

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 Chair Jason Lowe, who led with the Pledge of Allegiance. Present were: Commissioners Darren Acton, Glenda Carmoney, Angie Cozat, Nick Loomis, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Absent: Elaine Demasi subsequently arrived at 6:45 pm. Also present were Ken Hibl, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF AGENDA:

Moved by Commissioner Wyman second by Commissioner Moser to approve the agenda. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

APPROVAL OF MINUTES:

Moved by Commissioner Acton second by Commissioner Carmoney to approve the prior meeting minutes. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. PROPOSED FAÇADE IMPROVEMENT-WENDY'S RESTAURANT

The City of Clare has received a proposed façade improvement application and drawings from Fairview Construction Services, LLC on behalf of Green Tree Real Properties, LLC – who has recently purchased 50 Wendy's Restaurants across Michigan – for proposed façade improvements to significantly improve the exterior of the existing Wendy's Restaurant in Clare. The Clare Restaurant will be the first of the 50 restaurants purchased by Green Tree to be rehabilitated. If the proposed project is approved construction anticipated to commence in spring 2020. It is the intent of the developer to retain drive-thru services throughout the construction phase of the project. The interior of the restaurant will be closed for at least two weeks during construction. Note: significant interior improvements will concurrently be made, but these improvements are outside the purview of the Planning Commission.

The City Staff reviewed the proposed façade and interior changes with representatives of Wendy's Restaurant and Fairview Construction on Feb 6th. The Staff unanimously and enthusiastically recommends approval of the project.

The City Planning Commission is the City's approval authority of the proposed façade improvement project. To facilitate consideration of the site plan by the Planning Commission, public notice of the proposal has been published and notice to all residents and businesses within a 300' radius has been mailed. The Planning Commission is required to hold a public hearing related to the proposed site plan. Subsequent to the hearing, the Planning Commission is asked to formally consider the façade improvement plan and render a decision in respect to approval or disapproval.

Company Representatives Ryan Jones and Brenda Basset were present for tonight's meeting. Mr. Jones provided an overview of the upcoming project which is scheduled to start April 1 and be completed prior to Memorial Day. An important aspect of the remodel is brining the restaurant up to code for ADA compliance.

Ms. Basset announced that Wendy's will begin serving breakfast next week.

Motion by Commissioner Pechacek second by Commissioner Carmoney to open the public hearing. Ayes: All. Nays: None. Absent: None. *Motion approved.*

Public Comment: None.

Motion by Commissioner Carmoney second by Commissioner Wyman to close the public hearing. Ayes: All. Nays: None. Absent: None. *Motion approved.*

Motion by Commissioner Pechacek second by Commissioner Moser to approve the Site Plan by adoption of Resolution 2020-005PC. Ayes: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Nick Loomis, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion approved.*

B. CONTINUATION OF ACCESSORY DWELLING UNIT DISCUSSION

We've been discussing Accessory Dwelling Units (ADUs) for nearly six months without final resolution in respect to the direction we want to go. There are many valid concerns that have been raised and discussed in respect to ownership, transition after initial ownership, the size of individual ADUs, concern that the ADUs would become multi-family units, and the controls needed to prevent those concerns.

We (the City Staff) thought we could easily determine the number of actual residential parcels in the City that could accommodate ADUs, but we unfortunately do not have the technology to accurately or efficiently do so. Consequently, we (the City Staff) started poking around zoning codes and websites of other Michigan communities to see how they've addressed this topic.

We found many examples, but the one that we are most enamored with and believe addresses all the factors and concerns we've discussed is the one from the Village of Paw Paw.

We've forwarded the Paw Paw Ordinance to our City Attorney for review; she is in the process of providing us her opinion and outlining any concerns. But in the interim, I ask that the Planning Commission review this ordinance and provide us feedback in respect to whether you believe a facsimile of this ordinance would alleviate the concerns that have been raised and would "fit" the needs of our community. If the Planning Commission is in favor of incorporating a similar ordinance the City Attorney will draft an Ordinance for the Planning Commission's review.

