

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 Vice-Chair Darren Acton, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe and Kristin Heintz. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. Also present were Ken Hibl, City Manager; and Diane Lyon, City Clerk.

**APPROVAL OF AMENDED AGENDA:**

Moved by Commissioner Lowe second by Commissioner Demasi to approve the amended agenda. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Heintz second by Commissioner Cozat to approve the meeting minutes. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**Ordinance 2017-004, Zoning Change 18-002-10-013-21**

The City has received a request from Mr. Jordan Rassam, an attorney representing Mr. Rashid Wagas of Lincoln Park, Michigan to change the zoning of approximately 6.43 acres of property he recently purchased from Commercial-1 to Industrial to accommodate their proposed use of the property for a medical marihuana facility(s).

The Future Land Use Map of the City's Master Plan stipulates the use of this property as Industrial, thus the request is in concert with and supports the City's Master Plan.

A copy of the proposed ordinance amendment (Ordinance 2017-004) reflecting the requested zoning change is attached, and the City Clerk has issued public notice of a public hearing to receive comment related to the proposed amendment. The City Planning Commission is now asked to consider the amendment and provide a recommendation to the City Commission regarding the proposed change.

All ordinance code changes or amendments require the approval of the Clare City Commission. Chapter 52 (Zoning) amendments first require the review and recommendation(s) of the Planning Commission prior to submittal of the proposed ordinance amendment to the City Commission. A public hearing is required prior to the review and consideration of the proposed amendment of both the Planning Commission and the City Commission.

The Planning Commission is asked to conduct the required public hearing and subsequently review, consider, and make a formal recommendation(s) pertaining to the proposed Ordinance 2017-004.

Motion by Commissioner Acton second by Commissioner Lowe to open the public hearing. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

Mr. Rasaam and Rashid Wagas informed the Commission of plans for the property which will include a medical marihuana processing center and Class C cultivation facility. The project will be phased. Once construction is complete, the group anticipates employing approximately 65 people. Wages will likely range between \$15 to \$20 per hour with benefits.

Public Comment: Mr. Tom Kunse of Grant Township emailed the following comment to the City Clerk for public record: *Commissioners - I am in awe that I have to go on record as being opposed to having a Class I narcotic facility as my neighbor in the Industrial Park. You have done a tremendous disservice to the City of Clare, specifically the tenants of the Industrial Park by allowing these facilities to locate here. I look forward to the day when Federal Law is once again enforced. What is the next Federal Statue that the City of Clare is going to choose*

*to ignore? Ask yourself why these facilities were not allowed in the North Industrial Park? Answer: because the City of Clare accepted money from the Federal Govt to build that park and they knew it would not be allowed. It should not be allowed here either.*

Motion by Commissioner Lowe second by Commissioner Demasi to close the public hearing. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

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 Elaine Demasi. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. Abstaining from vote: Josh Clark. *Motion approved.*

### **SPECIAL USE PERMIT AND SITE PLAN PROPOSAL –GREEN DAY INVESTMENTS**

The City has received a Special Use Permit Application from Green Day Investments to allow the issuance of a Medical Marijuana license by the City of Clare for a provisioning center license, thereby allowing the company to operate multiple Medical Marijuana Facilities – they were previously issued a Grow Facility Special Use Permit by the City Planning Commission – on property they are leasing in the City's South Industrial Park. The Clare City Planning Commission is the approval authority for this special use 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 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 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 correspondence from Mr. Tom Kunse objecting to the issuance of permits and the allowance of any and all medical marijuana facilities in the industrial park.

Subsequent to the required hearing, the Planning Commission is asked to formally consider the Special Use Permit Application and render a decision in respect to approval or disapproval of the application.

Note: The City recently received a LARA Bulletin confirming the allowance of multiple medical marijuana facilities within the same building/facility; the City's ordinance codes similarly allow multiple uses by the same owner/operator in the same facility. 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.

Mr. Joey Kejbou presented the provisioning center plan on behalf of Green Day Investments, LLC.

