

The regular meeting of the Clare City Planning Commission was called to order in the City Hall Commission Chambers, at 6:33 p.m. by Chairperson Jason Lowe, who then led with the Pledge of Allegiance. Commissioners present were: Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Absent: None. Also present were Jeremy Howard, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF CONSENT AGENDA:

Moved by Commissioner Pechacek, second by Commissioner Carmoney to approve the Consent Agenda items listed with an asterisk (*) (Amended Agenda, Minutes, Communications, and Professional Development) that are routine by the Planning Commission. Voice vote: Ayes: All. Nays: None. Absent: None. *Motion Carried.*

APPROVAL OF MINUTES: *Approved by consent agenda

APPROVAL OF AGENDA: *Approved by consent agenda

PUBLIC COMMENT: None.

OLD/UNFINISHED BUSINESS: None.

NEW BUSINESS

A. SELECTION OF COMMISSION CHAIRPERSON

B. SELECTION OF COMMISSION VICE CHAIRPERSON

Items A and B of the agenda were considered concurrently by the city's Planning Commission. The By-Laws of the City of Clare Planning Commission stipulate that the Planning Commission shall annually select its Chairperson at the first scheduled meeting of the year. The Planning Commission has been asked to take appropriate action to select its chairperson for 2025.

Nominations for Planning Commission Chairperson were opened.

Motion by Commissioner Hibl second by Commissioner Moser to nominate Jason Lowe as Chairperson and Nick Wyman as Vice Chairperson.

Hearing no other nominations, nominations were closed.

Motion by Commissioner Demasi, second by Commissioner Benic to approve the nomination of Jason Lowe to serve as Chairperson of the Planning Commission and to approve the nomination of Nick Wyman as Vice Chairperson by the adoption of Resolution 2025-001PC and 2025-002PC, respectively. Roll call vote: Yeas: Commissioners Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None.

No other voting action was taken as Commissioners Lowe and Wyman accepted their nominations. *Motion Carried.*

C. ANNUAL REVIEWS OF BY-LAWS

The By-Laws of the City of Clare Planning Commission governs the procedures and processes followed by the Planning Commission with respect to the rules it adopts and enforces, the conduct of its members, the conduct of its meetings, and the decisions made by the Planning Commission – in essence, everything the Planning Commission formally does or does not do. Consequently, it is deemed appropriate to review and update those rules annually at the Planning Commission's first meeting prior to conducting any other business to ensure the by-laws are up-to-date and fulfill the needs and desires of the Planning Commission.

Motion by Commissioner Pechacek second by Commissioner Wyman to approve the Planning Commission By-Laws for the year 2025 by the adoption of Resolution 2025-003PC. Roll call vote: Yeas: Commissioners Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

D. SITE PLAN REVIEW – RPF OIL COMPANY-NEW FUELING STATION

The City has received a site plan application and supporting documents from RPF Oil / Gas Property, LLC. They are proposing to construct a new 3,955 square foot gas station with a second phase future diesel pump area on a five-acre vacant parcel of property recently sold to them by the Clare Northern Group, LLC on the Northeast corner of Colonville Road and South Clare Avenue. The Planning Commission is asked to consider the application and render a site plan decision.

The City Staff met with and completed a formal review with the applicant on December 19, 2024 and found the proposal, with exception to the height of the pylon sign (Pylon signs shall not exceed a maximum height of 30 ft in the area designated as "Regional Commercial"), to meet the City's zoning requirements.

Prior to consideration, the Planning Commission is required to hold a public hearing to receive comments regarding the site plan application. The City has published notice of the public hearing and notified all property owners within three hundred feet. To date the city has received no stated objections to the proposed use. Subsequent to the respective hearing, the Planning Commission is asked to formally consider the Site Plan and to render a decision in respect to approval or disapproval of the site plan, and to provide a recommendation to the ZBA with respect to the request for variance on the height of the pylon sign.

The Planning Commission is asked to hold the requisite public hearing related to the site plan and after the public hearing, the Commission is asked to formally consider the Site Plan and to render a decision concerning approval or disapproval.

