

The special meeting of the Clare City Planning Commission was called to order in the Pere Marquette District Library, Room LLA, 185 E. Fourth St., Clare, MI, at 6:00 p.m. by Chair Josh Clark who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi and Jan Winter. Absent: Nick Wyman. Also present were Steve Kingsbury, Acting City Manager; Jaynie Hoerauf, City Attorney, and Diane Lyon, City Clerk.

APPROVAL OF AGENDA:

Moved by Commissioner Barnes second by Commissioner Winter to approve the agenda. Ayes: All. Nays: None. Absent: Nick Wyman. *Motion approved.*

APPROVAL OF MINUTES:

Moved by Commissioner Demasi second by Commissioner Acton to approve the minutes of the previous meeting. Ayes: All. Nays: None. Absent: Nick Wyman. *Motion approved.*

PUBLIC COMMENT: None.

UNFINISHED BUSINESS: None

NEW BUSINESS:

SITE PLAN REVIEW-WALMART SITE PLAN REVIEW & SPECIAL USE REQUEST

The City has received correspondence, a site plan application and a special use permit application from Bergmann Associates (representing Wal-Mart Real Estate Business Trust) for the construction of a 158,583 square-foot super center and an adjacent 740 square-foot fueling station on 17.42 acres of presently vacant, commercially-zoned property adjacent to Colonville Road in a currently undeveloped northern commercial district owned by the Clare Northern Group within the boundaries of the City of Clare. The City of Clare Planning Commission is the City's approval authority for the site plan and the special use permits.

The Clare City Staff held a detailed site plan review of the proposal with the engineering and architectural firms representing Wal-Mart on April 4, 2015. A required traffic study review was conducted with the City and engineers representing multiple entities and agencies, to include Walmart, MDOT, and the Clare County Road Commission, on May 27, 2015. Bergman Associates and the City subsequently communicated regarding various aspects of the proposed development throughout the interim period on an unscheduled basis.

The staff review determined that the proposed development meets all the current zoning and building standards and requirements of the City; the application for special use permits (there are three of them: outside storage, drive-thru window, & commercial development with a building size exceeding 50,000 square-feet) meet all of the City's standards except that maximum coverage of building, parking, and paved areas is exceeded by 4%. At the request of Bergman Associates, the ZBA met on Monday, September 28th to provide an interpretation of the term "lot" as it pertains to the Walmart development due to the broad definition of the term within the City's Ordinance Codes. This interpretation by the ZBA determined whether a dimensional variance is required as the proposed development coverage area is exceeded by 4%. The ZBA determined that the term "lot" encompasses the entire 160 acres of commercial property held by the developer (which has not yet been parceled out) and therefore a dimensional variance is not required for Walmart to build-out on the 17.42 acre parcel they seek to develop. Additionally, the traffic study determined this proposed development by itself will not cause an adverse effect on the current and planned road infrastructure.

The Planning Commission is required to conduct a public hearing to receive comment related to the site plan and special use permits. The City has published a public notice of the site plan proposal. To date the City has received no formal comment or correspondence related to the proposed development.

Prior to the conduct of the public hearing, Acting City Manager, Steven Kingsbury introduced the site plan and the special use permits to the Planning Commission. A detailed presentation of the proposed development and the special use permits was then presented by Mr. Paul Furtaw. The project engineer for Bergmann Associates along with Mr. Spencer Deinard, the Senior Design Architect; Erik Hingst, Walmart Public Affairs & Government Relations; and Mr. Tyler Tennent, legal counsel for Walmart were also present to answer questions from the Commission. Subsequent to Mr. Furtaw's presentation, the Planning Commission was asked to conduct the required public hearing and then discuss, consider and render decisions regarding the site plan and the special use permits.

Commissioner Demasi asked for more detail on landscaping and buffer zone areas. Mr. Furtaw informed the Commission that there is a significant body of wetlands which runs along the west side of the commercial property which extends from the (future) commercial park roadway on the west side of the proposed Walmart parking lot all the way to Clare Avenue. These existing wetlands within the 160 acre commercial property will not be disturbed by Walmart or any other future developer. The building is set back off Colonville Road a few hundred feet and there is significant landscaping and greenspace along Colonville Road as an additional buffer zone. Sidewalks will be installed immediately adjacent to the building but there are landscaping islands within the parking lot to soften the look of the building and therefore the intent of the Master Plan has been met.

Commissioner Acton asked if there would be retention ponds on the property for water runoff. Mr. Furtaw stated that there are 3 retention ponds to regulate storm water runoff. Water that does not infiltrate the soil will be regulated and then ultimately discharge into to the wetland. The Department of Environmental Quality (DEQ) is the regulating authority for storm water discharge and retention system and they have issued a discharge permit. Fencing and landscaping will be installed around the retention ponds. With exception to periods of heavy rainfall, the retention ponds will be dry most of the year.