Paw Paw's ordinance restricts the size of the ADU to 25% of the backyard but would still be required to meet the minimum dwelling size (720 sq ft); it prohibits ADUs in the front yard; setbacks would still apply; it addresses parking areas and driveways; and it puts deed restrictions in perpetuity on the property so that an owner of the property must live in one of the two allowed dwellings. Deed restrictions remain in place when the property is sold so that a new owner of the property must reside in one of the two dwellings. Because ADU's will have deed restrictions in place, violations of the deed restrictions will involve the City Attorney and court action, violations outside of the deed restrictions are considered civil infractions.

Assessing is unable to provide a computerized accounting of how many properties in the city could build an ADU. A physical accounting is the only way to provide that information.

Elaine expressed concern about Shamrock Lake property owners building two story ADUs which could block views.

The City has held preliminary discussions with Clare County Community Development (CCCD) to provide code enforcement and rental inspections; CCCD is willing to provide these services; Lori Phelps is putting together the financial figures to cover the cost of an employee to complete this work. The City would contract with CCCD for three days per week.

A consensus of the Planning Commission favored the Paw Paw Ordinance language.

C. CONSIDERATION OF CONSENT AGENDA FORMAT-BYLAWS AMENDMENT

The City is working toward attainment of certification as a Michigan Redevelopment Ready Community (RRC). Section 4.2 of the Best Practices criteria includes a requirement for notifying the City's governing body, boards, commissions, and staff of scheduled training opportunities by adding the training session to the respective agendas of those entities.

I suggest that the simplest and most efficient means for the Planning Commission to comply with this Best Practice mandate, the Commission consider adopting a Consent Agenda format for all of its scheduled meetings and designate this topic as a Consent Agenda item. If the Commission agrees with this proposal, I concurrently suggest that the Planning Commission's by-laws be adopted to include the Consent Agenda format with Professional Development Training Opportunities to be listed as a Consent Agenda item at all regularly scheduled meetings. Once this amendment is approved, the City Staff will commence including information related to MML and other professional training opportunities in each Planning Commission read-ahead packet.

Motion by Commissioner Loomis second by Commissioner Acton to approve the proposed By-Laws amendment by adoption of Resolution 2020-006PC. Ayes: Darren Acton, Glenda Carmony, Angie Cozat, Elaine Demasi, Nick Loomis, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion approved.*

PUBLIC COMMENT: None.

INTRACOMMISSION COMMUNICATIONS:

* Clare Gap. We applied and were approved for an MDOT \$1.2M Transportation Alternative Program (TAP) grant to complete the "Clare Gap" of the Pere Marquette Trail. The total estimated construction project is approximately \$1.5M, thus we applied to the Michigan Natural Resources Trust Fund (MNRTF) for a \$300K grant to allow the project to proceed. To our complete surprise and chagrin, the Trust Fund disapproved our grant application, thus we were in jeopardy of losing the \$1.2M TAP Grant funding. We reached out to the Michigan Department of Natural Resources (MDNR) for assistance. As reflected in the attached letter from MDNR, they have come to our rescue and have provided a commitment to funding the needed \$300K, thus assuring the receipt of the TAP grant funding and construction of the

“Gap” Project. The project design is being accomplished by the Mt. Pleasant TSC; construction is anticipated to commence and be completed in 2021.

* City Manager Search. The MML has been selected to conduct a City Manager search. The City’s Planning Commission will be contacted by Glenn Anderson of the MML to schedule a date and time to participate in a City Manager Profiling Session to provide feedback on what traits they desire in a City Manager. The feedback will be used by MML to search for candidates and will be provided to the City Commission to aid them in their decision making when hiring a new City Manager.

* Lake Shamrock Dredging. The City was having difficulty finding a location to place the dredged material. A local businessman has offered his property located just outside of the city limits. We have an offer to truck the dredged material so the City would save on the cost of purchasing trucks. The City has submitted an amended permit with the DEQ to include the new disposal site. Once the DEQ approves the permit we will start the assessment process. If the assessment is approved, dredging should start this year. Opponents could take the issue to referendum on the November ballot.

ADJOURNMENT

Moved by Commissioner Carmony second by Commissioner Moser to adjourn. Ayes: All. Nays: None. Absent: none. *Motion approved.* Meeting adjourned at 7:31 p.m.

Diane Lyon, City Clerk