

The regular meeting of the Clare City Planning Commission was conducted via remote attendance in compliance with Executive Order 2020-154 and called to order at 6:35 p.m. by Planning Commission Chair Jason Lowe, who led with the Pledge of Allegiance. Present were: Commissioners Darren Acton, Elaine Demasi, Jason Lowe, John Myers, Angie Cozat, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Also present were Jeremy Howard, City Manager; and Diane Lyon, City Clerk.

Rules for Public Comment during the conduct of a remote electronic meeting was read to the audience by Clerk Lyon.

**APPROVAL OF CONSENT AGENDA:**

Moved by Commissioner Pechacek, second by Commissioner Acton 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 Darren Acton, Elaine Demasi, Jason Lowe, John Myers, Angie Cozat, Stacy Pechacek and Nick Wyman who arrived prior to the start of new business discussion. Absent: Glenda Carmoney and Brett Moser. *Motion Carried.*

**PUBLIC COMMENT:** None.

**APPROVAL OF AGENDA:**

\*approved by consent agenda.

**APPROVAL OF MINUTES:**

\*approved by consent agenda.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**A. SITE PLAN REVIEW AND SPECIAL USE REQUEST-CULVERS RESTAURANT**

The City has received a Special Use Permit and Site Plan Application including supporting documents from the Wolverine Building Group to allow the construction of a new Culvers restaurant at the proposed site of 10359 South Clare Avenue, presently owned by Red Hook Properties and located within the Grant Township Urban Cooperation Agreement (UCA) area. While the property is currently in Grant Township, the property owner is in the process of completing a transfer of the parcel for annexation into the city under the current UCA between Grant Township and the City of Clare. Once the parcel transfers in to the City, it will be zoned Commercial in concert with the city's Future Land Use Map.

A Special Use Permit request has been submitted to allow for a drive-thru window in as part of the proposed construction of the restaurant. The criteria for drive-thru windows are outlined in Section 52-348 of the City's zoning codes. The Clare City Planning Commission is the approval authority for the required Special Use Permit.

The applicant has completed the required Special Use Permit application form and supporting documents. The City Staff met with the applicant on October 8th and reviewed the application and site plan. The proposed site plan meets the City's minimum zoning and building code standards and requirements. The Staff recommends approval of the Site Plan and issuance of the requested Special Use Permit.

Prior to consideration, deliberation, and decision regarding this matter, the Planning Commission is required to hold a public hearing related to the Special Use Permit & Site Plan application; Proper notice of the public hearing has been made by the City. To date, the City has received no stated objections to the proposed development.

This Special Use Permit and Site Plan approval will be contingent on the transfer of the property into the City of Clare being ratified by all of the required municipal and state authorities under the current Urban Cooperation Agreement. The property owner and developer are aware that they are proceeding with current site preparation at their own risk.

The Planning Commission is asked to formally consider the Special Use Permit application and Site Plan with the noted contingencies and render a decision in respect to approval or disapproval.

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

Public Comment: None.

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

Motion by Commissioner Demasi second by Commissioner Wyman to approve the Site Plan application and Special Use Permit by adoption of Resolution 2020-019PC. Roll call vote: Ayes: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, John Myers, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

**B. ORDINANCE 2020-008 REQUEST FOR CHANGE IN ZONING CHICKENS & DUCKS**

The City presently allows ducks & chickens (no more than two in any combination and no rooster) within the City by special use permit. The approval of surrounding neighbors is required, and to this point we have not had a single complaint or issue with permitting chickens and ducks since we have approved this allowance. Special use permits must be considered and issued by the City Planning Commission prior to allowing our residents to build the chicken coop or purchase the fowl. The cost to our residents to have the requisite public notice published and notify residents within a 300' boundary is \$150 and takes minimum of three weeks before we can issue approval of the permit due to the 15-day public hearing notice requirement. Public notice is mandated prior to issuance of the special use permit as it falls under the purview of the Planning Commission, and thus the state's Zoning Enabling Act. The cost of the fowl and the required city permit are only a few dollars and therefore, the city staff have determined that this provision is illogical.

Consequently, we have asked the City Attorney to provide an ordinance for consideration that places the approval authority at the City Manager level to authorize a permit for chickens & ducks rather than going through the time consuming and arduous process of a public hearing with the Planning Commission for approval, thus allowing us to provide permit approval within days vs. weeks and reducing the cost by \$150 due to the elimination of the public notice requirement.

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(s), which will be forwarded to the City Commission for consideration in its actions related to the proposed ordinance/zoning change.

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

Public Comment: None.