Commissioner Demasi inquired about the traffic study that was provided to the commission wondering whether Colonville Road would be able to handle the traffic flow (there are three entrance/exits for Walmart coming off from Colonville Road) and asked how future infrastructure improvement costs would be shared.

Steve Kingsbury reported that the traffic engineering study was provided by a certified, licensed engineer, and was completed in accordance Michigan Department of Transportation (MDOT) standards. The traffic study does indicate that existing road structures will handle all of the traffic for this particular development at this time including traffic coming off the highway. If there are more requests in the future for development, each of those developers will be required to provide a certified traffic study showing that the road system will support their business traffic.

Mr. Kingsbury also reported that the City is the recipient of a \$375k grant for fiscal year 2017 for potential road infrastructure improvements (roundabout) at the intersection of Colonville Road and Business 127. While MDOT has the lion's share of legs coming into the northern intersection, the Clare County Road Commission, the City of Clare, Walmart, and MDOT have come together to discuss infrastructure improvements and we would look to the developers to come to the table as well; however, how the costs of road improvements would be shared has not been discussed. Future developers would also be asked to share in the cost of infrastructure improvements.

The proposed roadway, whose location was determined by the property developers, (Clare Northern Group (CNG)), will run adjacent to Walmart's (west) parking lot north from Colonville Road through the commercial property and then curve back out to Clare Avenue and will be privately developed and paid for by the property developers (CNG). The roadway will be built, designed, and engineered to city standards and once it is complete, will then be turned over to the city for ownership, operation, and maintenance.

Commissioner Barnes questioned when the privately developed roadway would be completed as he has concerns with traffic egress. Mr. Kingsbury offered that the traffic study did not take into account this proposed roadway so the addition of the roadway

which is anticipated to be built next year, would lessen the traffic flow on to Colonville Road.

Mr. Furtaw offered that Walmart will share a common property line with Consumer's Energy and the middle entrance (gas station) will be located just beyond the hill on Colonville Road. Commissioner Acton had concerns with sight line issues on that section of roadway in relation to Walmart's entrance/exit. Mr. Furtaw stated that Walmart did look at the line-of-sight issue and the site does comply, however, they will revisit that issue.

Commissioner Demasi inquired about water and sewer to the facility. Mr. Kingsbury stated that the city's water and sewer has been extended into the industrial park. Walmart, like any other business, will be required to pay buy-in fees for water and sewer hook-up which are calculated based on the square footage of the facility. They will then be required to pay for water and sewer like any other property.

Commissioner Clark had concerns about water runoff and contamination from the gas station going into the retention pond which borders Colonville Road and is located in front of the station.

Mr. Furtaw explained that there are emergency procedures as part of the development with the tanks; a safety protocol system which directs staff and provides procedures and contact information for appropriate response for clean-up of spills, including within the detention pond if any contaminants were to enter the pond. Mr. Kingsbury added that all storm water runoff is regulated by the DEQ.

Moved by Commissioner Winter second by Commissioner Acton to open the public hearing. Voice Vote, Ayes: Commissioners Darren Acton, Steve Barnes, Josh Clark, Glenda Carmoney, Angie Cozat, Elaine Demasi, and Jan Winter. Nays: None. Absent: Nick Wyman. *Motion approved.*

Public Comment: Vince Demasi, 417 Wilcox Parkway, Clare, Michigan, had concerns about traffic on Colonville Road and whether the traffic study had been completed after the construction of the Consumers Energy building and Northern Logistics expansion; the required queuing for entry into the complex; and separation standards of entries/exits from residential driveways being met. Mr. Demasi also asked that it be made a matter of record that the proposed roadway adjacent to Walmart's parking lot, which runs from Colonville Road north through the development and curves back out to Clare Avenue, is being built and paid for by commercial property developer (CNG), as stated previously.

Tom Stewart, 6392 E. Colonville Road, Clare, Michigan, expressed concerns for public safety with the Amish community traversing to and from Clare on Colonville Road.

Al Demarest, 106 W. State Street, Clare, Michigan, expressed traffic safety concerns regarding vehicles coming off the southbound highway ramp trying to make a left hand turn on to Business 127/Clare Avenue; the exit ramp for northbound traffic dead-ends at Colonville Road which will have increased traffic with the development of commercial properties; lack of a traffic signal on Colonville Road; lack of a roundabout at the north end of the City to control traffic flow; he speculated that the City will borrow money to pay for the installation of a roundabout.

