

CITY OF FREMONT
MINUTES OF THE REGULAR FREMONT PLANNING COMMISSION MEETING

Tuesday, August 9, 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, August 9, 2011. The meeting was called to order at 4:01 p.m. by Planning Commission Chair Jack Butterick.

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

Fremont Planning Commission Members Absent: Don Henry

City Staff Present: Michele Ribant, Fremont Zoning Administrator

Review and Approval of Meeting Agenda

A motion was made by Jim Breinling, seconded by Peg May and carried to approve the agenda as presented.

Approval of the Fremont Planning Commission Minutes

A motion was made by Lon Vredeveld, seconded by Jim Breinling and carried to approve the minutes as presented from the July 12, 2011 Regular Fremont Planning Commission meeting.

Public Comment

There was no public comment.

Public Hearing – Text Amendments to the Fremont Zoning Ordinance addressing Medical Marihuana

Chair Butterick opened the public hearing at 4:02 p.m. No members of the public were present, so no public comment was received.

Chair Butterick explained that in the agenda packet there was a proposed Ordinance O-11-07, which would be added to the Code of Ordinances, if adopted by the Fremont City Council. This Ordinance addresses the requirements in the Michigan Medical Marihuana Act.

Jim Breinling recommended that Ordinance O-11-07 be amended as follows:

Sec. 23-3 Regulations Regarding Primary Caregiver's Residential Dwelling

- (1) The residential dwelling for the primary caregiver shall be located more than 1,000 feet from any school, library or day care center as defined by Michigan law to ensure community compliance with federal "Drug-Free School Zone" requirements and to minimize negative

impacts. The residential dwelling for the primary caregiver shall be located more than 500 feet from any City-owned playground/park.

Sec. 23-6 General Regulations

(a) No medical marihuana shall be grown, utilized, smoked, consumed, processed, distributed, or handled within 1,000 feet of any school, library or day care center or within 500 feet of any City-owned playground/park. Notwithstanding such prohibitions, a qualifying patient may possess and smoke or consume lawful medical marihuana inside of the qualifying patient's residence.

It was the consensus of the Commission to refer Ordinance O-11-07 to the City Council with the recommended changes for their consideration.

Chair Butterick explained that the Commission may vote on the proposed Ordinance O-11-08, which amends Chapter 22 "Zoning" of the Fremont City Code to define "Medical Marihuana Dispensaries" and then prohibit them. He said the proposed changes were properly noticed, and the notice was included in the agenda packet.

A motion was made by Lon Vredevelde, seconded by Dennis Caplis to recommend to the Fremont City Council approval of the proposed amendments to Chapter 22 "Zoning" of the Code of Ordinances as outlined in Ordinance O-11-08, as presented.

Michele Ribant said she looked on the Michigan Municipal League's website to learn if any new information has been released regarding the Michigan Medical Marihuana issue. She read the following from their webpage:

"Since the law in Michigan does not address dispensaries or offer any regulating system for them, the Michigan Department of Community Health interprets the law as saying it is illegal to operate a marihuana dispensary."

After some discussion, the motion as outlined above was carried.

The hearing was closed at 4:21 p.m.

Discussion on Regulations for Community Gardens

Chair Butterick outlined that after discussing the community garden issue at past meetings, staff has developed language that could be incorporated into the Zoning Ordinance that addresses the issue. It was explained that language was added that would allow an entity that had a community garden to use wire fencing, if used just for the purpose of keeping rabbits, etc. out of the garden and not as a privacy fence. Jim Breinling said he brought up the fencing issue at the past meeting, and he was comfortable with the proposed language. No one offered any changes to the language proposed to the various sections of the Fremont Zoning Ordinance with regard to this issue, so it was decided that a public hearing on the matter will be held at the next meeting.

