

AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: November 14, 2024
RE: Ordinance 2024-001 – Request for Rezoning – 506 West Fifth Street

For the Agenda of November 18, 2024

Background. Mr. James Frank has submitted a request for a zoning change (*att'd*) for his property located at 506 West Fifth Street. The property is currently zoned Commercial (C2) (*see att'd zoning map*). Mr. Frank moved out of state and had the commercial property listed for sale in July, 2023. Mr. Frank recently had the listing taken down because he has not received any offers from buyers for this commercial property; he has, however, received inquiries from individuals who have an interest in purchasing the building to transform it into a residence. The property bordering the northern boundary along with multiple properties located in the immediate area are designated R2 zoning. Thus, Mr. Frank has submitted a Request for Rezoning application to change the zoning from Commercial (C2) to Residential (R2) to allow the property to be zoned for residential purposes.

Building uses change over time as markets shift and demands change. Adaptive reuse promotes sustainable development by reusing existing structures, which reduces construction waste, and leveraging the embodied carbon already invested in the building. It is one of the single most effective ways to reduce climate impact. By utilizing existing structures and converting previously non-residential buildings to housing, already-invested materials and labor can be redeployed. The requested zoning changes are consistent with the City's Future Land Use map of the City Master Plan (*att'd*).

All zoning changes within the City of Clare are accomplished by ordinance change. The City Commission is the approval authority for all ordinance changes. Requests for zoning changes must first be presented to the Planning Commission for consideration and recommendation before the request can be referred to the City Commission.

The City Planning Commission held a public hearing regarding the rezoning request and Ordinance amendment at a regularly scheduled meeting on November 13, 2024. Subsequent to the public hearing, the Planning Commission unanimously recommended (*see attached Resolution 2024-016PC*) that the City Commission approve the request to rezone the property from Commercial (C2) to Residential (R2).

All ordinance code changes or amendments require the approval of the Clare City Commission, and all ordinances require two readings and approval of the Clare City Commission subsequent to a public hearing. The required public notice (*copy att'd*) announcing the hearing has been published. Affected contiguous property owners (*see attached list*) were notified via first-class mail. To date, the City has received no public comment pertaining to the requests. Subsequent

to the conduct of the hearing, the Commission has the option of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the proposed ordinance and denying the request for rezoning.

Issues & Questions Specified. Should the City Commission conduct the requisite public hearing and direct a first reading of the proposed ordinance to change the zoning of property within the City of Clare as requested?

Alternatives.

1. Conduct the public hearing and direct first reading of the proposed ordinance changes.
2. Conduct the public hearing and deny the request.
3. Postpone the matter to obtain additional facts or information.

Financial Impact. The change to the zoning of this vacant building and reinvestment to make the building into a residential dwelling will hopefully add an as of yet undetermined amount to the city tax roll.

Recommendations. I recommend that the City Commission hold the requisite public hearing, direct any additional changes or amendments, and subsequently direct the first reading of the ordinance 2024-001 (*att'd*).

Attachments.

1. Request for Change in Zoning & Associated Documents.
2. GIS map.
3. Future Land Use Map.
4. Public Notice.
5. Mailing List.
6. Resolution 2024-016PC.
7. Ordinance 2024-001.



REQUEST FOR CHANGE IN ZONING

202 West 5th Street, Clare Michigan 48617
(989) 386-7541 phone (989) 386-4508 fax
www.cityofclare.gov

RECEIVED
OCT 21 2024

Tax ID of Property to be Rezoned: 051-321-001-10		
Address of Property to be Rezoned: 506 W. 5th St.		
Current Zoning: C-2		Requested Zoning: R-2
Applicant's Name: James Frank		
Address: 1200 Old Glenwood Rd.		
City: Glenwood	State: GA	Zip: 30428
Phone: 989-954-7190	Mobile: Same	
Is the Applicant the property owner: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Has the owner granted permission for this zoning change request: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If the Applicant is not the property owner please provide the owners contact information:		
Owners Name		
City:	State:	Zip:
Phone:	Mobile:	
<p>I understand that there is a fee to request a parcel be rezoned. That fee is based on the city's approved fee and rate schedule as set by the City Commission at the beginning of each fiscal year (July 1). The fee for a rezoning request is non-refundable. In order to accommodate public notice requirements, the rezoning process takes several weeks to accomplish.</p>		
Signature of Applicant: <i>[Signature]</i>		
Date of Application: 10/10/2024		
Fee: \$ 200.00	Received on: 10/21/24	By: Jkinberg

