

The special meeting of the Clare City Planning Commission was called to order by Vice Chair Jan Winter in the Commission Chambers, at 6:30 p.m., who then led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Glenda Carmoney, Josh Clark, Jack Hofweber, John Kline, Ben Walter and Jan Winter. Absent: Elaine Demasi and Dave Prawdzik. Elaine Demasi subsequently arrived at 6:37 pm. Glenda Carmoney departed the meeting at 7:00 pm. Also present were City Manager, Ken Hibl and City Clerk, Diane Lyon.

APPROVAL OF MINUTES:

Moved by Commissioner Walters second by Commissioner Acton to approve the minutes of the July 10, 2013, meeting. Ayes: All. Nays: None. Absent: Elaine Demasi and Dave Prawdzik. *Motion approved.*

APPROVAL OF AGENDA:

Moved by Commissioner Carmoney second by Commissioner Walters to approve the agenda. Ayes: All. Nays: None. Absent: Elaine Demasi and Dave Prawdzik. *Motion approved.*

PUBLIC COMMENT: None.

UNFINISHED BUSINESS - None

NEW BUSINESS:

Proposed Ordinance Change 2013-001

The City has received a site plan application from 123 Investments, aka Robotic Welded Parts, to construct a new 8,100 square foot industrial building on its industrially-zone property on East Fourth Street in Clare. The City's Planning Commission is approval authority for the site plan.

The City's Site Plan Review Committee comprised of the City's Staff Department Heads met on Wednesday, September 11, 2013 to review the proposed site plan to ensure the plan meets the standards and criteria of the City's Ordinance Codes. The Review Committee considered the proposal and unanimously recommended approval of the proposal. The proposed site plan meets the City's minimum zoning and building code standards and requirements.

Prior to formal discussion and consideration of the proposed plan, the Planning Commission is required to hold a public hearing related to the proposed site plan. Proper notice regarding the site plan application has been made by the City. To date the City has received no stated objections to the proposed construction.

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. Moved by Commissioner Walters second by Commissioner Kline to open a public hearing. Ayes: all. Nays: None. Absent: Elaine Demasi and Dave Prawdzik. *Motion approved.*

PUBLIC COMMENT: None.

Moved by Commissioner Kline second by Commissioner Walters to close the public hearing. Ayes: all. Nays: None. Absent: Elaine Demasi and Dave Prawdzik. *Motion approved.*

Applicant and owner Scott Carter was present to provide information about the expansion to the commission on behalf of 123 Investments. The purpose of the expansion is to improve material flow; for the receiving and warehousing of materials. There will be one overhead door and two service doors.

Commissioner Clark spoke with 123 Investments neighbor Dennis Marr (307 E. Second St.). Mr. Marr is in support of the businesses expansion.

Moved by Commissioner Acton second by Commissioner Walters to recommend approve the site plan application by adoption of proposed Resolution 2013-009PC. Ayes: Darren

Acton, Josh Clark, Glenda Carmoney, Elaine Demasi, Jack Hofweber, John Kline, Ben Walter and Jan Winter. Nays: None. Absent: Dave Prawdzik. *Motion approved.*

Discussion Topic: Residential Zoning Considerations – Secondary Housing

The Michigan Municipal League's monthly periodical, *The Review*, recently had an interesting article related to accommodating the needs of a specific sector of senior citizens - specifically, aging parents of children caring for the residential needs of their parents by allowing a second residence on a single family residential lot.

The article outlines a number of means to accommodate this need and also discusses a number of issues and concerns with this accommodation – the primary one being what happens to the second residence or addition once the need is no longer there, i.e., does it then become a rental unit; multi-family housing, etc.?

I asked our city attorney, Jaynie Hoerauf to review the article and craft a possible ordinance change to our existing codes to facilitate discussion with the Planning Commission on this topic. The Planning Commission is asked to determine whether they believe this need exists in our community; consider whether they wish to address this topic; and if how it should be addressed.

