

The regular meeting of the Clare City Planning Commission was called to order at 6:34 p.m. by Planning Commission Vice Chair Nick Wyman, at Clare City Hall, Clare, Michigan. The Chair led the meeting with the Pledge of Allegiance. Present were: Commissioners Glenda Carmoney, Angie Cozat, Josh Clark, Stacy Pechacek and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, John Myers & Brett Moser. Also, present were Jeremy Howard, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF CONSENT AGENDA:

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

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: *approved by consent agenda.

APPROVAL OF MINUTES: *approved as amended by consent agenda.

OLD BUSINESS: None.

NEW BUSINESS:

A. SPECIAL USE PERMIT & SITE PLAN REVIEW-VERIZON WIRELESS/TELESITE WIRELESS

The City of Clare has received a site plan application and special use permit request from Verizon Wireless / TeleSite Wireless to allow construction of a 130-foot cell tower with a 5' lightning rod at 202 West Fifth Street (City Hall Parking Lot) in Clare.

The applicant has spent years looking for a suitable site in Clare to service the city and the surrounding area. Clare is in dire need of additional cell coverage to allow for adequate support and sustainability. Often the signal is weak or nonexistent, especially during peak hours, on weekends, and during big events in Clare. This tower will help alleviate some of those issues with signal strength and connectivity.

The City's Ordinance Code regulates the placement of cell towers in the city, and the applicant did request some minor variances from the ZBA for three zoning issues (setback requirements, separation distances, and landscaping) due to the unique nature of this project and the placement of the tower to be located on public city owned property. The ZBA met on October 25, 2021 to hear the variance requests and held a public hearing. No public comment was presented prior to or during the hearing and the ZBA unanimously approved the requested variances.

Prior to formally considering the site plan application and special use permit, the Planning Commission is required to hold a public hearing to receive comment regarding the application and permit. The City has notified all property owners within 300' of the building and published notice of the public hearing. The Planning Commission is asked to hold the requisite public hearing related to the site plan application and special use permit and subsequently consider approval.

Telesite Representative David Anton and Verizon Attorney Robert Labelle were present and provided information on how a determination is made regarding placement of towers while explaining the need for expanded coverage in the Clare area; information regarding fencing around the site (8' tall, opaque fencing); and provided an engineering report from David Hill of Sabre Industries on the structural integrity and built-in safety factors of the proposed monopole.

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

Public Comment: None.

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

Motion by Commissioner Pechacek second by Commissioner Cozat to approve the Special Use Permit and Site Plan by adoption of Resolution 2021-025PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Josh Clark, Stacy Pechacek and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, John Myers & Brett Moser. Nays: None. *Motion Carried.*

B. SPECIAL USE PERMIT & SITE PLAN APPLICATION-690 INDUSTRIAL PARKWAY – FIRST CLASS, INC.

The City of Clare received a site plan application and special use permit application outlining a proposal to complete the construction of a 4,608 square foot industrial building located in the City's South Industrial Park at 690 Industrial Parkway. The building will house a Medical Marihuana Provisioning Center and Medical Marihuana Processing Center with a proposal to add a 15,000 square foot phase II expansion to house two Medical Marihuana Class C cultivation centers.

City staff conducted a review of all the aforementioned plans and special use permit with FCI representative Rob Piziali, on November 18th. The proposed plans and development meet or exceed the City's current zoning (to include lighting, parking, and landscape) 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 Clare Industrial Development Corporation (IDC) reviewed the proposed plans in 2017 when it was first presented by FCI and endorsed and recommended approval of the proposed construction project.

The City of Clare Planning Commission is the approval authority of the proposed project. To facilitate consideration of the site plan and special use permit by the Planning Commission, notice of the proposal has been published and all residents and businesses within a 300' radius have been notified of the proposed site plan and special use request.

The Planning Commission is required to hold a public hearing related to the proposed site plan and special use permit. To date the City has received one letter of objection from Mr. Tom Kunse, the proprietor of Northern Dry Bulk, a neighboring business of the proposed development, recommending disapproval of the proposal; and one verbal objection from Jerry and Nancy Tomaski who own property east of US 127.

Subsequent to the hearing, the Planning Commission will be asked to formally consider the site plan application and special use permit 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 Clark second by Carmoney to open the public hearing. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Josh Clark, Stacy Pechacek and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, John Myers & Brett Moser. Nays: None. *Motion Carried.*

Public Comment: email from Mr. Tom Kunse to City Clerk, Diane Lyon:

I am unable to attend the Planning Commission meeting on December 8th. Please add these comments to the meeting minutes.