Motion by Commissioner Lowe second by Commissioner Acton to open the public hearing. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

Public Comment: Mr. Tom Kunse of Grant Township emailed the following comment to the City Clerk for public record: *Commissioners - I am in awe that I have to go on record as being opposed to having a Class I narcotic facility as my neighbor in the Industrial Park. You*

*have done a tremendous disservice to the City of Clare, specifically the tenants of the Industrial Park by allowing these facilities to locate here. I look forward to the day when Federal Law is once again enforced. What is the next Federal Statue that the City of Clare is going to choose to ignore? Ask yourself why these facilities were not allowed in the North Industrial Park? Answer: because the City of Clare accepted money from the Federal Govt. to build that park and they knew it would not be allowed. It should not be allowed here either.*

Motion by Commissioner Heintz second by Commissioner Cozat to close the public hearing. Ayes: All. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

C/M Hibl offered that the Planning Commission's task is to consider the Special Use request and determine whether it meets all of the city's current requirements. The city staff reviewed the Site Plan and Special Use requests and believe that all of the city's requirements have been met.

Motion by Commissioner Acton second by Commissioner Demasi to approve the Special Use Application and Site Plan Application by adoption of 2017-026PC. Roll call vote: Ayes: Darren Acton, Jason Lowe, Angie Cozat, Kristin Heintz, and Elaine Demasi. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

#### **DISCUSSION TOPIC-MEDICAL MARIHUANA**

As reflected in the note of the Agenda Report 2017-020PC prepared for the Planning Commission's September 13<sup>th</sup> Meeting, the Clare Industrial Corporation (IDC) expressed concerns regarding the allowance of Medical MJ retail (provisioning centers) facilities within the City's industrial parks and asked for an opportunity to discuss this matter with the Planning Commission at a future meeting. The IDC designated representative's Ron Kunse and Steve Stark to attend tonight's Commission meeting to facilitate that discussion. The Commission is asked to entertain and engage in that request.

Ron Kunse presented to the Commission that the IDC had an in-depth discussion on industrial processing. For the IDC it doesn't matter if a company is processing soybeans or medical marihuana because both product is a growth and processing activity and therefore it's an industrial activity. A provisioning on the other hand involves commercial retail activity. The IDC would likely oppose a 7-11 or Walgreens, or any other pharmacy, and therefore oppose placing dispensaries within an industrial district. The IDC has concern about additional traffic travelling in an area with large industrial trucking activity; they feel that this activity belongs in a commercial district. And while there have been Special Uses already approved, the IDC would like the Planning Commission to consider a zoning change going forward for future provisioning center Special Use requests.

Steve Stark offered that the consensus of the IDC is that growing and processing centers are fine within the industrial park because they are an industrial activity. However, they are not in favor of provisioning centers within industrial districts because they do not really fit within an industrial setting. A similar opposition was voiced when the rail-trail was being proposed because little kids on bikes and big trucks don't mix.

The Planning Commission asked to revisit the Medical Marihuana Ordinance to consider limiting the number of provisioning centers within the city. However, since only five members were present at this last meeting, they plan to revisit this topic at their next regularly scheduled meeting in November.

#### **EXCUSAL OF COMMISSIONERS CLARK, MOSER, CARMONEY AND WYMAN**

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's Clark, Moser, Carmoney and Wyman each provided advance notification to city staff and have requested excusal from tonight's meeting.

Motion by Commissioner Lowe second by Commissioner Acton to excuse Commissioners Clark, Moser, Carmoney and Wyman from tonight's regularly scheduled meeting by adoption of 2017-027PC. Roll call vote: Ayes: Darren Acton, Jason Lowe, Angie Cozat, Kristin Heintz, and Elaine Demasi. Nays: None. Absent: Josh Clark, Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

**INFORMATION ITEMS:** None.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:**

Multiple Commissioners complained about high pressure sales tactics and evening solicitation by representatives from a company called Provision Power trying to get residents to sign a contract with them for natural gas service.

Commissioner Heintz announced that she and her husband are expecting their first child in April.

**ADJOURNMENT**

Moved by Commissioner Heintz second by Commissioner Demasi to adjourn. Ayes: All. Nays: None. Absent: Josh Clark Brett Moser, Glenda Carmoney and Nick Wyman. *Motion approved.*

Meeting adjourned at 7:32 p.m.

---

Diane Lyon, City Clerk