

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 Josh Clark, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Josh Clark, Angie Cozat, Glenda Carmoney, Elaine Demasi, Kristin Heintz, Brett Moser and Nick Wyman. Absent: Jason Lowe. Also present were Ken Hibl, City Manager; Jim Chapman, Fire Chief; Sam Eberhart, Assistant Fire Chief; and Diane Lyon, City Clerk.

**APPROVAL OF AGENDA:**

Moved by Commissioner Acton second by Commissioner Moser to approve the agenda. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Carmoney second by Commissioner Demasi to approve the Minutes. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**A. SITE PLAN APPLICATION-CLARE DOLLAR GENERAL**

The City of Clare has received a site plan application from AR Engineering (Whitney Pizzala) on behalf of Clare BTS Retail, LLC to construct a new 9,100 sf Dollar General retail store on the vacant property located at 303 West Fifth Street in Clare.

The City Staff conducted a review of all the aforementioned plans with BTS Retail Representative Mark Zawadski and on April 6, 2018. The developer of this building requested and has received a zoning variance from the Clare Zoning Board of Appeals to reduce the amount of parking required by the City's zoning codes. With the approval of this variance, the proposed plans and development meet or exceed the City's current zoning and building requirements. The City Staff offers its full endorsement of the project and unanimously recommends the Planning Commission approve the site plan as proposed.

The City Planning Commission is the City's approval authority of the proposed 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. 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.

Mark Zawadski and Whitney Pizzala were present to answer questions of the Commission and present the store plans to the Commission. Mark noted that a bike rack and sidewalk were added on the east side of the building along Maple Street to accommodate Rail-Trail users. A landscape plan was presented which included shrubs planted along 5<sup>th</sup> Street.

Motion by Commissioner Demasi second by Commissioner Heintz to open the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

Public Comment: None.

Motion by Commissioner Wyman second by Commissioner Moser to close the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

Commissioner Acton had concerns about the location of Dollar General's driveway on to 5<sup>th</sup> Street causing congestion and creating a traffic problem with drivers who are making a left hand turn on to 5<sup>th</sup> Street from Ann Arbor Trail.

Motion by Commissioner Wyman second by Commissioner Heintz to approve the Site Plan by adoption of 2018-026PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Angie

Cozat, Glenda Carmoney, Elaine Demasi, Kristin Heintz, Brett Moser and Nick Wyman. Nays: None. Absent: Jason Lowe. *Motion approved.*

## **B. ORDINANCE 2018-008 RECREATIONAL MARIHUANA**

Proposal 1 is a referendum proposal on the ballot for the November 6th mid-term elections to determine whether the electorate of the State of Michigan will legalize and permit the personal possession and use and retail sales of recreational marihuana within the state's boundaries. Upon study of the proposal, we've learned that if the proposal is approved by Michigan's electorate, the provisions of the proposal will become law 10 days after certification of the election results (anticipated to be around November 17th) and that municipalities will be obligated to allow commercial sales of recreational marihuana within its respective boundaries unless the municipality formally "opts out" of the provisions of the law.

Our City Attorney has crafted a summary of the provisions of the proposed law and has concurrently prepared a proposed ordinance (Ordinance 2018-008) prohibiting the commercial sale of recreational marihuana within the boundaries of the City of Clare.

The proposed Ordinance will be presented to the Clare City Commission for its consideration and a tentative First Reading at the Commission's October 15th meeting. If the Commission proceeds with a First Reading of the Ordinance, it will be formally acted upon by the City Commission on November 5th. If approved, the provisions of the Ordinance will become effective on November 10th.

The IDC recommends adoption of the Ordinance; we will ask the DDA to recommend adoption at their October 12 meeting; Clare Public Schools Superintendent James Walters will ask the Clare Public School Board to support adoption of the Ordinance.

The Planning Commission is asked to consider and discuss the proposed Ordinance. A public hearing is required prior to the Commission's formal action to recommend approval or disapproval of the Ordinance. Notice of the hearing has been accomplished.

Motion by Commissioner Carmoney second by Commissioner Acton to open the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

Public Comment: Tom Kunse spoke in favor of adopting the Ordinance.

Motion by Commissioner Acton second by Commissioner Moser to close the public hearing. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

C/M Hibel noted that the Commission can always revisit the Ordinance at a later time if public opinion in the City changes. The Ordinance does not preclude personal growing or use.

According to some sources, Colorado has had many troubles with the passage of recreational marihuana.

Commissioner Clark voiced concern about running this Ordinance through too quickly; it is a knee-jerk reaction and he is uneasy about rushing it through.

Motion by Commissioner Carmoney second by Commissioner Demasi to approve the name change of Green Day Investments, LLC. to Green Bronco, LLC. and approve the Special Use license transfer by adoption of 2018-027PC. Roll call vote: Ayes: Darren Acton, Angie Cozat, Glenda Carmoney, Elaine Demasi, Kristin Heintz, Brett Moser and Nick Wyman. Nays: Josh Clark. Absent: Jason Lowe. *Motion approved.*

## **C. MEETING EXCUSAL – COMMISSIONER JASON LOWE**

The Planning Commission's by-laws stipulate that any Planning Commissioner who misses three consecutive meetings or 30% of scheduled meetings annually without excusal by the Commission, the seat of that Planning Commissioner shall be considered vacant. Commissioner Jason Lowe informed the City he will be unable to attend the scheduled September 12 and October 10th meetings due to a prior commitment and requests that he be excused.

The Planning Commission has a long-standing history to excuse commissioners in otherwise good standing from attendance at scheduled meetings for good cause. Commissioner Lowe has an excellent attendance record, and his request for excusal seems to warrant approval; therefore, the Planning Commission is asked to formally approve the excusal.

Motion by Commissioner Acton second by Commissioner Moser to approve the excusal of Commissioner Lowe by adoption of 2018-028PC. Roll call vote: Ayes: Darren Acton, Josh Clark, Angie Cozat, Glenda Carmoney, Elaine Demasi, Kristin Heintz, Brett Moser and Nick Wyman. Nays: None. Absent: Jason Lowe. *Motion approved.*

#### **INFORMATIONAL ITEMS**

An 8 unit Tesla Charging station was approved by staff review (doesn't require Planning Commission Approval) for placement in the eastern end of the Doherty Parking lot.

Placement of a megadumpster on the south side of the Fourth Street parking lot (just west of Trackside Meatmarket), will go before the DDA for approval at their next meeting.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:** NONE

#### **ADJOURNMENT**

Moved by Commissioner Wyman second by Commissioner Moser to adjourn. Ayes: All. Nays: None. Absent: Jason Lowe. *Motion approved.*

Meeting adjourned at 7:28 p.m.

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Diane Lyon, City Clerk