Renee Holbrook, 4320 E. Colonville Road, Clare, Michigan, lives across Colonville Road, directly south of the gas station. Ms. Holbrook has concerns about making a left hand turn out of her driveway onto Colonville Road and getting mail from her mailbox which is located on the north side of Colonville Road. Ms. Holbrook stated that she is not support of the gas station due to concerns of future contamination.

Dan Dysinger, Grant Township Supervisor, had traffic safety concerns related to the Business 127/US10 interchange and in particular the south side of the viaduct with the traffic speed being set at 50mph on "Hamburger Hill".

Commissioner Clark offered that the traffic study was completed on August 25, 2015.

Steve Kingsbury reiterated that a licensed engineer, specifically trained to perform traffic studies, has determined that this development will not cause a traffic problem that the current road structure cannot handle and the study was conducted in accordance with Department of Transportation standards. The City has been proactive in trying to develop a roundabout at the north end of the city with a preliminary engineering study being completed, a preliminary cost estimate for construction established, and preliminary discussion about cost sharing principally with MDOT as they have the greatest share of roadway involved in the project. Mr. Kingsbury urged audience members to contact MDOT with their traffic safety concerns involving the highway entrance and exit ramps at the north end of Clare, the speed limit on Business 127/Clare Avenue, and other traffic issues on those roadways because they are all controlled by the State of Michigan Department of Transportation. As for the city controlled portion of Colonville Road, the city lowered the speed limit to 35mph during the industrial park construction and roadway reconstruction. Once construction was complete, the speed limit was raised to 45mph due to the outcry from the community. The City's Traffic and Safety Committee (TSC) is an independent board and will continue to monitor Colonville Road traffic to determine if the speed limit should lower again with development of the commercial property in that area.

The City has been in contact with the Post Master of the Clare Post Office regarding the current location of residential mailboxes (the United States Postal Service determines the placement of all mailboxes). The Post Master has received an exception from his supervisor which provides the authority to move the mailboxes from the north side to the south side of the roadway.

Mr. Furtaw estimated that the west roadway into the commercial property lies approximately 7,800 feet from the intersection of Colonville Road and Clare Avenue. There is approximately 500 feet between the west roadway entrance and the center drive, and approximately 350 feet between the center drive and the east drive into the complex. While the new roadway on the west side of the commercial property was determined by the developer, the center and eastern drives were determined by Walmart based on how the store would function and the layout of the site. Although Mr. Furtaw did not have available the number of cars the Colonville queuing area would hold and said that it is actually more of a deceleration lane. He offered that there is a dedicated taper on the west and center drives for queuing and there is a center turn lane. The driveways do follow the city's Codes of Ordinance and also meet the distance requirements for offset from the residential driveways across the street. At the request of Commissioner Clark, Mr. Furtaw offered to make available to the Commission an overview of the site showing the location of Walmart drives relationship to the location of the residential drives across the street to demonstrate that they do not compete and the layout of the drive are in compliance with City Ordinance Code. Entrances to the fueling station are not located directly on Colonville Road but rather come off from the center drive heading into the complex. The southernmost gas station entrance is located approximately 75-80 feet north of Colonville Road.

Walmart's outside storage and display will hold garden center items and seasonal items such as patio furniture, similar to other Walmart outside storage displays.

Moved by Commissioner Winter second by Commissioner Carmoney to close the public hearing. Voice Vote, Ayes: Commissioners Darren Acton, Steve Barnes, Josh Clark, Glenda Carmoney, Angie Cozat, Elaine Demasi, and Jan Winter. Nays: None. Absent: Nick Wyman. *Motion approved.*

In light of the many of the public comments directed to public safety and traffic concerns, Commissioner Demasi noted that the location of the drives seems problematic.

Mr. Furtaw offered that the location of the entrance drives in relation to the residential drives were looked at when the plans were drawn up and with the traffic study; the final engineering drawings are not complete so there is some flexibility and they will take a look at the location of the drives again, however there is no guarantee that the entrance locations will change.

Mr. Hingst asked the Commission to understand that the residents are their customers. The concerns of their customers will be addressed with his boss and while they believe in the engineer who performed the traffic study and in the traffic study itself, if additional businesses come in and traffic increases, and the traffic concerns begin to impact their customers and no roundabout is developed, their employees and management will make them aware of it and they will sit down with City to discuss the issue. Mr. Hingst stated that they will be part of the solution for the community moving forward.

Commissioner Demasi desired to have a specific overview of the site showing the location of residential driveways and Mr. Furtaw offered to provide one after the fact but reiterated that the request submitted is for the approval of their site plan and special use permit. The city staff, engineer and building officials must review the drawings and if they don't meet the requirements of the city, they will have to be adjusted to meet those requirements.