If the Planning Commission determines it wishes to address the topic, we will subsequently schedule the required ordinance change requirements (public hearing, etc.) to accommodate the Commission's decision.

Commissioners expressed concerns about second residences turning into rental properties once the family member has passed away or the property is sold. They also wished for clarification of what constitutes a "family member". The Planning Commission had previously approved the definition of a *family* in June 2011 under Ordinance 2011-004 (Medical Marijuana Ordinance). City staff will provide those definitions to the Planning Commission at the next meeting as part of the review process for the possible ordinance. Commissioners requested additional information on how surrounding communities are handling this situation. There was question of whether an ordinance would be necessary at this time since there have not been any requests at this time. The City Attorney could draft an ordinance which would allow a second residence on a case by case basis; issuing through a Special Use permit, however a Special Use Permit stays with the property when it is sold. If a request to build a second residence on a single lot came in at this time, a variance would be required.

INTRA-COMMISSION COMMUNICATIONS: Ben Walters noted that the road improvements on McEwan Street are greatly appreciated.

DISCUSSION TOPICS:

Notice of EDA Grant Approval The city received notice from Senator Stabenow's office that we were approved for a 60% infrastructure grant for the construction of a water tower and water and sewer infrastructure at the north end of Clare. So there will be discussion of a new 68 acre industrial park coming before the City Commission. We have a potential tenant who states they are committed to making a 3 million dollar investment but that tenant has requested anonymity at this time.

Depot Rehabilitation Project The city received word that the depot project is being awarded a \$50,000 grant from the Rollin Gerstacker Foundation. Additionally, we recently received a \$10,000 grant from the DTE Foundation, and a \$3,500 donation from Cops & Doughnuts. With these additional funds we now have enough money to move the depot but a decision must be made whether to use these funds to move the depot this fall/winter or to use those funds to leverage more funds through a Community Development Block Grant (CDBG) which requires a fairly significant match in order to be competitive for a Downtown Infrastructure Grant (DIG) and is awarded in January. If we apply for the CDBG grant, we may be able to leverage for an additional \$200-300,000 dollars. We also intend to apply for a DOW Foundation Grant. AJ Doherty has offered to match an individual's \$10,000 donation for the project. The entire project is estimated to cost around \$500,000 to complete; if SHPO takes over the project, it will likely cost around 1 million. We will have to find another hard-space to relocate the skate park once the depot is moved. We are not under pressure from the railroad company (GLCR) to move the depot from its current location however we do wish to get the depot moved. While GLCR has not offered financial

assistance for the move, they have been extremely supportive of our efforts and have allowed us to use the new depot site for passenger boarding/de-boarding.

The city received an email on September 23, 2013 from Michigan Department of Transportation (MDOT), Transportation Service Center (TSC) Regional Manager, Bill Mayhew. MDOT has always been very interested and supportive of the depot project. MDOT is responsible for road building projects and bike paths; they built the Pere Marquette rail-trail and paved the bike path to Evart. MDOT's intent is to build a trailhead parking lot and public restrooms but their project rules have changed and they now must consolidate projects. Mr. Mayhew is very concerned that if we go forward with the depot project without the State Historical Preservation Office (SHPO)'s blessing on where and how we will locate the depot, we will close the door to any assistance from MDOT permanently because SHPO must provide approval or concurrence with the projects under the Transportation Alternatives Program (TAP). If we do something with this project (to the exterior) that affects the historic value, SHPO will close the door to any opportunity for federal and state funding and MDOT would not assist with building the parking lot and restrooms.

