

CITY OF FREMONT
MINUTES OF THE REGULAR FREMONT PLANNING COMMISSION MEETING

Tuesday, June 14, 2011
Fremont City Hall

Call to Order: A regular meeting of the Fremont Planning Commission was held in the Council Chambers at the Fremont City Hall on Tuesday, June 14, 2011. The meeting was called to order at 4:00 p.m. by Planning Commission Chair Don Henry. Don Henry welcomed Jim Breinling to his first meeting as a member of the Fremont Planning Commission.

Fremont Planning Commission Members Present: Chair Don Henry and Commissioners Jim Breinling, Jack Butterick, Dennis Caplis, Marcia Eib, Jim Krouse, Lon Vredeveld, and Jim Sloan

Fremont Planning Commission Members Absent: Peg May

City Staff Present: Michele Ribant, Fremont Zoning Administrator
Bryan Gruesbeck, Fremont City Manager

Review and Approval of Meeting Agenda

Jim Breinling indicated that the descriptive paragraph under Item #8 “Discussion on Proposed Regulations with regard to Community Gardens” needs to be changed to refer to “Cold frame” rather than “Cold Storage Unit”.

A motion was made by Marcia Eib, seconded by Dennis Caplis and carried to approve the agenda with the correction noted for the June 14, 2011 Regular Planning Commission meeting.

Approval of the Fremont Planning Commission Minutes

A motion was made by Marcia Eib, seconded by Jim Sloan and carried to approve the minutes as presented from the May 10, 2011 Regular Fremont Planning Commission meeting.

Public Comment

There was no public comment.

Site Plan Review – Fremont Community Digester (Lots 19, 20 and 21 in the Fremont Industrial Park)

Mike Draper, the construction manager for the Fremont Community Digester project, explained that minor changes to the site plan for the Fremont Community Digester project are proposed to make the operation of the Digester more efficient. He outlined that the scale was moved to the south of the site so there would be a more efficient flow of trucks in and out of the site. He said that some of the buildings were consolidated and that the pump building was moved closer to the tanks. He went on to say that the one issue that needed to be addressed as outlined in the staff report was the size of the parallel parking spaces. He said the plan was changed so that the parallel parking spaces are now 10’ by 24’, which is in keeping with Code. He referred the Planning Commission to the revised plan that was distributed which showed the new parallel parking spaces. Michele Ribant indicated that all the Zoning Code requirements

had been satisfied but that she would like to see a new lighting plan with the new locations of the outside lights for the files. She indicated that the fixtures, etc. are not to change.

A motion was made by Jack Butterick, seconded by Jim Breinling and carried to approve the amended site plan dated June 21, 2011, Sheet C301, for the Fremont Community Digester project, which is to be located at 1634 Locust Street, with the following condition:

That the new lighting plan which shows the location of the outside lights be submitted.

Note: While the date of the meeting was June 14, 2011, the site plan was dated June 21, 2011.

Discussion on How Fremont will comply with the Michigan Medical Marihuana Act

Chair Henry outlined that there are two ordinances being presented in relation to the Michigan Medical Marihuana Act issue. He said that one outlines the proposed amendments to the Fremont Zoning Code as recommended by the Commission; these amendments will be voted on by the Commission after a public hearing is held and then their recommendation will be sent to the Fremont City Council for a final vote.

The other Ordinance specifically addresses the requirements in the Michigan Marihuana Act; this Ordinance will be included in the City's Code of Ordinances, which must be voted on by the Fremont City Council. The Planning Commission will review the language in this Ordinance and send it on to Council with comments.

Chair Henry explained that the amendments to the Fremont City Code in relation to medical marihuana define "Medical Marihuana Dispensaries" and then prohibits them within the City of Fremont. The specific language proposed is as follows:

"Medical Marihuana Dispensary: Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is sold, grown, processed, delivered, transmitted, dispensed or distributed by or to one or more of the following:

1. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
2. A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is consumed on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance but also any other applicable City of Fremont Ordinance or Code provision.

Section 6.24 Prohibition of Medical Marihuana Dispensaries

No medical marihuana dispensary shall be commenced, established, conducted, maintained, operated, or utilized in any zoning district or on or from any property within the City of Fremont. Furthermore, no person shall frequent, patronize, or obtain or purchase any marihuana from or through any medical marihuana dispensary within the City of Fremont.”