in mail



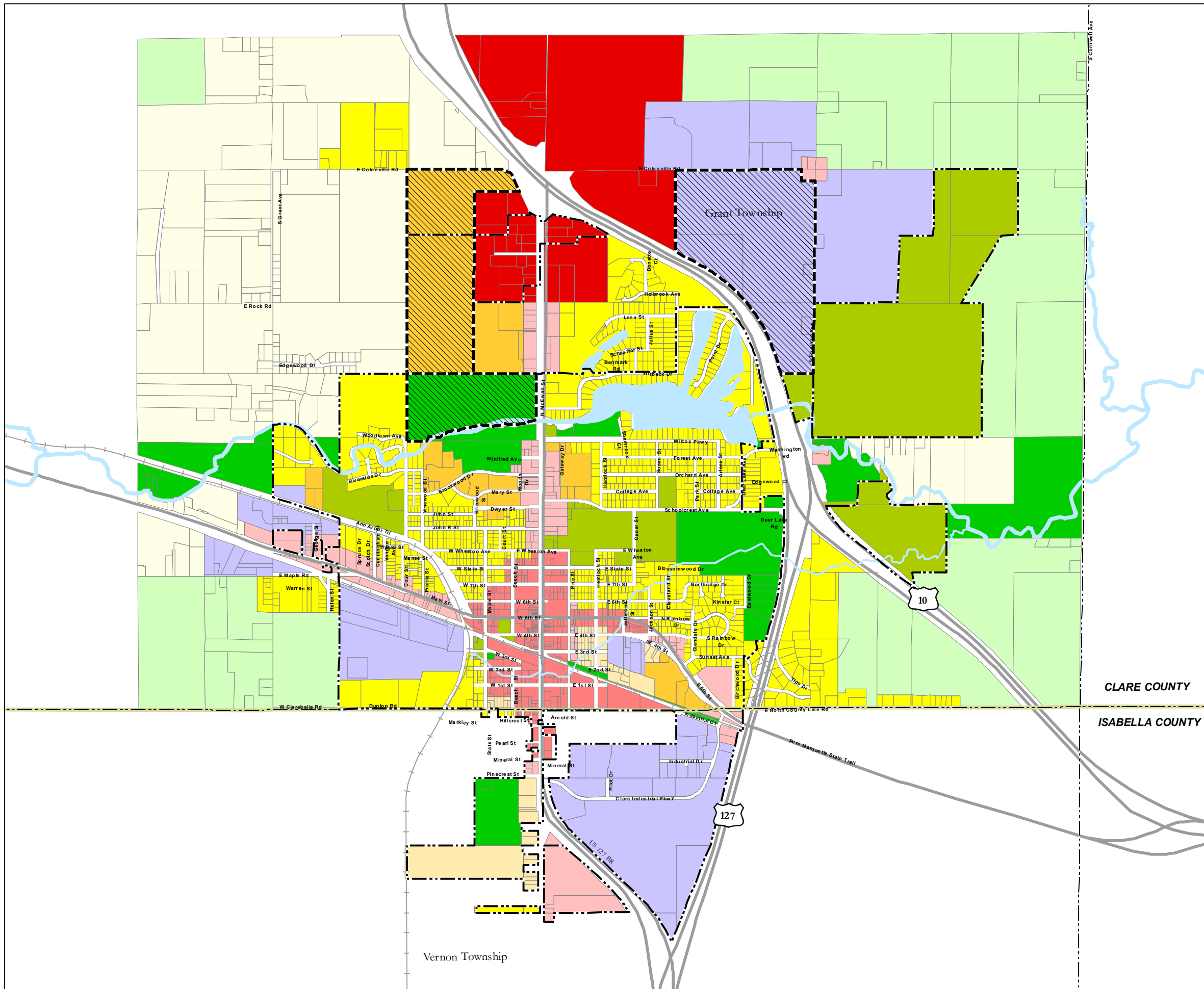
SUBJECT PROPERTY
506 WEST FIFTH STREET

- LEGEND**
- CITY LIMITS
 - ▬ RIGHT OF WAY NO ROAD
 - ▬ RESIDENTIAL R-1
 - ▬ RESIDENTIAL R-2
 - ▬ COMMERCIAL C-1
 - ▬ COMMERCIAL C-2
 - ▬ INDUSTRIAL PARK
 - ▬ INDUSTRIAL 1
 - ▬ PA. 425 CONDITIONAL TRANSFERS