Ken Hibl contacted SHPO representative Bob Christensen on September 25, 2013 to ask specific questions about the project to help the depot committee determine whether or not they wish to reconsider SHPO's involvement in the project (at the September 11 depot committee meeting, the committee voted to move ahead with the project without SHPO's blessing). SHPO representatives are now more open to the committee's project proposals than they have been in the past. Mr. Christensen was asked if they would allow a basement under the depot and the answer was yes. Mr. Christensen did not take issue with us replacing the depot roof since the new shingles are made of asphalt and green in color just as they were prior to the reroof. Ken asked about the decking for passenger boarding and de-boarding and Mr. Christensen gave indication that decking would be acceptable because our intent is to serve railroad passengers as had been done historically. The new location for the depot was discussed and Mr. Christensen indicated that they would likely not have an issue with the proposed location as it was one of the sites that had originally been presented to SHPO back in 2011. At that time, they informally approved of the site, but we do need to send Mr. Christensen drawings of the exact site. The only item that SHPO will likely take issue with is the orientation of the building (the committee had initially decided to turn the building so that the tower would face Beech Street) because in SHPO's view, it will lose historic significance so the committee will likely rethink the decision not to utilize SHPO funding.

Rail-Trail Extension The Rail-Trail extension is in the hands of the DNR. They are negotiating a land swap with the railroad. It is still an active project for the DNR.

Tobacco Drain Petition The Little Tobacco Inter-county Drain Board, held a meeting to discuss the necessity to clean the Little Tobacco Drain. In 2005 the Drain Board directed a preliminary engineering study to determine the need and probable costs of cleaning this joint drain at the request of the City; the two reports, a project overview and estimated costs, were presented in 2006, but the project did not proceed for two primary reasons: the Drain Board could offer no assurance that, even after the Drain was cleaned, that we would not continue to experience flooding due to the fact that the flooded areas lie within a FEMA-designated flood zone; the secondary reason was the exorbitant cost of the project.

Since that time, annual flooding within the City along the Tobacco Drain has increased. That that situation will now be further exacerbated due to the recent completion of a drain project in Isabella County that 'feeds' the Tobacco Drain, which will consequently increase the rates of flow and volume of water into the Tobacco Drain, resulting in anticipated greater flooding along the Tobacco Drain. Additionally, there are a number of properties and structures within the City that are in jeopardy of foundation damage if the Drain is cleaned. We were also informed that FEMA will likely deny/disapprove any future claims for damage due to flooding, even if property owners have flood insurance, in situations wherein governing entities are aware of the necessity of completing drain projects but have taken no action to do so – as is the case for the Tobacco Drain.

We were advised that there are two primary means by which a drain assessment project can be initiated: a petition of a majority of the property owners affected by the drain or a petition (resolution) of the primary governing body – in this case, the Clare City

Commission. The Drain Board has asked that the City of Clare consider providing the needed petition as the Board believes it highly unlikely that they will receive a petition from the property owners. The only other option available to them is to accomplish this needed project through their maintenance program, but due to the annual statutory limits they can spend in maintenance, they estimate it would take 60 years to complete the project.

Consequently, the City Commission was asked to provide the needed authorization for the Inter-County Drain Board to initiate with the special assessment process to allow them to proceed with this project. The Drain Commissioner is responsible for levying drain improvement assessments against property owners. There is an assessment district in both Clare and Isabella Counties and property owners who are located directly along the drain would be assessed. Property owners who are not directly located along the drain but still receive a benefit would receive a prorated assessment. Those parties (including the City at large) who receive a benefit from that drain would receive an assessment based on several evaluation factors.

The Drain Commission will likely have to do tests on the soil that is removed and will have to determine where it will be placed.

Playscape Floodlights Darren Acton inquired about the status of Playscape lighting. Gary Seiter was to submit a bid to the city to hook-up two lights that have been sitting in the DPW garage to illuminate the Playscape. The City Manager will check into the status of the lighting.

ADJOURNMENT - Moved by Commissioner Walters and seconded by Commissioner Demasi to adjourn. Ayes: All. Nays: None. Absent: Dave Prawdzik. *Motion approved.* Meeting adjourned at 7:41 p.m.

Diane Lyon, City Clerk