

The special 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 5:30 p.m. by Chair Josh Clark who led the Pledge of Allegiance. Present were: Commissioners Steve Barnes, Josh Clark, Angie Cozat, Glenda Carmoney, Brett Moser, Jan Winter and Nick Wyman. Absent: Elaine Demasi who subsequently arrived at 6:10pm and Darren Acton. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer & Finance Director; and Diane Lyon, City Clerk.

**APPROVAL OF AGENDA:**

Moved by Commissioner Winter second by Commissioner Barnes to approve the agenda. Ayes: All. Nays: None. Absent: Darren Acton and Elaine Demasi. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Carmoney second by Commissioner Wyman to approve the minutes of the previous meeting. Ayes: All. Nays: None. Absent: Darren Acton and Elaine Demasi. *Motion approved.*

**PUBLIC COMMENT:** None.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. AMEND PLANNING COMMISSION BYLAWS**

The Clare City Attorney has recommended an amendment to the Planning Commission By-laws specifically pertaining to potential conflicts of interest of members of the Planning Commission and outlined in her recommendation are specific guidelines that should be enacted or followed anytime one of the Planning Commission's Members notify the Planning Commission of a potential Conflict of Interest. The purpose of amending the Planning Commission By-laws is to sustain the highest standards of conduct for the Planning Commission.

The City of Clare Planning Commission is asked to review and approve an amendment to its Bylaws related to potential Conflict of Interest of any of its Members. The following provisions of this amendment as outlined and recommended by the Clare City Attorney:

**CONFLICT OF INTEREST**

***Should any member of the Planning Commission have any indication that there may be a conflict of interest for the Member, the following shall apply:***

- ***If possible prior to the meeting, the Member should contact the City Clerk, the Chairman, or the Vice Chairman of the Planning Commission and so indicate such so the agenda may be properly created.***
- ***If that is not practical, then when a matter is called at a public meeting or a public hearing, before the matter is heard, the Member shall bring the potential Conflict of Interest to the attention of the chairman. At that time, the member shall disclose the potential Conflict of Interest to the Planning Commission. The Member may vote on the matter if the conflict is waived by a majority vote of the remaining members of the Planning Commission present at the meeting.***

***The object of this provision is to sustain the highest standards of conduct for the Planning Commission.***

Following a review and discussion of said guidelines, the Planning Commission determined that it is prudent to incorporate the City Attorney's recommendations related to the amendment of its Bylaws.

Moved by Commissioner Winter second by Commissioner Cozat to approve amendment of the Planning Commission By-laws by adoption of 2016-003PC. Roll Call Vote, Ayes: Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Brett Moser, Jan Winter and Nick Wyman. Nays: None. Absent: Darren Acton and Elaine Demasi. *Motion approved.*

**B. CONFLICT OF INTEREST VOTE-COMMISSIONER MOSER**

Mr. Brett Moser informed the Planning Commission Chair that he has a potential conflict of interest regarding the 411 Building Special Use Permit Application that will be considered at tonight's scheduled meeting. Mr. Moser disclosed that he has supplied a bid to the developer for furnishings for this project.

Following discussion the Commission provided the following motion: Moved by Commissioner Barnes second by Commissioner Wyman a request Commissioner Brett Moser abstain from voting on the Special Use Permit Application being considered at tonight's scheduled meeting due to a conflict of interest. Roll Call Vote Ayes: Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Jan Winter and Nick Wyman. Nays: None. Abstain: Brett Moser. Absent: Darren Acton and Elaine Demasi. *Motion approved.*

**C. SPECIAL USE PERMIT - 411 MCEWAN BUILDING**

Mr. Tom Kleinhardt, the proprietor of the 411 Building (formerly the 415 Bldg – address changed at request of property owner upon purchase due to the repeated historic economic failures associated with the building) in downtown Clare, has proposed the construction of six apartment units (four on the upper level – referred to as the *Canopy Level*; and two on the lower level – referred to as the *Garden Level*). Rental Rehabilitation grant funds in the amount of \$240K have been obtained and earmarked for the project by Ms. Lori Ware, the Clare County Economic Development Director.

The City's Zoning Codes allow residential and multi-family units in the City's downtown commercial district (*Section 52-181 (c) – the 411 Bldg is located in Block 28*) on the second story/floor of downtown buildings within specific blocks of the downtown district with issuance of a Special Use Permit by the City's Planning Commission. Downtown residential development is encouraged and recommended in the City's Master Plan (*pp. 7-1, 7-2, & 7-3 of the Master Plan*).