Map 5 Future Land Use

City of Clare, Michigan

November 30, 2016

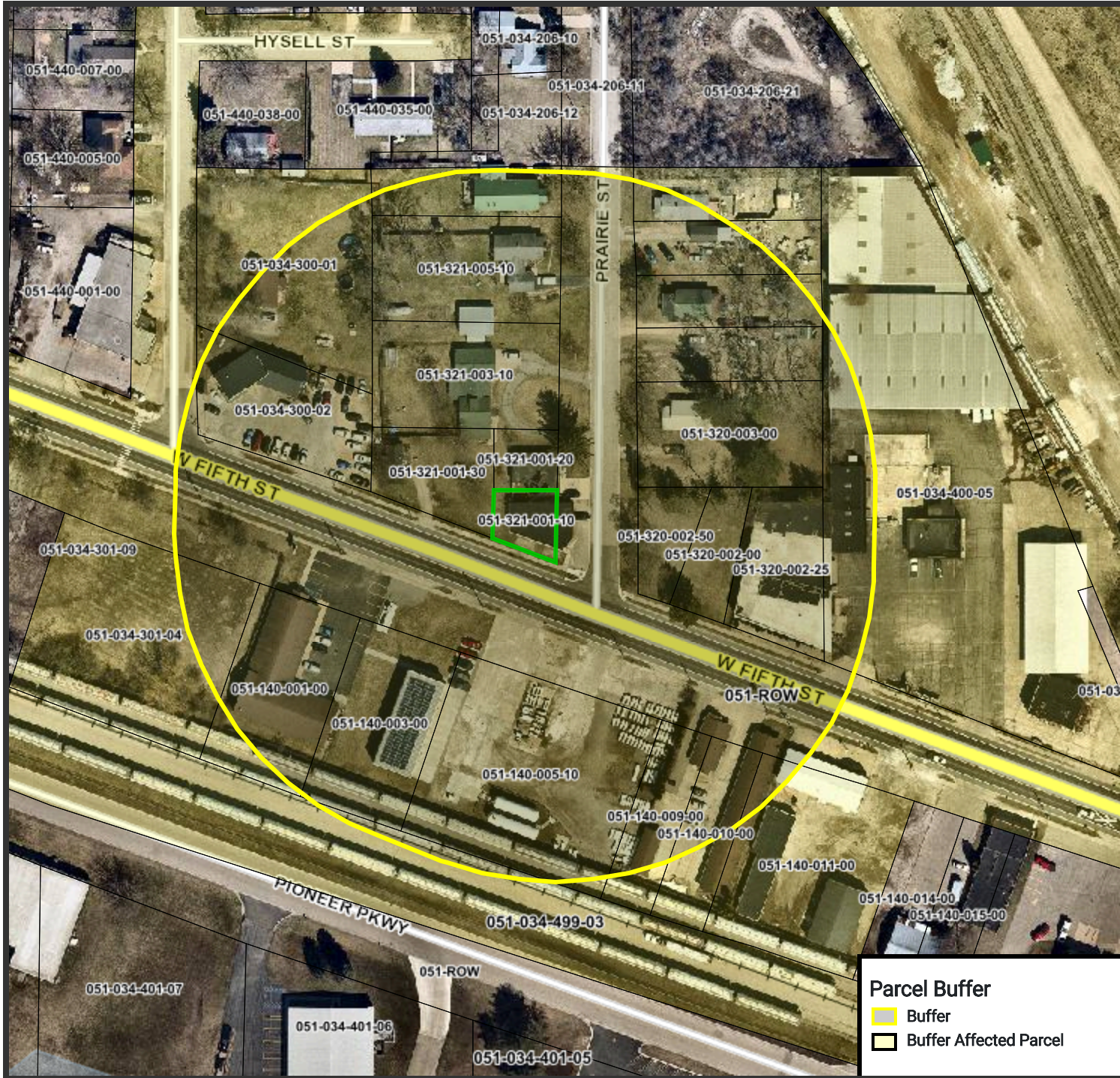


- Agricultural
- Rural Residential
- Single Family Residential
- High Density Single Family Residential
- Multi Family Residential
- Neighborhood Commercial
- Central Business District
- Regional Commercial
- Industrial
- Public / Semi-Public
- Recreation / Open Space
- Special Use Areas
- Water Bodies
- County Boundaries
- City Boundary

Base Map Data Source: Isabella and Clare Counties Geographic Framework, MCGI v8a; Clare County, 2009
 Parcel Data Source: Gourdie-Fraser, Inc., April 2016.
 FLU Source: McKenna Associates, May 2016.

0 1,600 3,200 Feet





Clare County GIS

506 W. Fifth St., Clare MI



Map Publication:
10/23/2024 11:56 AM



Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Clare County expresses no warranty for the information displayed on this map document.

Parcel Buffer

- Buffer
- Buffer Affected Parcel

COYNE LLC
PO BOX 9
MT. PLEASANT MI 48804-0009

BRAD S MARTIN
10813 N SHORE DR
LAKE MI 48632

TEBBEN LAND & CATTLE LLC
3503 WEST SAINT JOSEPH
LANSING MI 48917

MITCHELL M TODD
612 COUR ST
CLARE MI 48617

VINCENT AUTO REPAIR LLC
4746 W SAGINAW RD
COLEMAN MI 48618

ENPRO HOLDINGS LLC
5605 CARNEGIE BLVD STE 500
CHARLOTTE NC 28209

TUSCOLA & SAGINAW BAY RAILWAY
308 W MAIN ST 303
OWOSSO MI 48867-0550

SEITER BROTHERS
420 W FIFTH ST
CLARE MI 48617

APRIL & AARON MCNABB
618 PRAIRIE ST
