

The regular meeting of the Clare City Planning Commission was called to order at 6:32 p.m. by Planning Commission Vice Chair Nick Wyman, at Clare City Hall, Clare, Michigan. The Vice Chair led the meeting with the Pledge of Allegiance. Present were: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Also, present were Jeremy Howard, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF CONSENT AGENDA:

Moved by Commissioner Carmoney second by Commissioner Demasi 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: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: *approved by consent agenda.

APPROVAL OF MINUTES: *approved by consent agenda.

OLD BUSINESS: None.

NEW BUSINESS:

A. RECREATIONAL MARIJUANA CULTIVATION SPECIAL USE PERMIT AND SITE PLAN FOR VAULT, LLC.

The City has received a Special Use Permit Application from Vault MI, LLC to operate a Recreational Marijuana Grow Class C Facility at 545 Industrial Drive within the City of Clare. The Clare City Planning Commission is the approval authority for the permit.

Vault MI, LLC has completed the required Special Use Recreational Marijuana Zoning Permit Application and provided the related Site Plan Application and documents. City Staff have reviewed the application and site plan provided and found no fault or error in these documents and takes no exception to the responses offered.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to the proposal. Proper notice regarding the special use permit and site plan application have been made by the City. The City has also mailed notice to all property owners within a 300' radius of the site of proposed Recreational Marijuana Grow facility. To date, the City has received one stated objection to the proposed use.

The site plan and building layout are basically identical to the currently approved Medical Grow license in the existing building. No additional changes to the building or exterior are being proposed.

Subsequent to the hearing, the Planning Commission is asked to formally consider the Special Use Permit Application and Site Plan and render a decision in respect to approval or disapproval.

It should be noted that this request is for a license that would be operating under an adopted zoning ordinance of the city and this use meets all of the requirements of the City of Clare in respect to land use and zoning on that property. If the Planning Commission votes not to approve the request, it will be necessary for the Planning Commission to clearly provide the reason that the request violates the current land use and/or zoning ordinance code which causes it to not meet all the requirements of the City of Clare in respect to land use and zoning.

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

Public Comment: Rick Murphy of Summerfield Township expressed support for the project.

Tom Kunse provided the following written statement- *Regarding the Public Notice of the proposed marijuana facility at 545 Industrial Drive:*

As you know, the current growers are not complying with the ordinance requiring the smell be contained within the property limits. The City does not have an established plan on how to handle these violations.

Before more marijuana facilities are approved, the City should determine how to enforce the existing ordinances.

Commissioners noted that there are odors being emitted from other manufacturing facilities in the industrial park as well, including from Mr. Kunse's business.

Attorney Joey Kejbou, representative of Vault, LLC. provided an overview of the project noting that Vault would take every reasonable measure possible to eliminate and/or minimize odors emanating from their facilities. Mr. Kejbou offered that they want to be good neighbors and they are installing carbon filters and they are looking into an ionized iodine process for controlling odor. Commissioners were offered a tour of the facility once they are up and operating.

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

Motion by Commissioner Myers second by Commissioner Cozat to approve the Special Use Permit and Site Plan by adoption of Resolution 2021-012PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

B. ZONING ORDINANCE AMENDMENT 2021-003, 211 EAST SECOND STREET

Mark Bolle recently requested a building permit to put a house on vacant land at 211 East Second Street. The home is to be placed on Lot 9 and 10 of block 34 on East Second Street. The land has been vacant for many years after the previous home burned down. As we were reviewing the Zoning Authorization form to enable Mr. Bolle to obtain a building permit, it was discovered that Lot 9 was zoned Industrial (I) and Lot 10 was zoned Residential (R2). In order for the house to be placed on site, the zoning must be changed on Lot 9 from Industrial (I) to Residential (R2). Mark has submitted a Request for Rezoning application to accomplish this change and allow for both lots to be zoned residential.

In evaluating the parcel's location, we determined that all factors are clear indications this is the best use/zoning of this property long term since it is actually a combined single parcel with half being zoned Residential (R2) with the other half zoned Industrial (I); it is on a residential street surrounded by other residential zoned structures; and it is identified on the City's Future Land Use Map as residential.

The approval authority for all ordinance changes in the City is the Clare City Commission but in matters related to Chapter 52 (Zoning), the City Planning Commission is required to provide a formal recommendation(s) to be considered by the City Commission in its discussions regarding the proposed ordinance change(s).

The Planning Commission is required to hold a public hearing regarding the proposed ordinance/zoning change. Public notice has been accomplished. Subsequent to the public hearing, the Planning Commission is asked to consider, discuss, and render a formal recommendation, which will be forwarded to the City Commission for consideration in its actions related to the proposed ordinance/zoning change.

