

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 6:30 p.m. by Commission Chair Josh Clark, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Angie Cozat, Josh Clark, Kristin Heintz, Jason Lowe, Brett Moser and Nick Wyman. Absent: Elaine Demasi (who subsequently arrived at 6:36pm and Glenda Carmoney. Also present were Ken Hibl, City Manager; and Diane Lyon, City Clerk.

**APPROVAL OF AGENDA:**

Moved by Commissioner Heintz second by Commissioner Acton to approve the agenda. Ayes: All. Nays: None. Absent: Glenda Carmoney & Elaine Demasi. *Motion approved.*

**APPROVAL OF AMENDED MINUTES:**

Moved by Commissioner Wyman second by Commissioner Lowe to approve the meeting minutes as amended. Ayes: All. Nays: None. Absent: Glenda Carmoney & Elaine Demasi. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**SITE PLAN PROPOSAL – MARK BOLLE, 408 EAST FOURTH STREET**

The City of Clare has received a site plan application from Mr. Mark Bolle to construct a 9,600sf (80'x100') building at his industrial site on East Fourth Street in Clare to replace his significantly smaller building destroyed by fire on this site last December.

The City Staff conducted a review of all the aforementioned plans with Mark on March 8, 2018. The proposed plans and development meet or exceed the City's current zoning and building requirements. The City Staff offers its full endorsement of the project and unanimously recommends the Planning Commission approve the site plan as proposed.

The Clare Industrial Development Corporation (IDC) met to review the proposed plans at its scheduled meeting on March 13<sup>th</sup> and have unanimously recommended approval of the site plan.

The City Planning Commission is the City's approval authority of the proposed 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. As reflected above, proper notice regarding the site plan application has been made by the City.

Subsequent to the hearing, the Planning Commission will be asked to formally consider the site plan and render a decision in respect to approval or disapproval.

Motion by Commissioner Acton second by Commissioner Wyman to open the public hearing. Ayes: All. Nays: None. Absent: Glenda Carmoney & Elaine Demasi. *Motion approved.*

Public Comment: None.

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

Motion by Commissioner Demasi second by Commissioner Wyman to approve the Site Plan by adoption of 2018-008PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Angie Cozat, Elaine Demasi, Kristin Heintz, Jason Lowe, Brett Moser and Nick Wyman. Nays: None. Absent: Glenda Carmoney. *Motion approved.*

**ORDINANCE 2018-003-CHAPTER 52 (ZONING), ARTICLE III, SECTION 52-271 (MEDICAL MARIHUANA)**

The City Planning Commission and City Commission will be asked to consider amending the City's Future Land Use Map by designating a significant portion of currently vacant commercial property in the north sector of the City as future industrial use. Consequently, the property could potentially be eligible for medical marihuana use. As we used in excess of \$2.5M in federal funds to construct the infrastructure to support this development area and marihuana in any form continues to be prohibited by federal law, it is deemed prudent that this site be restricted for that use. Consequently, we've asked our City Attorney to draft a proposed amendment to our existing ordinance codes that prohibits this use to a very defined area within the City; the proposed amendment is attached as Ordinance 2018-003. The Planning Commission is asked to consider the proposed amendment and make a formal recommendation as to its adoption to the Clare City Commission.

All ordinance code changes or amendments require the approval of the Clare City Commission. Chapter 52 (Zoning) amendments first require the review and recommendation(s) of the Planning Commission prior to submittal of the proposed ordinance amendment to the City Commission. A public hearing is required prior to the review and consideration of the proposed amendment of both the Planning Commission and the City Commission

The Clare City Clerk has issued public notice of a public hearing to receive comment related to the proposed amendment. The Planning Commission is asked to conduct the required public hearing and subsequently review, consider, and make a formal recommendation(s) pertaining to the proposed Ordinance 2018-003.

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

Public Comment: None.

