

The regular meeting of the Clare City Planning Commission, held at the Pere Marquette District Library, 185 W. Fourth St., was called to order at 6:30 p.m. by Planning Commission Vice Chair Nick Wyman, who led with the Pledge of Allegiance. Present were: Commissioners Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Also present were Ken Hibl, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF CONSENT AGENDA:

Moved by Commissioner Acton second by Commissioner Pechacek to approve the Consent Agenda items listed with an asterisk (*) (Agenda, Minutes and Professional Development) that are considered to be routine by the Planning Commission. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

PUBLIC COMMENT: Steve Stark, representing the Industrial Development Corporation of Clare, voiced opposition to allowing recreational marijuana licenses in the industrial park. A majority of the IDC members are not in favor of recreational marijuana facilities in the city.

APPROVAL OF AGENDA:

*approved by consent agenda.

APPROVAL OF MINUTES:

*approved by consent agenda.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. PROPOSED CHANGE OF USE & SITE PLANS-C&J RENTALS

The City has received a proposed change of use and site plan application with supporting documents from C&J Rentals to convert the long-vacant and unused former Odd Fellows & Rebecca's Meeting Hall located at 208 Wilcox Parkway to eight multi-family residential units and to request approval of their related parking and landscaping plan for the site. The Planning Commission is asked to consider the application and render a decision regarding the application.

Prior to formally considering the site plan proposal, the Planning Commission is required to host a public hearing to receive comments regarding the site plan application. The City has published notice of the public hearing and notified all property owners within 300' of the site. The Planning Commission is asked to hold the requisite public hearing related to the site plan extension request and subsequently consider approving the site plan application.

The City Staff has previewed the proposed change of use and plans and unanimously recommends approval.

Property owner Justin Cole and Alan Craighead of Lapham Associates presented the plan.

Motion by Commissioner Carmoney second by Commissioner Demasi to open the public hearing. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

Public Comment: Verbal comment provided by Ken and Theresa Ames (also present at the meeting), 204 Wilcox Parkway, was presented to the commission by City Clerk, Diane Lyon. Mr. & Mrs. Ames oppose another apartment complex in the neighborhood due to past intrusions on their property by neighboring renters. The Ames' provided concerns regarding proposed vehicle parking on the north side of the building and a street-side business sign as the parked vehicles and the sign will obstruct their view of Lake Shamrock; and while parking awnings are not proposed on the site plan, if they are installed, they would further obstruct the view of the lake from their residential property. Additionally, the site plan includes shrubbery plantings along the west property line. Mr.

& Mrs. Ames desire a privacy fence in place of the shrubs to provide more privacy and security.

Mr. Cole offered to place the business sign on the building, install a privacy fence in lieu of the live privacy barrier, and informed the audience that parking awnings will not be installed over the parking areas at the front of the building. However, due to the location of the lot lines, ordinance requirements for parking spaces and the limited room between the side lot lines and the building, the need for parking areas close to the building for ADA access and apartments on that side of the building, parking spaces on the north end of the building will be necessary.

Motion by Commissioner Pechacek second by Commissioner Demasi to close the public hearing. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

Motion by Commissioner Pechacek second by Commissioner Cozat to approve the Site Plan Application submitted by C&J Rentals, with the condition that parking awnings are not installed on the north side of the property; the business sign will be installed on the building; and a privacy fence will be installed on the west side of the property to provide privacy and security for the neighboring property owner, by adoption of Resolution 2020-011PC. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

B. PROPOSED SITE PLAN – FAÇADE IMPROVEMENT AND COLD STORAGE ADDITION – MTW INDUSTRIES

The City has received a site plan application and supporting documents from MTW Industries to change the façade and add an addition to the former PAMIDA/SHOPKO retail store. The Planning Commission is asked to consider the application and render a site plan decision.

Prior to formally considering the site plan proposal, the Planning Commission is required to host a public hearing to receive comments regarding the site plan application. The City has published notice of the public hearing and notified all property owners within 300' of the substation. The Planning Commission is asked to hold the requisite public hearing related to the site plan extension request and subsequently consider approving the site plan application.

The Clare Industrial Corporation (IDC) and the City Staff have unanimously recommended approval of the proposed site plan and façade change.