After some discussion a motion was made by Lon Vredeveld, seconded by Jim Krouse and carried to recommend the language proposed to the Fremont Zoning Code as outlined above in relation to medical marihuana dispensaries to the Fremont City Council for their information before the Fremont Planning Commission conducts a hearing on the matter and then votes on it.

The Planning Commission reviewed the language proposed for the Code of Ordinances dealing with the Michigan Medical Marihuana Act. Michele Ribant informed the Commission that the City Attorney and the Police Chief worked with her to come up with proposed language and that the City Attorney still is reviewing Section 4 “Violations, Penalties and Public Nuisance Per Se”. After some discussion, the Commission unanimously voted to forward the Ordinance as written to the Fremont City Council as a recommendation for approval. City staff will include any amendments to the Ordinance pursuant to the City Attorney’s review.

Establishing the Fremont Planning Commission in accordance with the Michigan Planning Enabling Act and consideration of the Adoption of the Fremont Planning Commission Bylaws

Chair Henry explained that the Michigan Planning Enabling Act is a new statute that changes how various planning procedures are performed and provides new duties and powers to many planning commissions in the state. It was explained that with the adoption of the new Act, Fremont’s ordinance that established the planning commission will be out-of-date by July 1, 2011. Therefore, a new ordinance needs to be adopted to continue the Fremont Planning Commission. The proposed new Ordinance that re-establishes the Fremont Planning Commission is to be voted on by the Fremont City Council. Michele Ribant reported that the language in the proposed Ordinance needs to be revised as follows to be in keeping with the Michigan Planning Enabling Act:

“An appointed member of the Commission (i.e., non-ex-officio members) shall not hold another municipal office except that one (1) appointed member may be a member of the Zoning Board of Appeals, ~~and one (1) appointed member may be a member of the Downtown Development Authority pursuant to MCLA 15.183(3).~~”

The Planning Commission reviewed the language in the new Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE III “CITY PLANNING”, OF THE CITY CODE OF ORDINANCES; RE-ESTABLISHING THE FREMONT PLANNING COMMISSION TO COMPLY WITH PUBLIC ACT 33 OF 2008 “MICHIGAN PLANNING ENABLING ACT” and recommended its approval with the deletion of the language as outlined above.

Chair Henry referred the Commission to the proposed City of Fremont Planning Commission Bylaws. It was reported that the new Bylaws emulate the existing Planning Commission rules as outlined in Ordinance O-05-03 with the exception of a few changes. It was pointed out that the Commission will now need to elect a Secretary and the Conflict of Interest policy is now included in the Bylaws. The Commission agreed that the Planning Commission’s current rules need to be repealed; this repeal will be handled by the Fremont City Council when they adopt a new ordinance which re-establishes the Fremont Planning Commission.

After some discussion, a motion was made by Jim Breinling, seconded by Marcia Eib and carried to adopt the new City of Fremont Planning Commission Bylaws as presented.

Note: Michele Ribant said the Ordinance numbers may change once the Ordinance reaches the City Council level.

Discussion on Proposed Regulations with regard to Community Gardens

Definitions for community gardens, green houses, hoop houses and cold frames were provided to the Commission for their consideration along with proposed districts where these gardens and structures could be located. Also regulations (signs, fences, etc.) regarding community gardens were proposed. The Commission commented as follows:

- Community gardens should be allowed in the Institutional District.
- Fences for community gardens are different in nature than fences that may be allowed in various districts that are placed near property lines. New regulations regarding fences should be researched.
- Parking requirements should be reviewed to ensure that there is adequate required parking.

City staff is to come back to the Commission with language that addresses these issues and that outlines the proposed regulations in the various districts.

Review of the Capital Improvement Plan

Chair asked if there were any questions to in relation to the Capital Improvement Plan; no questions were posed. It was explained that the Capital Improvement Plan was being provided so that the Commission was aware of the improvements proposed within the City for the next five years.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Commissioners' Discussion

There was no Commissioners' discussion.

Next Regular Planning Commission Meeting

July 12, 2011
4:00 p.m.
City Council Chambers
Fremont City Hall

Adjournment

There being no further business of the Fremont Planning Commission, the meeting adjourned at 5:03 p.m.