was assured that the property which he had sold to other groups who had applied for and received Special Use permits for medical marijuana

facilities is in compliance with the 500' distance requirement between (medical marijuana) properties as required by city Ordinance.

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

Commissioner Moser was not present at the meetings where the Special Use permits for the provisioning centers in the industrial park were approved but stated opposition to having retail operations in the Industrial Park at tonight's.

Commissioner's Wyman and Cozat stood by the decision to allow provisioning centers within the industrial park as the Planning Commission discussed this topic numerous times when the Ordinance was being drafted. Commissioner Cozat offered that it was not an overnight decision to allow provisioning centers in the industrial district; it took years of consideration by this Commission. Additionally, Commissioner Wyman noted that there are other businesses that sell to customers (retail) directly from their place of business within the industrial park.

The topic of increased traffic due to retail activity was addressed. Mr. Kejbou offered that they do not anticipate heavy traffic flow with the provisioning center in the industrial park since there are other municipalities who have opted in for medical marijuana facilities including Mt. Pleasant and due to the number of (MMJ) licenses that have been issued in this area.

Motion by Commissioner Carmoney second by Commissioner Demasi to approve the name change of Green Day Investments, LLC. to Green Bronco, LLC. and approve the Special Use license transfer by adoption of 2018-018PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser and Nick Wyman. Nays: None. Absent: Jason Lowe and Kristin Heintz. *Motion approved.*

#### **INFORMATIONAL ITEMS**

The developers of the commercial property on the north end of Clare near the new industrial park are getting ready to blacktop the roadway that courses through that property.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:** NONE

#### **ADJOURNMENT**

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

Meeting adjourned at 8:32 p.m.

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Diane Lyon, City Clerk