

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 Darren Acton, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Glenda Carmoney, Elaine Demasi, Stacy Pechacek, Nick Loomis Brett Moser, and Nick Wyman. Absent: Angie Cozat. Jason Lowe arrived at 6:49 pm. Also present were Steve Kingsbury, Acting City Manager; Jaynie Hoerauf, City Attorney; and Diane Lyon, City Clerk.

**APPROVAL OF AGENDA:**

Moved by Commissioner Demasi second by Commissioner Pechacek to approve the agenda. Ayes: All. Nays: None. Absent: Angie Cozat & Jason Lowe. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Wyman second by Commissioner Carmoney to approve the May 8, 2019 minutes as amended. Ayes: Darren Acton, Elaine Demasi, Glenda Carmoney, Nick Loomis, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: Angie Cozat, & Jason Lowe. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**FAÇADE CHANGE PROPOSAL-HOTEL DOHERTY, INC.**

The City of Clare has received proposed façade drawings from Mr. Wayne Hoffman of Spence Brothers of Saginaw, Michigan on behalf of Hotel Doherty, Inc. for proposed façade improvements to return the exterior of the original portion of the Doherty Hotel to a rendition similar to its appearance of 1924, when it was constructed in downtown Clare.

The Clare DDA reviewed the proposed façade changes at a scheduled meeting of May 3, 2019 and unanimously recommended approval of the proposed changes. The City Staff conducted a review of all the aforementioned plans on June 6, 2019. The Staff unanimously recommended 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. 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 façade improvement plan and render a decision in respect to approval or disapproval.

Mr. Dean Doherty provided a Powerpoint presentation depicting the intended rehabilitation improvements to be completed to the interior and façade of the hotel. Renovations will include a new elevator, new hotel rooms, a new bar area, and new restrooms downstairs. The murals in the bar area will remain intact. The intention is to reinvent themselves so that travelers can receive a unique experience when staying at the hotel. The actual investment cost for improvements is expected to be around 5.2 million dollars. They expect to employ at least 6 additional staff members and provide 40 construction jobs during renovation. An April 2020 start date is anticipated. In order to complete the façade work a west bound street lane closure on East 5<sup>th</sup> Street will be necessary which could last up to six months. The conference room will remain open during construction.

Motion by Commissioner Wyman second by Commissioner Lowe to open the public hearing. Voice vote: Ayes: All. Nays: None. Absent: Angie Cozat. *Motion approved.*

Public Comment: None.

Motion by Commissioner Wyman second by Commissioner Moser to close the public hearing. Voice vote: Ayes: All. Nays: None. Absent: Angie Cozat. *Motion approved.*

Motion by Commissioner Demasi second by Commissioner Pechacek to approve the Façade Improvement Project of Hotel Doherty, Inc. by adoption of Resolution 2019-015PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Loomis, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: Angie Cozat. *Motion approved.*

### **CONDITIONAL ZONING REQUEST-MTW INDUSTRIES**

The City of Clare has received a conditional zoning request from MTW Industries, a Mt. Pleasant-based, light-industrial (metal stamping and custom fabrication) manufacturing company that has expressed interest in purchasing the former ShopKo Building and relocating to Clare. The company presently employs eighteen (18) individuals and has indicated they are space-restricted in their present location (thus the interest to relocate) and have plans to hire ten new employees if the move to Clare transpires. They are a very reputable company with a current contract with Caterpillar, an international company long-renowned for its heavy construction equipment manufacturing. MTW has not yet purchased the ShopKo Building but they have entered into negotiations with the realtor (a New York-based company selling all the ShopKo properties nationally as part of that company's bankruptcy proceedings). They intend to pursue the purchase in earnest if they can obtain the needed approval from the City for a conditional zoning change.

Conditional zoning (Article XII, Sec. 52-530 of the City's Ordinance Codes) provides a property owner (or prospective owner) an opportunity to request that the City rezone property that would not typically qualify for rezoning, e.g., not listed for rezoning in the City's Future Land Use Map, with specific conditions. In this case, MTW has offered to relocate to Clare and hire ten new employees on the condition the property is rezoned to allow the company's proposed use of the property. The ShopKo property is presently zoned commercial; MTW has requested the property be rezoned industrial. MTW believes the property is ideally suited for their proposed use due to its location and easy access to US-127 and US-10), the size and physical layout of the building, the existing parking lot, and the opportunity for potential future expansion (the property includes approx. 11 undeveloped acres).

As reflected in Section 52-530 of the City's Zoning Ordinance Codes, the Clare City Commission is the approval authority for a conditional zoning change. However, the City's Planning Commission is required to review the request and provide a recommendation to the City Commission related to the conditional zoning change request. To facilitate consideration of the zoning change request 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 conditional zoning request. As reflected above, proper notice regarding the request has been made by the City. Subsequent to the hearing, the Planning Commission will be asked to formally consider the conditional zoning request and render a decision in respect to a recommendation of approval or disapproval.

The City's Industrial Development Corporation (IDC), which by formal contract oversees and acts as the City's agent for all new industrial development within the City, has met with MTW Industries in the course of one of the IDC's regularly scheduled meetings and has offered its full support and offered a strong recommendation for approval of the MTW request.