CLARE MI 48617

JF NEW START LLC
506 W FIFTH ST
CLARE MI 48617

JENNIFER FLACHS
605 PRAIRIE ST
CLARE MI 48617

ROBERT E GOLL TRUST
4057 E ARNOLD LAKE RD
HARRISON MI 48625

KYLE & MANDY ROBERT
607 PRAIRIE ST
CLARE MI 48617

ANDREA KENNEDY
617 PRAIRIE ST
CLARE MI 48617

JAMES FRANK
1200 OLD GLENWOOD RD
GLENWOOD GA 30428



CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490

Office 989.386.7541 | Fax 989.386.4508

www.cityofclare.org

CITY HALL

Ph 989.386.7541

Fx 989.386.4508

www.cityofclare.org

Manager x102

Assessor x103

Clerk x106

Treasurer x107

October 23, 2024

Dear Property Owner:

The attached public notice is being sent to you because we have received a Request for Change in Zoning for the purpose of rezoning property ID # 051-321-001-10 from commercial to residential, located at 506 West Fifth Street. Property owners within 300 feet of the property are being notified and a copy of the notice for public hearing has been published in a local newspaper. The Request for Change in Zoning is available for review in my office by appointment at Clare City Hall, 202 W. Fifth St., Clare MI 48617.

DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or

989.386.7541 x202

Fx 989.386.4508

UTILITY BILLING

Ph 989.386.7541 x201

Please contact me at 989-386-7541 or dlyon@cityofclare.gov if you wish to provide public comment, need additional information, or wish to make an appointment to review the documents.

