

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 6:32 p.m. by Commission Chair Josh Clark, who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Angie Cozat, Josh Clark, Glenda Carmoney, Jason Lowe, Brett Moser, Kristin Heintz and Nick Wyman. Absent: Elaine Demasi. Also present were Ken Hibl, City Manager; 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: Elaine Demasi. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Wyman second by Commissioner Lowe to approve the meeting minutes. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**SITE PLAN PROPOSAL – TEN16 RECOVERY NETWORK**

The City has received a Special Use Permit Application and supporting documents from the Ten16 Center for Recovery & Wellness to allow that organization to use the residence at 805 Beech Street in Clare for a counseling and rehabilitation residence. Ten16 presently occupies space in the Clare Medical Center for this purpose; however, the hospital requires the space and has informed Ten16 they will be required to vacate. Consequently, Ten16 has entered into a conditional (approval of a special use permit) purchase agreement for the residence at 805 Beech, which is currently being used for commercial and residential use under the terms of a use variance granted by the City's Zoning Board of Appeals approximately 19 years ago.

The proposed use by Ten16 is an allowed use by the City's current zoning codes with the issuance of a special use permit. The Clare City Planning Commission is the approval authority for the required special use permit.

Ten16 has completed the required Special Use application form and supporting documents. The City Staff met with the Ten16 Executive Director on November 22nd and reviewed the application; the Staff unanimously recommends approval of the issuance of the requested permit.

The City published notice in a local newspaper and mailed notice to all property owners within a 300' radius of 805 Beech Street regarding the special use permit application.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to the special use permit; Proper notice regarding the special use permit application has been made by the City.

Subsequent to the respective hearings, the Planning Commission will be asked to formally consider the Special Use Permit Application and render a decision in respect to approval or disapproval.

Mr. Sam Price, along with members of Ten16's on-site support staff were in attendance for tonight's meeting. Mr. Price presented information regarding use plans for the 805 Beech Street site. Ten16 has been around for about thirty-six years and has existed in Clare for about the last ten years. They assist individuals who have addiction issues with drugs and or alcohol; they provide a safe environment to assist individuals who are returning to the community from a treatment facility in Midland or Mt. Pleasant, so that they can make positive changes in their lives. They desire to potentially provide transitional housing for 4-6 men in the future therefore this information is also being presented as part of tonight's special use request. Overnight housing will provide clients a safe place to stay while receiving treatment in the event their home environment is not conducive to the success of the individual's treatment plan. Mr. Price explained the vetting process for individuals who would be considered for counseling, educational and support services from the Ten16 staff. They do not accept individuals

with a violent history, a history of arson, or individuals with a csc (criminal sexual conduct) background; they want to keep both the community and their staff safe. They will provide a list of offenses that would preclude an individual from consideration. They will have staff on hand during regular business hours and weekends, and they have a zero tolerance policy. If someone breaks the rules or has a relapse, they must move out of the facility within 24 hours (to give them an opportunity to find a safe place to go).

Tammy Shea, owner of JT Bakers, stated that she had no issues or concerns from clients when Ten16 shared the same building with her bakery several years ago.

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

Public Comment: Shaun Smith, 214 State Street, had concerns that clients may be brought in from other areas of the state.

Mr. Price offered that the individuals that will receive housing services will be from Clare and the surrounding areas, such as Harrison, unless it is more convenient from a living standpoint; they are not looking to import individuals. Ten16 does not believe in transplanting individuals because they want recovery to take place in an area where the individual's natural relationships already exist. to be in a familiar environment which makes it much easier for their transition back into regular society. It is intended for individuals who have roots here in Clare County.

Support staff Rebecca Stevens pointed out that the individuals seeking services are individuals who are our neighbors; they already live in the community and if they remain in their current home setting the treatment plan isn't going to work. The people coming to Ten16 actually want help to improve their lives and if these folks are going to be our neighbors we want them to be doing well.

Ten16 is currently located in the hospital but hospital services are expanding and they need the room that Ten16 currently occupies. Wendy Bicknell, MidMichigan Health Representative, noted that the hospital has not had issues with any of the clients of Ten16.

C/M Hibl offered that the City Police work very closely with Ten16 and are already familiar with most of their clientele.

Commissioner Wyman had concerns that this facility could turn in to a facility much like the Oakbridge Inn which started out with good intentions as a shelter for displaced veterans but is now considered a "flop house", well known to law enforcement for the drug use and violence that occurs there. The police are frequently called to that location even though it is not located within the City of Clare.

Mr. Price offered Ten16 has many layers of accountability not only to the City of Clare for the Special Use permit, but to the State in order to retain licensure, and to an accreditation board in order to maintain their required national accreditation.

Rebecca noted that there will be more staff on site than residents and if there is ever any reason that they do not feel comfortable they will address the issue because they also want to stay safe.

During the six month rehabilitation process the question for clients is "what are you doing to rebuild your life?" Over time as their recovery becomes more stable they work toward their independence so that they can move on and become a productive member of society. From day one Ten16 works on reintegration and the transition back into the community because Ten16 only serves as a temporary home, not a permanent home.

Motion by Commissioner Moser second by Commissioner Carmoney to close the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

C/M Hibl noted that any conditions imposed must be complied with by Ten 16 or the Special Use Permit can be pulled.

Commissioners Cozat and Moser desired to ensure that the vetting process remains strict.

Mr. Price offered that some communities impose specific exclusions for vetting clients and they can provide notice to the City of individuals who will stay overnight at the facility.