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

Motion by Commissioner Wyman second by Commissioner Pechacek to approve recommendation of the Ordinance to the City Commission by adoption of Resolution 2020-020PC. Roll call vote: Ayes: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, John Myers, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

**C. ORDINANCE 2020-009 REQUEST FOR CHANGE IN ZONING-DRIVEWAY CURB CUTS**

The city recently received a request for a curb cut from a property owner whose address and front yard are located on a street with their backyard adjacent to another city street. The purpose for the curb cut request was to allow them to park their recreational vehicle in their backyard behind their garage. Our codes require recreational vehicles to be parked in side yards or back yards, but their side yard along the existing driveway is very narrow and they aren't able to access the backyard without a curb cut. However, our current codes do not accommodate an allowance of a second curb cut for placement of a second driveway.

Per our current codes, the street administrator must provide a written permit authorizing a curb cut. However, it appears it would be possible to amend the current zoning code 52-518 to allow for a second drive/curb cut with written authorization from the street administrator for parcels that run through the block and abut two streets.

Consequently, we have asked the City Attorney to provide an ordinance change for your consideration that would add language to allow access to a parcel that runs through a city block, abutting 2 streets, to have a second access driveway, or curb-cut, with written authority granted by the street administrator.

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(s), which will be forwarded to the City Commission for consideration in its actions related to the proposed ordinance/zoning change.

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

Public Comment: None.

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

Motion by Commissioner Acton second by Commissioner Wyman to approve recommendation of the Ordinance to the City Commission by adoption of Resolution 2020-021PC. Roll call vote: Ayes: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, John Myers, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

**D. ORDINANCE 2020-009 - ACCESSORY DWELLING UNITS (ADU)**

The Planning Commission has had several discussions regarding Accessory Dwelling Units (ADUs) over the past year, including an extensive conversation at the last meeting held on September 9th. At that meeting, Planning Commissioners shared their concerns and discussed options and suggested changes to the drafted ordinance.

Jill Bahm of Giffels Webster has provided an outline of the changes requested by the Planning Commission and City Staff after the last Planning Commission meeting. A new,

updated draft ordinance for addressing ADU's in the city has been provided to the Commission.

During the Planning Commission's last discussion, the Commission requested the number of lots within the city that would accommodate an ADU following zoning requirements and setbacks. City staff opined that it may be difficult if not impossible to obtain an accurate number of properties in the city that fit this criteria. After further investigation and conversation with city staff, it was determined that it is not possible to provide a count of applicable properties with our current software program and it would be impossible to know which parcels would be able to build an ADU because at any given time a property owner could tear down or add on a deck, shed, garage, etc., which would then potentially change the ability of that lot to then build an ADU. With that being said, the Planning Commission made the request at the last meeting to limit the number of ADUs allowed in the city to 3 in total, rendering the issue of a count of lots that could allow an ADU moot. The language as drafted prevents construction of more than three ADU's in the city.

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

Public Comment: None.

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

Motion by Commissioner Pechacek second by Commissioner Acton to approve recommendation of the Ordinance to the City Commission by adoption of Resolution 2020-022PC. Roll call vote: Ayes: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, John Myers, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

#### **E. ORDINANCE 2020-010- SIGN ORDINANCE REVISION**

At the September 9th meeting, the Planning Commission was presented with revisions to the current sign ordinance for the City of Clare. Planning Commissioners were asked to provide feedback and recommendations for amendments to the proposed ordinance amendment.

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(s), which will be forwarded to the City Commission for consideration in its actions related to the proposed ordinance/zoning change.

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

Public Comment: None.

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

Jill Bahm of Giffels Webster has provided a memo outlining the changes recommended by the Planning Commission, City Attorney, and City Staff after the last Planning Commission Meeting. Jill has also outlined a few items that need further consideration by the Planning Commission. The updated draft sign ordinance as well as the marked version with comments of Giffels Webster and the City Attorney with recommendations are attached for review and consideration. Amendments included regulation of electronic message signs; clarification on approved zoning locations and distancing limitations on ground signs; and addressing abandoned signs.

Planning Commissioners agreed that regulation of electronic message signs and location limits on ground signs should be included in the amended ordinance while the current language addressing abandoned signs should remain.

Following discussion on the additional items of consideration a motion was made by Commissioner Acton second by Commissioner Pechacek to table a decision on Ordinance 2020-010. Roll call vote: Ayes: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, John Myers, Stacy Pechacek and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

**EXTENDED PUBLIC COMMENT:** None.

**COMMISSION DISCUSSION TOPICS:** None.

**APPROVAL OF PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES:**

\*approved by consent agenda.

#### **ADJOURNMENT**

Moved by Commissioner Demasi second by Commissioner Pechacek to adjourn at 8:06 p.m. Roll call vote: Yeas: Darren Acton, Angie Cozat, Elaine Demasi, Jason Lowe, Stacy Pechacek, John Myers, and Nick Wyman. Absent: Glenda Carmoney and Brett Moser. Nays: None. *Motion Carried.*

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Diane Lyon, City Clerk