Discussion on Size and Placement of Garages and Sidewalk Regulations

Chair Butterick explained that the Zoning Board of Appeals at their April 28, 2011 meeting referred the following issues to the Fremont Planning Commission for their evaluation to determine whether the

applicable regulations were reasonable and should be retained or whether the regulations should be changed:

- Garage heights in residential districts: Should the maximum garage height in the Neighborhood District and the Estate District be higher?
- Garage size in residential districts: Should the maximum garage square footage in the Neighborhood District and the Estate District be increased?
- Sidewalk requirements: Should sidewalks be required in relation to all lots, even ones where adjoining lots do not have sidewalks?

Chair Butterick said that in addition we are asked to discuss whether garages should be allowed to extend forward of the required building line (RBL)?

After much discussion, the Commission made the following decisions:

1. That in the Estate District, the following regulations should be amended:

Accessory Buildings: One attached or detached accessory garage, not exceeding the ground floor area (GFA) of the main building, or ~~800~~ 850 sq. ft., whichever is less, and ~~16-19~~ ft. in height (as measured to the peak of the roof of the building) is permitted.

Administrative departure: The height of the garage may be varied if the Zoning Administrator determines the height needs to be adjusted to be in keeping with the architectural design of the building.

Sidewalk Dimensions: A minimum combined sidewalk and parkway width of 10 feet shall be provided; for all lots in a new subdivision and for all new lots in a neighborhood where an established sidewalk network is established. Sidewalks will not be required on lots that are developed in neighborhoods without an established sidewalk network.

2. That in the Neighborhood District, that the following regulations should be amended;

Accessory Buildings: One attached or detached accessory garage, not exceeding the ground floor area GFA of the main building or ~~650-700~~ sq. ft., whichever is less, and ~~16-17~~ ft. in height (as measured to the peak of the roof) is permitted.

Administrative departure: The height of the garage may be varied if the Zoning Administrator determines the height needs to be adjusted to be in keeping with the architectural design of the building.

Sidewalk Dimensions: A minimum combined sidewalk and parkway width of 10 feet shall be provided; for all lots in a new subdivision and for all new lots in a neighborhood where an established sidewalk network is established. Sidewalks will not be required on lots that are developed in neighborhoods without an established sidewalk network.

3. The Commission decided not to amend the Fremont Zoning Ordinance to allow garages to extend forward of the required building line (RBL).

Chair Butterick indicated that a public hearing on these matters will be noticed.

Update on Joint Planning Commission Activities

Jim Breinling reported that the Joint Planning Commission is due to be up and running in February 2012. He said that the Joint Planning Commission will most likely meet in the evenings at 7:00 p.m. and that there has been some discussion that the meetings will take place the first Tuesday of the month.

Unfinished Business

There was no unfinished business.

New Business

Chair Butterick indicated that a developer, which is Werth Development, is proposing to renovate four apartment complexes in Fremont. The apartment complexes are as follows:

- 1) Apple Ridge Apartments, 318 and 320 Dewitt Avenue
- 2) Greenfield Manor Apartments, 228 Dewitt Avenue
- 3) Oak Creek Village Apartments, 1101 & 1103 W. Main St.
- 4) Peachtree Village Apartments, 1100, 1102 & 1104 State St.

Mr. Butterick said the Scope of Work, which includes interior work, exterior work and site improvements, is detailed in the handout entitled, "Proposed Scope of Work". Michele Ribant indicated that Planning Commission approval is required for some of the site improvements.

A motion was made by Jim Sloan, seconded by Dennis Caplis and carried to approve the proposed Scope of Work as presented for Apple Ridge, Greenfield Manor, Oak Creek Village and Peachtree Village apartments with the condition that the zoning administrator ensures the Code requirements are satisfied.

Commissioners' Discussion

Jack Butterick referred the Commission to an article that was handed out entitled, "Ontario Anaerobic Digester Closes Energy Loop". Jim Breinling said that the digester in Ontario is similar to the one that is being built in Fremont. He said that the community digester in Fremont will be the first of its kind in the United States.

Next Regular Planning Commission Meeting

September 13, 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 5:26 p.m.

Planning Commission Secretary, Marcia Eib

Date