Bob Campbell of MTW Industries presented the Site Plan.

Motion by Commissioner Carmoney second by Commissioner Moser to open the public hearing. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

Public Comment: None.

Motion by Commissioner Pechacek second by Commissioner Myers to close the public hearing. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

Motion by Commissioner Acton second by Commissioner Demasi to approve the Site Plan Application submitted by MTW Industries by adoption of Resolution 2020-011PC. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

C. DISCUSSION TOPIC: ALLOWANCE OF MARIHUANA GROW & PROCESS FACILITIES FOR RECREATION USE

The City previously opted in to allow Medical Marijuana facilities within the City of Clare (maximum of two retail outlets and unlimited grow, processing, certification, and transport facilities) but has opted out of all recreation MJ facilities. When the new Recreation MJ law was adopted in Michigan, municipalities were required to totally opt-in or opt-out. The law has subsequently changed to allow those municipalities that initially opted out of recreation MJ to now make a la carte decisions in respect to recreation MJ, e.g., opt out of recreation MJ retail facilities, but opt in to one or more of the other recreation licensures, e.g., grow, processing, etc.

This change has prompted our two Medical MJ business enterprises to request that the City reconsider whether they could be allowed to grow marijuana and sell to retail venues outside the City of Clare. Consequently, the Planning Commission is again asked to take up this topic and make a determination whether it chooses to change its current status – in essence, ask whether we (the City) cares if the marijuana grown in Clare is used for just medical purposes or whether it can also be used for recreation purposes outside of Clare.

Attorney Jordan Rasaam, representing Total Holistic Corporation, spoke regarding his client's desire to operate recreational marijuana growing and processing facilities in conjunction with medical marijuana cultivation and processing. His clients are not interested in having a retail storefront in Clare but they do wish to expand their operations to include the cultivation and processing of recreational marijuana due to the current market to make their investment profitable and allow for expansion of their facility to all 91 acres currently owned by the Russell family. The proposed building expansion will look like any other industrial buildings in the area and there will be no signage indicating that these are marijuana growing and processing facilities. Expansion will provide additional jobs in Clare and increase the city's tax base.

Mr. Rasaam informed the commission that phase one of THC's approved site plan will be operational by September 2020, with 24/7 operations and invited the commission to tour the facility.

Steve Stark, representative of the Clare IDC, reiterated the IDC's stance opposing recreational marijuana facilities in the city.

Some commissioners were open to reviewing more information about recreational marijuana cultivation and processing, not retail sales, as a means of economic growth to increase the city's tax base while others voiced opposition to all recreational marijuana operations as a matter of ethics and morality.

The City Manager invited commissioners to attend the next City Commission meeting where discussion on recreational marijuana operations in the city will be presented.

PUBLIC COMMENT: None.

INTRACOMMISSION COMMUNICATIONS: The City Manager announced that the City Commission approved an independent contractor agreement at the July 6th, 2020 meeting, with Mr. Dave Lipovsky, to serve as the new code enforcement officer for the city. City Assessor Edie Hunter will now only be responsible for grass letters and mowing.

The City Commission also approved an ORV Ordinance and Golf Cart Resolution at the July 6th meeting to allow off-road vehicles to be used on city streets however, State regulations to operate these vehicles still apply; they are not allowed travel on state roads; they may only cross state roads (Bus127/McEwan & Bus10/115/Fifth Street); and no crossing is allowed at the junction of McEwan and Fifth Street.

Lake Shamrock dredging was put on hold due to the COVID pandemic. We were not able to hold public hearings regarding a proposed 50/50 shared assessment to dredge the Lake. The City Commission has directed the City Manager to prepare a report the proposal, we will likely start the dredging process next spring. A local property owner has agreed to allow the spoils from the lake to be disposed of on his property. We will not be spraying the lake for weeds this year because it was not budgeted due to the plan to move forward on the dredging project.

APPROVAL OF PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES:

*approved by consent agenda.

ADJOURNMENT

Moved by Commissioner Acton second by Commissioner Moser to adjourn at 8:03 pm. Roll call vote: Yeas: Darren Acton, Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers, Stacy Pechacek, and Nick Wyman. Absent: Jason Lowe. Nays: None. *Motion Carried.*

Diane Lyon, City Clerk