

**CHARTER TOWNSHIP OF HAMPTON
PLANNING COMMISSION
AUGUST 9, 2018**

The regular meeting of the Charter Township of Hampton Planning Commission was called to order at 7:00 p.m. by Chairperson Basket in the Hampton Township Hall.

PRESENT: Basket, Helminiak, Dewyse, Mulders, Talaga

ABSENT: Brey, Klass

ALSO PRESENT: Sheppard, Eggers, Hebner, Close, Joe Dewyse, and 23 people in the audience.

Motion by Talaga seconded by Mulders that the minutes of the July 12, 2018, meeting be approved and that the reading of the minutes be waived. Motion carried.

UNFINISHED BUSINESS:

Life Church, 888 N Pine, appeared before the board to request site plan approval that was tabled for operation of a church.

Discussion was held on the following: The planner reviewed his notes from the last meeting. There is a shared parking agreement and there is adequate parking for the church use. The site plan doesn't show the ADA parking nor lighting. The applicant states they will stripe the parking lot with ADA parking and they are using the existing lighting that is on the building and in the parking lot. It was determined all the necessary requirements have been met.

Motion by Mulders seconded by Basket to approve the site plan to Life Church, 888 N Pine Rd, to conduct a church in the existing building.

AYES: Mulders, Basket, Dewyse, Helminiak, Talaga

NAYES: None

ABSENT: Klass, Brey

Motion carried

Dustin Gwizdala, W Borton Rd, appeared before the board to request a site plan approval that was tabled for the construction of a residential pond.

Discussion was held on the following: The planner reviewed his notes from the previous meetings. The issue was with drainage. The updated site plan shows adequate grading.

At this time the meeting was open to the public.

Dennis Hutchinson, 404 W Borton, Asked why the county would open cut the road instead of bore under?

Tim Paradise, 1570 N Knight Rd, Asked who will check the elevations when pond is complete.

Don Bokhart, 1626 N Knight Rd, stated the ditch will not drain when the water is above the culvert and a 2" drain line is not enough.

Discussion continued: a fence is not required by the ordinance, however, a fence was required as a condition of the special use permit previously approved.

Motion by Basket seconded by Mulders to approve the site plan to Dustin Gwizdala, W Borton Rd, to construct a residential pond with the following conditions: an outlet be approved by the Bay County Drain Commission and the elevations finalized by the engineer.

AYES: Basket, Mulders, Dewyse, Helminiak, Talaga

NAYES: None

ABSENT: Klass, Brey

Motion carried

NM Hampton LLC, 821 N Pine Rd, appeared before the board to request a rezoning amendment of the property from B1 to I-1.

Discussion was held on the following: The Planner discussed his notes. The Master Plan allows this district to be rezoned to I-1. Medical Marijuana grow and process facilities are allowed in the I-1 zone.

At this time the meeting was open to the public:

Todd Bronson, attorney for Dr. Ash, 829 N Pine Rd, stated Dr. Ash doesn't want the facility next to her. It would be bad for her business. She doesn't see how this would be an improvement to the property. He also presented a letter for objection.

Karen Lemmer, 814 S Powell Rd, stated this facility abuts to the township park, she can see this facility from her kitchen window, and it's also located near a church. She doesn't think this is the best location for the facility.

Diane Klapish, 781 N Pine Rd, can see the facility from her home as well. Asked if there can be expansion in the future.

Chairperson Basket read a letter that was submitted by Elizabeth Martinek, 808 S Powell Rd, opposing the rezoning of the 821 N Pine Rd facility.

At this time the meeting was closed to the public.

Discussion continued: Some members don't think this is the right location for a grow or processing facility. Something more industrial may be a better fit in this location. There is also a shared easement from the facility and Dr. Ash's property. The Planning

Commission's purpose is to make a recommendation to the Board of Trustees and they make the final determination.

Travis, Cannabis Legal Group, representing the applicant explained what the grow facility would entail. He discussed the operating procedures, the operating plan, and security issues.

Motion by Dewyse seconded by Helminiak to recommend the Board of Trustees to deny the rezoning amendment request to NM Hampton LLC, 821 N Pine Rd for a Medical Marijuana Grow Facility.

AYES: Dewyse, Helminiak, Basket, Mulders, Talaga

NAYES: None

ABSENT: Klass, Brey

Motion carried

Motion by Basket seconded by Mulders to recess the public hearing for a Special Use Permit and Site Plan for NM Hampton LLC, 821 N Pine Rd, for the Board of Trustees to make a decision on the rezoning.

AYES: Basket, Mulders, Dewyse, Helminiak, Talaga

NAYES: None

ABSENT: Klass, Brey

Motion carried

NM Hampton LLC, 1377 W Center, appeared before the board for a public hearing to request a rezoning amendment of the property from B1 to I-1.

Discussion was held on the following: The planner reviewed his notes. This type of business fits in with the Township's Master Plan.

Chairperson, Basket read a letter submitted from the Bay Arenac ISD. It was in regards to the federal law and the processing of a controlled substance within 1000 ft of a school. There was also a letter submitted from the applicant's attorney stating that there is no such regulation in regards to schools under the MMFLA. NM Hampton is a valid business and will follow all state and federal laws.

At this time the public hearing was open to the public for questions or comments.

Deb Kadish, Richard Klender, and Charles Rochow from the ISD Board of Education explained what the IDS does and what type of school they are. They also explained that the space that they have rented they spent a lot of time and money on renovations. It would be a waste if they had to up and move the school to a different location. They are looking for more time to research the type of proposed facility and what the impact it

would have on the school. They are also concerned about what the new facility will look like with security and fences.

At this time the meeting was closed to the public.

Discussion continued: The Township opted in to allow specific medical marijuana operations within the township and has the township's best interest at hand when looking to fill vacant buildings and allowing growth. The township passed the MM ordinance for a reason. Is the rezoning appropriate for this use and location? Instead of the township putting its own limitations on the ordinance, they are letting the state and federal laws dictate the ordinance. The IDS is looking for information regarding the applicants business and its plans. Can the rezoning be done without an intended purpose?

Motion by Talaga seconded by Mulders to recommend to the board of trustees to approve the rezoning amendment to rezone 1377 W Center from B1 to I-1.

AYES: Talaga, Mulders, Basket, Dewyse, Helminiak

NAYES: None

ABSENT: Klass, Brey

Motion carried

OPEN TO THE PUBLIC:

No one addressed the board

Motion by Dewyse seconded by Helminiak that the meeting adjourn. Motion carried.
Meeting adjourned at 9:30 pm.

Respectfully submitted:

Mark Basket, Chairperson

Jodie Hebner, Recording Secretary