Steve Stark, 1470 Woodlawn, is one of the property developers. He informed the Commission that the proposed roadway on the west side of the property that heads north/south through the commercial property from Colonville Road and curves back to the west to Clare Avenue will be built in its entirety before Walmart opens as will the proposed road going east and west on the north side of the Walmart parking lot from the industrial parkway to the north/south road in the commercial property.

Commissioner Winter asked if it was possible (for Walmart) to put in an entrance out to Clare Avenue however that property is wetlands and the intent is not to disturb any of the wetlands.

Commissioner Barnes didn't feel that there was enough information provided related to the traffic study and that of the Ordinance Codes to ensure the city's needs have been met.

Mr. Kingsbury offered that a site plan is the footprint and overall location of the facility and if the Commission approves the site plan, the city staff is then tasked with the detailed review to ensure compliance of all Ordinance Codes as construction moves forward; the issuance of building permit and all related inspections are part of that process and a point by point assertion of compliance with the city's Codes of Ordinance has been met and demonstrated in the cover letter to the Planning Commission and within the City Manager's agenda report. Section 11, article 52 addresses driveway spacing & standards and distance requirements and the other concerns being expressed are concerns that have already been taken up by Planning Commission when the Master Plan and Ordinance Codes were developed and the traffic study was completed as required. The roadway itself (Colonville Road) is not part of the site plan.

Attorney Hoerauf provided the Commission guidance: The Planning Commission does not have authority over the TSC but may make a request for the TSC to monitor Colonville on an annual basis but since they are an independent board, that decision is left to their discretion. The Planning Commission reviews and updates the Master Plan to determine the future direction of the city and Ordinances are then created, updated and amended to ensure that the future vision of the Master Plan is taken into account. The Ordinance has requirements for access, site plans, and all of the rest of the items that Bergmann addressed in their letter to the Planning Commission. The Planning Commission's task is to determine if the site plan complies with the specifications of the Ordinance Codes; if it has then it is deemed to serve the public interest as the Planning Commission has envisioned it for the future. The Michigan Zoning Enabling Act governs site plan and special use submission process; they must be approved if they comply with the city's Codes of Ordinance.

In light of the public comment, Elaine Demasi preferred delaying the decision until a future meeting to allow for further review. However, Commissioner Winter contended that information has been provided to the Commission at the last several meetings regarding Colonville Road construction, the roundabout and development at the north end of Clare and the traffic safety issue has been part of that discussion all along. This site plan has

been thoroughly reviewed and they (Bergman) have followed the requirements to the letter of our Codes. We are all concerned about traffic safety now and in the future and that is something the city will continue to look at but it would not be fair to withhold our decision.

Once the site plan is approved, it goes back to the engineers (Bergman) for final draft. It does not return to the Planning Commission for review but goes through a different type of review, a more technical review. It is then submitted to the city's building department for issuance of all necessary permits. If compliance is not met, the building inspector will not issue an occupancy permit.

Commissioner Barnes had concerns of whether the traffic study took into account horse and buggy traffic and suggested that the 2007 Master Plan did not take into account additional traffic in that area however, Mr. Kingsbury pointed out that the 2009 Master Plan Amendment approved by the Planning Commission, identifies the property north of the city as commercial and industrial property on the future land use map and the Complete Streets Ordinance, also approved by the Planning Commission, takes into account both vehicular and non-vehicular traffic.

Commissioner Barnes then questioned whether stacks of pallets, cardboard bales, truck trailers will be left out in the open and stacked at the rear of the building as occurs at other Walmart facilities. Mr. Furtaw noted that the city's ordinance does not allow on-site trailer storage and there is an enclosed 3-sided storage area in the back of the store along the service drive for the storage of bales and pallets to keep them out of public view, which is also a requirement of the city. The loading and unloading area is screened with landscaping along Colonville Road.

Moved by Commissioner Winter second by Commissioner Cozat to approve the site plan and special use permit by adoption of Resolution 2015-018PC. Roll Call Vote: Ayes: Commissioners Darren Acton, Josh Clark, Glenda Carmoney, Angie Cozat, and Jan Winter. Nays: Steve Barnes and Elaine Demasi (Commissioner Demasi offered that she desired to have more information regarding the traffic study). Absent: Nick Wyman. *Motion approved.*

INFORMATIONAL ITEMS

Industrial Park Update. The water tower will be complete within the next three or four weeks and the industrial park will be fully operational this fall. The new water tower will have the same paint scheme as the one located in City Park, but will add a third shamrock and "Clare" so that it can be seen from all sides.

ADJOURNMENT

Moved by Commissioner Winter and seconded by Commissioner Carmoney to adjourn. Ayes: All. Nays: None. Absent: Nick Wyman. *Motion approved.* Meeting adjourned at 7:49 p.m.

Diane M. Lyon, City Clerk