Motion by Commissioner Myers second by Carmoney to open the public hearing. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett

Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

Public Comment: Mark Bolle stated that he must wait for the Second Street bridge construction to be complete before he can move the modular home to the site. This home will be a rented unit.

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

Motion by Commissioner Demasi second by Commissioner Myers to recommend approval of Ordinance 2021-003 by adoption of Resolution 2021-013PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

C. SITE PLAN APPLICATION-FAÇADE IMPROVEMENT 605 NORTH MCEWAN

The City of Clare has received an application and drawings for a proposed façade improvement from Dr. Alan Scott at 605 North McEwan Street (optometry office) to improve the street side appearance at the office in downtown Clare. City Staff has reviewed the proposed façade changes and recommend approval of the project.

The City Planning Commission is the City's approval authority for 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 façade improvement 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.

Nick (Konwinski builders) provided an overview of the project. Dr. Scott is looking forward to completing the project.

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

Public Comment: None.

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

Motion by Commissioner Carmoney second by Commissioner Moser to recommend approval of the façade improvement by adoption of Resolution 2021-014PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

D. ORDINANCE AMENDMENT 2021-004, SMALL CELL ORDINANCE AMENDMENT

With the passage of the Michigan small cell Act 2018 PA 365, authorizing deployment of small wireless facilities and their use of municipal rights-of-ways (ROW), municipalities now have a limited ability to regulate the use of their rights-of way (ROW). In response to this Act and the Federal Communications Commission (FCC) 2018 small cell orders, the attached small cell ordinance amendment is designed to preserve the city's zoning, aesthetics and integrity within the city proper.

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

Public Comment: None.

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

Motion by Commissioner Wyman second by Commissioner Myers to recommend approval of Ordinance 2021-004 by adoption of Resolution 2021-015PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

E. TINY HOME DISCUSSION

The City currently does not allow for tiny houses inside the city. There are a number of current ordinances that would prohibit placement of one inside the city including minimum size, tires and tongues on houses, hookups, etc.

A city resident approached the city with a request to possibly changing our ordinances or create a specific ordinance section allowing the placement of tiny homes in the city of Clare. Staff suggested that they start with a discussion at the Planning Commission level to gauge if there is any interest in amending the current ordinances or creating a special ordinance to allow tiny houses.

Discussion on this topic took place at the Planning Commission's March and April meetings. Following discussion at those meetings, the Planning Commission asked consultant Jill Bahm to look further into the topic and gather information to bring back to the Planning Commission for the development of a proposed ordinance. Jill gathered the information requested and presented it at tonight's meeting.

Following the presentation and discussion the Commission determined that an Ordinance amendment should:

1. Define mobile home.
2. Establish that mobile homes are allowed only in mobile home parks.
3. Update minimum lot size standards within the R1 district.
4. Establish a minimum size with the ground floor living area at a minimum of 300' square feet.
5. Establish a neighborhood alignment requirement so that the setback matches that of the surrounding neighborhood and a minimum width of 20' across the front with the widest footprint facing the street so that the house fits in the existing neighborhood aesthetically.
6. Update building material standards.
7. Clarify demolition/reclamation standards.
8. Establish water/sewer tie in standards.
9. Tiny homes must be permanent in nature (wheels removed, tied in to city utilities, etc).
10. Require a Zoning Authorization Permit.
11. Limit the number of tiny homes allowed.

Once these recommendations have been developed to fit in with current Ordinances, the Planning Commission and staff will review them again and either make additional recommendations for amendment or request the City Attorney develop an Ordinance. Following a recommendation by the Planning Commission on the Ordinance once developed, it will go to the to the City Commission to approve or deny the Ordinance adoption.

EXTENDED PUBLIC COMMENT: None.

COMMISSION DISCUSSION TOPICS:

Camper Parking. The code does not require RV's to be placed on a cement pad in the city. They are only required to park them in a side yard or rear yard.

ARPA Funds: The Commission inquired as to whether the city would use the ARPA funds to support broadband infrastructure within the city. The city already has pretty good broadband infrastructure. The amount of money that townships will receive in ARPA funds will cover very little of the cost to expand broadband in the townships. City ARPA funds will likely be used for water/sewer infrastructure projects.

PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.

ADJOURNMENT

Moved by Commissioner Moser second by Commissioner Myers to adjourn at 8:28 p.m. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Elaine Demasi, Brett Moser, John Myers and Nick Wyman. Absent: Josh Clark, Jason Lowe and Stacy Pechacek. Nays: None. *Motion Carried.*

Diane Lyon, City Clerk