The City Staff has similarly met with MTW Industries and considered the request and has also offered its endorsement and support for the request.

Mr. Bob Campbell provided an overview of MTW's operational plans to the Commission and the public present. Currently MTW is building waterpark components for Great Wolf Lodge facilities throughout the country. MTW works with Bandit Industries and Morbark. Alro Steel delivers product regularly for their business operations.

The Shopko building will require a number of upgrades in order to move in to the facility including a large overhead door and a complete reworking/ditching of the property and the installation of perimeter fencing and gated entrance. Presently a resident in the area uses the Shopko drive as their personal driveway however their easement access is located to the south of their residence. The Shopko building sits a fair distance back on the property and away from North Mission Road. The driveway access is through an easement. Mike Jones owns the western most property abutting North Mission Road.

Motion by Commissioner Wyman second by Commissioner Lowe to open the public hearing. Voice vote: Ayes: All. Nays: None. Absent: Angie Cozat. *Motion approved.*

Public Comment: Dave Kruscamp, 11329 N. Mission Road questioned the amount of water that would be used by the facility which has three wells on the property, having concern that extensive use of water would affect the aquifer which serves the residences and other businesses in the area. In addition, noise levels were a concern.

Mr. Campbell stated that water use will be minimal since most of their production does not require use of water. Presently employees are working 1<sup>st</sup> and 2<sup>nd</sup> shifts. The goal is to have all employees working 1<sup>st</sup> shift, from 6:00 am to 2:30 pm when they combine the Mt. Pleasant and Rosebush facilities into the Shopko building. Truck traffic is not likely to be any heavier than that of Shopko's truck deliveries. All manufacturing work will be completed inside the facility and the exterior wall structure should provide a sufficient sound barrier.

Landscaping was briefly discussed as it will be brought back to the Planning Commission as part of the Site Plan Review process.

Jaynie Hoerauf suggested that if the Planning Commission grants the Conditional Zoning, she will task the Planning Commission with rethinking the zoning south of the US 127 interchange. Conditional zoning stays with the property if it is ever sold.

Motion by Commissioner Lowe second by Commissioner Carmoney to close the public hearing. Voice vote: Ayes: All. Nays: None. Absent: Angie Cozat *Motion approved.*

Motion by Commissioner Wyman second by Commissioner Pechacek to recommend approval of the Conditional Zoning Request for rezoning from commercial to industrial with the stipulation that this property shall be rezoned light industrial upon enactment of the zoning code revisions that are presently in the process of being updated by the Planning Commission by adoption of Resolution 2019-016PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Loomis, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: Angie Cozat. *Motion approved.*

#### **REQUEST FOR CONSIDERATION OF ADULT USE OF MARIHUANA ORDINANCE- GREEN BRONCO, LLC.**

The City of Clare previously issued Green Bronco, LLC three special use permits for growing, processing, and sale of medical marihuana. With the recent change of the State of Michigan's laws allowing the growth and possession of recreational marihuana by adults, Green Bronco has expressed interest to allow the growth and processing of recreational marihuana within the City to be transported and used for sale in jurisdictional areas that allow the sale of recreational MJ. The request is in direct contradiction to the City's formal decision to "opt out" of the State of Michigan Recreational Marihuana law (Resolution 2018-128). But the City Planning Commission is obliged to formally consider the Green Bronco request and offer its recommendation to the Clare City Commission, the approval authority regarding the request.

Joey Kejbou provided a presentation regarding the new recreational marihuana laws in Michigan and Green Bronco's desire to grow and process recreational marihuana to transport and sell to businesses located in areas that have "opted in" to recreational marihuana as a means to maintain profitability.

Commissioners noted that at prior meetings they had specifically asked Mr. Kejbou what affect recreational marihuana would have on the medical marihuana business if recreational marihuana became legal in Michigan. Commissioners were told that

recreational marihuana would have no effect on Mr. Kejbou's medical marihuana business.

Motion by Commissioner Demasi second by Commissioner Carmoney to deny the request to consider changing the city's "opt out" ordinance for recreational marihuana by adoption of Resolution 2019-017PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Loomis, Jason Lowe, Brett Moser, Stacy Pechacek, Nick Wyman. Nays: None. Absent: Angie Cozat. *Motion approved*

### **INFORMATIONAL ITEMS**

The City Attorney issued a memo regarding the topic of shipping container use as building structures within the city. We currently have one located within a residential district being used as an accessory building. We've read informational documents that indicate they are being used as actual residential structures by joining multiple containers together and placing a roof over them. Consequently, our City Attorney has sent a query to the Clare County Building Department to determine whether containers meet building codes. We will likely have to formally address their use as a future task.

We've been asked by one of our Planning Commissioners to revisit the topic of accessory buildings being used for residential purposes. We will schedule that discussion for our July meeting.

Our City Attorney also provided us a copy of a model sign ordinance. Our next session with our zoning ordinance consultants will likely be at our scheduled August meeting.

### **ADJOURNMENT**

Moved by Commissioner Lowe second by Commissioner Pechacek to adjourn. Ayes: All. Nays: None. Absent: Angie Cozat. *Motion approved.*

Meeting adjourned at 8:54 p.m.

---

Diane Lyon, City Clerk