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

Motion by Commissioner Acton second by Commissioner Lowe to recommend approval of the Ordinance amendment by adoption of 2018-009PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Angie Cozat, Elaine Demasi, Kristin Heintz, Jason Lowe, Brett Moser and Nick Wyman. Nays: None. Absent: Glenda Carmoney. *Motion approved.*

**EXCUSAL OF COMMISSIONER CARMONEY**

The Planning Commission bylaws stipulate "if a Planning Commissioner shall miss three consecutive meetings or 30% or more of scheduled meetings in any calendar year, his/her office shall be considered vacant unless the Planning Commission shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Planning Commission."

Commissioner Carmoney provided advance notification to city staff and has requested excusal from tonight's meeting.

Motion by Commissioner Demasi second by Commissioner Wyman to excuse Commissioner Carmoney from tonight's meeting by adoption of 2018-010PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Elaine Demasi, Angie Cozat, Brett Moser, Kristin Heintz, Jason Lowe and Nick Wyman. Absent: Glenda Carmoney. *Motion approved.*

**INFORMATIONAL ITEMS**

The following topics were provided for information for the Planning Commission:

- Proposed Future Land Use Map (FLUM) Amendment. We discussed this topic briefly at the Combined Meeting held in January 2018. We initially intended to present this as an agenda topic for your meeting of March 14th, but then we realized we don't have a survey or property description for the parcel. So we will bring the matter to you

at a later date. But for tonight's meeting, we offer a map of the proposed area to be designated as Industrial on our FLUM. Our primary reason for this recommendation is its failure to develop commercially as the developer had envisioned and hoped. But more importantly, we have nearly exhausted all of the available property we have available in our North Industrial Park (only 13 acres remaining from the 60 acres in the Park). So if we receive a knock on the door with interest in more industrial property, we want to be prepared to offer this site as it simply makes sense to expand the current park rather than purchase additional property at another site.

- Our ZBA (our Planning Commission Chairman, Josh Clark is a voting member) had a very unique appeal request they considered and acted upon at a public meeting on March 9th. The direct significance as a result of this meeting is that the ZBA directed we get to work on amending our sign ordinance to bring it into compliance with the recent U.S. Supreme Court ruling (which determined that content-based sign ordinances are unconstitutional) which essentially invalidates our current ordinance rendering it unenforceable.

- We recently received two grant awards (one for \$5K from the Clare County Community Foundation and one for \$25K from the Consumers Energy Foundation) that will allow us to complete Phase 1 (complete the interior and exterior of the building to obtain an unconditional occupancy permit to allow us to open the doors to the public and allow occupancy by the Chamber of Commerce and the Clare County Arts Council) of our depot project. Once this step is completed, the Planning Commission's formal task of oversight of the depot rehabilitation is essentially completed except for approval of landscaping site plans and trail head (public restrooms & parking lots) – and those tasks will require typical site plan approval.

- Elimination of the Clare Gap of the Pere Marquette Rail Trail total cost is estimated at \$2.8M. MDOT Bay Region has submitted a \$1.9M Transportation Alternatives Program grant application with the City being co-applicant on the application. MDOT will be providing a 20% match and the City will be submitting a \$300K MDNR Trust Fund Grant leaving a total of \$100K in need funding. We have \$60K committed to the project from local interest groups so we will need to come up the remaining \$40K to fully fund the project. We hope to have a 2019 construction commencement date.

- Kim Denton, Owner of Clare Family Fitness, has announced her intent to serve fresh fitness focused foods at her place of business.

- The new proprietors of Gateway Lanes, Matt Burton & souse, have intent to expand their business to include a full restaurant and terrace seating upstairs. We may need to convene a special meeting for the Planning Commission to review the site plan once it's been submitted as they wish to begin construction this summer.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:** Kristin Heintz and Brett Moser informed all that they will be unable to attend the April 11 meeting.

#### **ADJOURNMENT**

Moved by Commissioner Acton second by Commissioner Lowe to adjourn. Ayes: All. Nays: None. Absent: Glenda Carmoney. *Motion approved.*

Meeting adjourned at 7:27 p.m.

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Diane Lyon, City Clerk