Tom Kleinhardt and Lori Ware submitted this proposal to the Clare Downtown Development Authority for review, consideration, and recommendation at that governing body's scheduled meeting of January 8<sup>th</sup>. The DDA unanimously and strongly recommended that the ZBA take the needed actions to allow all six of the residential units and concurrently strongly recommended that the Planning Commission issue the needed Special Use Permit for all six units.

Due to the uniqueness of the building (the structure is "split-level"/does not have a traditional second floor/story) the Zoning Board of Appeals (ZBA) is required to provide an interpretation of the zoning code definition of "story" as it applies to the 411 Building. Additionally, a use variance is required to allow the two proposed Garden Level apartments. The ZBA met on January 11<sup>th</sup> to consider both matters. The ZBA determine that each level in this particular building should be classified as a story; the first story being the garden level and the second story being the canopy level. Furthermore, the ZBA approved the requested Use Variance to allow for two residential units on the first story of the 411 building.

The actions/decisions that can be made by the Planning Commission related to this proposal are directly related to the decisions/rulings that are made by the City's Zoning Board of Appeals at its scheduled meeting on January 11<sup>th</sup>.

Because the ZBA interprets that the upper level of the 411 Building meets the traditional definition of "story" and the ZBA approved a use variance to allow residential units on the lower level of the building, the Planning Commission may issue a Special Use Permit for all six of the proposed residential units – both the Garden & Canopy units.

The City has published notice and notified neighboring property owners of the special use proposal. To date we have received one comment supporting the use variance which would allow the Planning Commission to consider issuing a special use permit for all six units; the Clare City Clerk will ask the Planning Commission to include this (and any other comments received) into the public record at the scheduled meeting on January 13<sup>th</sup>.

The Planning Commission is the approval authority of the requested Special Use Permit.

Moved by Commissioner Barnes second by Commissioner Winter to approve the Special Use Permit by adoption of 2016-001PC. Roll Call Vote, Ayes: Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Jan Winter and Nick Wyman. Nays: None. Abstain: Brett Moser. Absent: Darren Acton and Elaine Demasi. *Motion approved.*

#### **D. USPS PRESENTATION-MAIL DELIVERY CHANGES**

The United States Postal Service is changing the way it delivers mail commencing in 2016. The new delivery method will eliminate “to the doorstep/inside the door” delivery of mail in residential and business districts; require all residential mailboxes to be moved to the curb or be consolidated to a central delivery location; and centralize postal delivery for all commercial businesses. Regional USPS teams have been designated to implement the changes; our team leaders are two local postmasters: Kasee Garske, Postmaster for the City of Sebeawaing and Clare Postmaster, Greg Harger. The schedule for implementing the changes is quite aggressive (*by Apr 2016*).

Kasee provided the Planning Commission an overview of the proposed changes and the options available in the implementation; Greg and Kasee have already made similar presentations to the City Commission, Clare DDA, Chamber of Commerce Board of Directors, and to the Chamber’s Downtown Business Group. They are scheduled to make presentations to the Clare Rotary Club the week of January 11<sup>th</sup> and have offered to make presentations to any entity in Clare that desires the information.

#### **E. ANNUAL REPORT TO THE CITY COMMISSION**

The Planning Commission submits an annual report to the Clare City Commission on an annual basis outlining the Commission’s major accomplishments; highlighting difficulties (if any) encountered; and offering recommendations for meeting the objectives and goals of the City’s Master Plan and enforcement of the City’s Zoning Codes. Commissioner Josh Clark, the Planning Commission’s Chairperson, will present the Report to the City Commission at tonight’s scheduled annual joint meeting of the two commissions.

Moved by Commissioner Carmoney second by Commissioner Demasi to approve annual report of the Planning Commission by adoption of 2016-002PC. Roll Call Vote, Ayes: Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Brett Moser, Jan Winter and Nick Wyman. Nays: None. Absent: Darren Acton. *Motion approved.*

#### **INTRACOMMUNICATIONS**

It was noted by Commissioner Carmoney that there is a pine tree at the corner of Hemlock and Fourth Street which is a vision obstruction for drivers.

#### **ADJOURNMENT**

Moved by Commissioner Winter and seconded by Commissioner Demasi to adjourn. Ayes: All. Nays: None. Absent: Darren Acton. *Motion approved.* Meeting adjourned at 8:12 p.m.