W/WWT PLANT

Ph 989.386.2321

Fx 989.386.2387

Sincerely,

POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121

Fx 989.386.0440

Diane Lyon
City Clerk
City of Clare

FIRE DEPT. NON-EMERGENCY

Ph 989.386.2151

Fx 989.386.3020

Enclosure

PARKS & RECREATION

Ph 989.386.7541 x213

Fx 989.386.4508

AIRPORT

Ph 989.386.0445

Fx 989.386.4508





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October 23, 2024

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Fx 989.386.4508

AIRPORT

Ph 989.386.0445

Fx 989.386.4508

Mr. James Frank
1200 Old Glenwood Rd.
Glenwood, GA 30428

Dear Mr. Frank:

The attached public notice is being sent to you because you have submitted a request for a Zoning Change, from commercial to residential, for parcel ID #051-321-001-10, located at 506 West Fifth Street, Clare MI 48617. Property owners within 300 feet of the parcel have been notified and a public notice has been published in the local newspaper.

Please be aware that once a parcel has been rezoned it is not likely that you would be able to take the property back to its original zoning classification.

Please contact me at dlyon@cityofclare.gov or (989) 424-4068 if you have any questions or comments

Sincerely,

Diane Lyon
City Clerk
City of Clare

Enclosure





CITY OF CLARE

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Manager x102

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Clerk x106

Treasurer x107

CITY OF CLARE PUBLIC NOTICE

The City of Clare Planning Commission will hold a public hearing on Wednesday, November 13, 2024, at 6:30 p.m. at Clare City Hall to receive public comment pertaining to a Request for Change in Zoning from commercial (C2) to residential (R2) for property commonly known as 506 W. Fifth Street, Clare, Michigan 48617. A copy of the Request for Change in Zoning application is available for review during regular business hours at the Clare City Clerk's Office, M-Th 7am-5:30pm, Clare City Hall, 202 W. Fifth Street, Clare MI 48617.

DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or

989.386.7541 x202

Fx 989.386.4508

UTILITY BILLING

Ph 989.386.7541 x201

W/WWT PLANT

Ph 989.386.2321

Fx 989.386.2387

The City of Clare City Commission will hold a public hearing on Monday November 18, 2024, at 6:00 p.m. at Clare City Hall to receive public comment pertaining to the above Request for Change in Zoning. The City Commission will accept comments at the hearing or in writing if the written comments are received by the Clare City Clerk not later than 4:00 p.m. on the date of the hearing.

POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121

Fx 989.386.0440

Diane Lyon
City Clerk

Publication Date: 10/25/24

FIRE DEPT. NON-EMERGENCY

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Fx 989.386.3020

PARKS & RECREATION

Ph 989.386.7541 x213

Fx 989.386.4508

AIRPORT

Ph 989.386.0445

Fx 989.386.4508



RESOLUTION 2024-016PC

A RESOLUTION OF THE CLARE CITY PLANNING COMMISSION RECOMMENDING THE APPROVAL OF ORDINANCE 2024-001, TO CHANGE THE ZONING OF PROPERTY IDENTIFIED AS PROPERTY ID #051-321-001-10, COMMONLY KNOWN AS 506 WEST FIFTH STREET, IN THE CITY OF CLARE, MICHIGAN.

WHEREAS, the City of Clare has received a request to change the zoning of property 051-321-001-10, 506 West Fifth Street, located within the City of Clare from Commercial-2 (C-2) to Residential-2 (R-2); and

WHEREAS, said property owner has received no interest from buyers to purchase said parcel as Commercial property; and

WHEREAS, said property has received buyer interest from individuals wishing to transform the building on the property to a residence; and

WHEREAS, said property is bordered by and adjacent to property parcels that are zoned for and being used for residential purposes; and

WHEREAS, the current residential housing market in the City of Clare, and in fact, many municipalities in Michigan, is experiencing a shortage of housing on the market; and

WHEREAS, adaptive reuse of properties promotes sustainable development, reduces construction waste, is an effective way to reduce climate impact, and utilizes already-invested materials and labor; and

WHEREAS, while the Future Land Use Map identifies the parcel as neighborhood commercial property, a zoning change of the property to residential is a suitable classification for this specific property; and

WHEREAS, Ordinance 2024-001, an ordinance reflecting the change of said property from Commercial to Residential, has been submitted to the Planning Commission for consideration; and

WHEREAS, the City Planning Commission is required to review and provide a recommendation to the Clare City Commission regarding to any proposed zoning ordinance changes or amendments; and

WHEREAS, the City Planning Commission has, subsequent to, a properly noticed public hearing, publicly considered and deliberated said proposed Ordinance 2024-001.