Motion by Commissioner Wyman second by Commissioner Heintz to approve the Site Plan with conditions (the current exclusions list for vetting purposes must be provided to the City. If any of the exclusion criteria changes it must come before the Planning Commission for review and approval. Ten16 staff will notify the City of individuals staying overnight at the facility.), by adoption of 2017-033PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Kristin Heintz, Brett Moser, Jason Lowe and Nick Wyman. Nays: None. Absent: Elaine Demasi. *Motion approved.*

#### **SITE PLAN PROPOSAL –1111 PARK STREET GROUP DAY CARE**

The City has received a Special Use Permit Application and supporting documents from Jamie Johnson to operate a group day care facility for no more than 12 children at the residence located at 1111 Park Street. As reflected on the application, the property owner, Donovan Ziehm, as offered his approval of the application and use.

The proposed use by Ms. Johnson is an allowed use by the City's current zoning codes with the issuance of a special use permit. The Clare City Planning Commission is the approval authority for the required special use permit.

Ms. Johnson has completed the required Special Use application form and supporting documents. The City Staff met with her on December 4th and reviewed the application; the Staff unanimously recommends approval of the issuance of the requested permit.

The City published notice in a local newspaper and mailed notice to all property owners within a 300' radius of 1111 Park Street regarding the special use permit application.

Prior to consideration, deliberation, and decision regarding this matter, the Commission is required to hold a public hearing related to each of the special use permits; Proper notice regarding the special use permit application has been made by the City.

Subsequent to the respective hearings, the Planning Commission will be asked to formally consider the Special Use Permit Application and render a decision in respect to approval or disapproval.

Ms. Jamie Johnson and employee Sally Eberhart were present to receive and answer questions posed by the Commission.

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

Public Comment: None.

Motion by Commissioner Wyman second by Commissioner Cozat to close the public hearing. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

Motion by Commissioner Acton second by Commissioner Lowe to approve the Site Plan by adoption of 2017-034PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Kristin Heintz, Brett Moser, Jason Lowe and Nick Wyman. Nays: None. Absent: Elaine Demasi. *Motion approved.*

#### **SITE PLAN PROPOSAL – 211 WHEATON AVE. GROUP DAY CARE**

The City has received a Special Use Permit Application and supporting documents from Pia Nemecek to operate a group day care facility for no more than 12 children at the residence located at 211 West Wheaton Street. The City Clerk has repeatedly attempted to schedule a staff review of the Special Use and Site Plan but have not been

able to reach Ms. Nemecek to conduct a review we therefore recommend deferring this agenda item to a later date for consideration.

Motion by Commissioner Heintz second by Commissioner Acton to defer consideration of the Special Use and Site Plan to a later date. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

### **ORDINANCE 2018-001-TELECOMMUNICATIONS TOWERS**

The City recently received a request for construction of a new telecommunication tower within the City of Clare. Upon review of our current ordinance codes related to telecommunication towers, we found our existing ordinance codes to be outdated and incomplete. Consequently, we asked Jaynie Hoerauf, our City Attorney to draft an appropriate amendment to correct the inadequacies of our current zoning codes.

A copy of the proposed ordinance amendment (Ordinance 2018-001) reflecting the proposed updates to Section 52.2, Article III to Chapter 52 (Zoning) is attached, and the City Clerk has issued public notice of a public hearing to receive comment related to the proposed amendment. The City Planning Commission is now asked to consider the amendment and provide a recommendation to the City Commission regarding the proposed change.

All ordinance code changes or amendments require the approval of the Clare City Commission. Chapter 52 (Zoning) amendments first require the review and recommendation(s) of the Planning Commission prior to submittal of the proposed ordinance amendment to the City Commission. A public hearing is required prior to the review and consideration of the proposed amendment of both the Planning Commission and the City Commission.

The Planning Commission is asked to conduct the required public hearing and subsequently review, consider, and make a formal recommendation(s) pertaining to the proposed Ordinance 2018-001.

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

Public Comment: None.

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

Motion by Commissioner Lowe second by Commissioner Carmoney to recommend approval of Ordinance 2018-001 by adoption of 2017-036PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Brett Moser, Jason Lowe, Kristin Heintz, and Nick Wyman. Nays: None. Absent: Elaine Demasi. *Motion approved.*

### **SET DATE FOR ANNUAL COMBINED MEETING WITH THE CITY COMMISSION**

The City Planning Commission is required to hold an annual meeting with the City Commission annually. I recommend that the meeting be held on January 10th in conjunction with the already-scheduled Planning Commission Meeting.

The Planning Commission agreed to hold the combined meeting on January 10, 2018. Kristin Heintz and Darren Acton announced that they would not be in attendance at that meeting.

### **EXCUSAL OF COMMISSIONER DEMASI**

The Planning Commission bylaws stipulate "if a Planning Commissioner shall miss three consecutive meetings or 30% or more of scheduled meetings in any calendar year, his/her office shall be considered vacant unless the Planning Commission shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Planning Commission."

Commissioner Demasi provided advance notification to city staff and has requested excusal from tonight's meeting.

Motion by Commissioner Carmoney second by Commissioner Lowe to excuse Commissioner Demasi from tonight's meeting by adoption of 2017-035PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Josh Clark, Jason Lowe, Angie Cozat, Elaine Demasi, Kristin Heintz, Brett Moser, and Nick Wyman. Absent: Elaine Demasi. *Motion approved.*

### **INFORMATION ITEMS**

MDOT plans to reconfigure the entrance and exit to US10 east of the city.

C/M Hibl will draft a letter to the Grant Township Supervisor and Board asking them to contact the owners of Oakbridge Inn to relay concerns about some of the tenants housed within the facility.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:** None.

### **ADJOURNMENT**

Moved by Commissioner Heintz second by Commissioner Acton to adjourn. Ayes: All. Nays: None. Absent: Elaine Demasi. *Motion approved.*

Meeting adjourned at 7:58 p.m.

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Diane Lyon, City Clerk