1) In the application for the provisioning center and additional grow facilities, FCI has agreed to abide by the City of Clare ordinance which reads: prohibit any ... "emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the dwelling at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a dwelling must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a dwelling, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.

A marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the marijuana business or at any adjoining use or property. Violations of the Marijuana facilities licenses can be a factor at license renewal time."

I am fine with the marijuana grow facilities as long as they are not a detriment to the City. If they are allowed to emit noxious odors, it is clearly a violation of the agreed upon City ordinance and a negative for the City of Clare. I encourage the Planning Commission to have the fortitude to honor and enforce the existing ordinance.

2) As for the distribution facility: I remain opposed to a retail outlet in the Industrial Park. The park was not designed for retail traffic (no sidewalks, etc) and it will not be a good fit for this location.

I welcome any questions, comments or concerns the Commissioners may have.

Thank you,

*Tom Kunse
Northern Dry Bulk*

The City Clerk received verbal objection from Jerry and Nancy Tomaski on November 16, 2021, citing that these marijuana businesses are bringing the (drug) cartels into the area.

Chris Allos, representing FCI, was present to answer questions and concerns of the Planning Commission which stemmed around odor control measures. Mr. Allos assured the Commission that there will be no odors escaping the facilities and further offered that there will not likely be any foot traffic due to the location and that vehicular traffic would not be an issue due to the amount of time spent with patients and caregivers in the retail area.

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

Motion by Commissioner Clark second by Commissioner Cozat to approve the Special Use Permit and Site Plan by adoption of Resolution 2021-026PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Angie Cozat, Josh Clark, Stacy Pechacek and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, John Myers & Brett Moser. Nays: None. *Motion Carried.*

EXTENDED PUBLIC COMMENT: None.

COMMISSION DISCUSSION TOPICS:

Master Plan Update: At last month's meeting, the Planning Commission was tasked with submitting "homework" worksheets assigned by McKenna, to be submitted at tonight's scheduled meeting. The Clerk will submit the worksheets received thus far to McKenna and submit those of the absent members as they are received.

A list of community members to invite to the Master Plan Forum was provided to the members present. Planning Commissioners were asked to review the list and provide recommendations for additions, corrections and deletions so that the information can be submitted to McKenna in order to schedule the Forum. Commissioners provided a few updates to the list and recommended the city contact Clare Public Schools Honor Society to invite youth members to the Forum as no youth members were on the current list.

Memorial Fund for Civic Leaders: Nick Wyman has run into several obstacles while researching avenues to raise funds, and employ a fiduciary agent to manage those funds, for the purpose of memorializing individuals who have made a large and positive impact on the community as identified by the Planning Commission. Specifically, Darren Acton and Ben Walter were identified (at this time) as two community leaders for whom the Planning Commission would like to commemorate their service to the community through fundraising for the purchase of memorial benches.

Friends of Clare County Parks and Rec were not comfortable taking on the fiduciary responsibility because the city's Planning Commission desires to have exclusive control and oversight of fund expenditures so that the money is expended on memorials for the leaders chosen by the city's Planning Commission rather than focusing on leaders within the entire county.

Nick sits on the Clare County Community Foundation Board (CCCF). He offered that in order to set up a fund with the CCCF, you must have a minimum of \$5,000 to start up a fund and you can only expend a maximum of 5% of the fund equity in a given year; therefore, unless at least \$30,000 is raised, the amount available to spend would be very limited and the Planning Commission would essentially lose the ability/access to spend the funds as desired.

None of the Planning Commissioners present desired to take on the task of establishing a Go Fund Me account in part because they take a percentage of the funds donated.

The City would not be able to set up a perpetual fund specifically for the Planning Commission to take in donations (for accounting reasons), and the Planning Commission does not have the authority to determine how funds are expended, as the City Commission is the decision-making, legislative body for the City of Clare. If a fund was established through the Clare Parks & Rec, the Parks & Recreation Advisory Board would be in charge of making recommendations to the City Commission for expenditure of the funds rather than the Planning Commission. It may be possible to establish a fund through Clare Parks & Rec for the purchase of two memorial benches and inform donors that funds raised in excess of a specific, identified goal would go toward another (named) worthy project. However, there may be some people in the community who would protest if other community members (who they believe deserve to be recognized) were not provided a memorial.

Commissioners decided to set this topic aside for the evening.

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

ADJOURNMENT

Moved by Commissioner Clark second by Commissioner Wyman to adjourn at 8:17 p.m. Roll call vote: Yeas: Commissioners Glenda Carmony, Angie Cozat, Josh Clark, Stacy Pechacek and Nick Wyman. Absent: Elaine Demasi, Jason Lowe, John Myers & Brett Moser. Nays: None. *Motion Carried.*

Diane Lyon, City Clerk