NOW THEREFORE BE IT RESOLVED THAT the City Planning Commission of City of Clare hereby recommends that the Clare City Commission approve Ordinance 2024-001.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 13th day of November, 2024.

Jason Lowe, Planning Commission Chair

ORDINANCE NO. 2024 - 001

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF CLARE BY reference of the City Code of Ordinances, Chapter 52-102.

Short Title: CITY OF CLARE- ORDINANCE AMENDMENT – ZONING MAP. An ordinance to amend the City of Clare Zoning Map.

The Zoning Map of the City of Clare is hereby amended as follows:

Section 1. The following parcel of property known as Property No. 18-051-321-001-10, currently zoned as Commercial (C-2) is rezoned to Residential (R-2).

Affirmed to be recommended for rezoning to Residential by the Planning Commission of the CITY OF CLARE on November 18, 2024 at a scheduled meeting with _____ commissioners in attendance, _____ voting aye, _____ voting nay.

I hereby certify that the foregoing was duly affirmed and recommended by the Planning Commission of the CITY OF CLARE, Michigan, at a regularly scheduled meeting on the 13th day of November 2024, that of nine members of the City Planning Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Diane Lyon, City Clerk

Passed by the City Commission of the CITY OF CLARE on November 18, 2024, at its regular meeting with _____ commissioners in attendance, _____ voting aye, _____ nay. Adopted by the City Commission of the City of Clare this 18th day of November, 2024.

Pat Humphrey, Mayor.

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of the CITY OF CLARE, Michigan, at its regular meeting on the 18th of November 2024, that of five members of the City Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date: December 19, 2024

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Diane Lyon, City Clerk

RESOLUTION 2024-016PC

A RESOLUTION OF THE CLARE CITY PLANNING COMMISSION RECOMMENDING THE APPROVAL OF ORDINANCE 2024-001, TO CHANGE THE ZONING OF PROPERTY IDENTIFIED AS PROPERTY ID #051-321-001-10, COMMONLY KNOWN AS 506 WEST FIFTH STREET, IN THE CITY OF CLARE, MICHIGAN.

WHEREAS, the City of Clare has received a request to change the zoning of property 051-321-001-10, 506 West Fifth Street, located within the City of Clare from Commercial-2 (C-2) to Residential-2 (R-2); and

WHEREAS, said property owner has received no interest from buyers to purchase said parcel as Commercial property; and

WHEREAS, said property has received buyer interest from individuals wishing to transform the building on the property to a residence; and

WHEREAS, said property is bordered by and adjacent to property parcels that are zoned for and being used for residential purposes; and

WHEREAS, the current residential housing market in the City of Clare, and in fact, many municipalities in Michigan, is experiencing a shortage of housing on the market; and

WHEREAS, adaptive reuse of properties promotes sustainable development, reduces construction waste, is an effective way to reduce climate impact, and utilizes already-invested materials and labor; and

WHEREAS, while the Future Land Use Map identifies the parcel as neighborhood commercial property, a zoning change of the property to residential is a suitable classification for this specific property; and

WHEREAS, Ordinance 2024-001, an ordinance reflecting the change of said property from Commercial to Residential, has been submitted to the Planning Commission for consideration; and

WHEREAS, the City Planning Commission is required to review and provide a recommendation to the Clare City Commission regarding to any proposed zoning ordinance changes or amendments; and

WHEREAS, the City Planning Commission has, subsequent to, a properly noticed public hearing, publicly considered and deliberated said proposed Ordinance 2024-001.

NOW THEREFORE BE IT RESOLVED THAT the City Planning Commission of City of Clare hereby recommends that the Clare City Commission approve Ordinance 2024-001.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 13th day of November, 2024.

Jason Lowe, Planning Commission Chair