Moved by Commissioner Carmoney seconded by Commissioner Pechacek to open a public hearing. Roll call vote: Yeas: Commissioners Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

Public Comment: Two letters were submitted to the city to be read aloud by the Clerk during the public comment period of the public hearing, those letters are as follows:

I encourage the planning commission for the City of Clare to consider the risk vs benefit to the community when making their decision regarding the proposed new gas station at the corner of E Colonville Rd and Clare Avenue.

I see few, if any, benefits to the Clare community. There are risks that I see to public safety, natural resources and to local transportation that should be considered.

The potential for contamination to our local waterways and ground water could occur due to possible leaks/spills of gasoline. Grist Magazine June 14, 2023 finds that 10 gallons of gas can contaminate 12 million gallons of ground water, a source of drinking water.

Increased traffic to an already heavily traveled roadway would increase risk for car crashes, bodily injury and hazards to our Amish community who travel this roadway in buggies and on bicycles. The increased traffic would place higher demand on law enforcement, emergency, medical and first responder personnel. Quality of life would be impacted for nearby neighbors due to noise and light pollution, more traffic and congestion.

Tourists traveling to and through Clare do not lack for gasoline and convenience store services as 4 gas stations currently exist very near to this location.

The community of Clare does not reap benefit from this proposed new gas station. The benefit appears to go to the property owners and the oil company.

Thank you for considering my concerns. Christine Stewart. Clare Michigan

Dear Clare Planning Commission,
This is a comment on the proposed gas station on Colonville Rd

It is a monumental mistake to build a gas station on a wetland with Sanford Creek running through it. It is a threat to the health, safety, and welfare of our community. The area is clearly a wetland as defined under state and federal law. It is a violation of the federal clean water act and the Michigan Environmental Protection Act to destroy, damage, or impair a wetland. Wetlands are extremely important as filters for clean water and for wildlife.

Gasoline contains more than 150 chemicals, many of them causing cancer. Burying gas storage tanks in a wetland near Sanford Creek will eventually lead to the containers leaking into Sanford Creek which runs into Shamrock Lake which is of course the South Branch of the Tobacco River. Studies show these tanks begin leaking in 10 years and the potential for leaks increases with the age of the tanks. This will contaminate drinking water for everyone downstream. Turning a wetland into a brown field is not good public policy. Our community cannot risk this sort of environmental disaster. I am sure there is a better place to build a gas station. I urge the planning commission to not allow the project.

Sincerely,



Thomas Stewart

Following the reading of the two public comment letters, Andrew Fleckenstein began presenting the site plan to the Planning Commission. RPF Oil is a family-owned business that is presently owned by father and son, John and Andrew Fleckenstein (respectively). RPF Oil has been around for 92 years; since 1933. Andrew is a fourth-generation owner. RPF Oil has twenty-six employees and historically had twenty-nine gas stations that were sold off when John Fleckenstein and his brother parted ways in the business. Andrew and John desire to start up the retail fuel store business once again operating this store as a Flecksmart British Petroleum (BP) service station.

RPF sold off fueling stations in the past due to a family split and to fund an acquisition which then fell apart. The Fleckenstein's do not intend to sell this fueling station; for them it is a long-term investment.

The store will have a beer cave, seating area, and touch-free bathrooms. The store is designed with a drive-thru window for food service that will be either provided in-house, or may be leased to a Dunkin Donuts or other type of quick food service business. They will install two standard, Merchant Identification Number (MID), BP digital signs (one along Colonville Road and one on South Clare Avenue). Initially they had included a high-rise sign in the site plans, but they have since decided to forgo the high-rise sign. The store's exterior will be sided with Hardie board, fiber cement, with the lower section of the building and the entry way column's clad with chardonnay (colored) stone, and a wood-looking exterior.

Keith Tollenaere, a Senior Project Manager for ECT Inc., presented on the requisite wetland delineation study to identify the boundaries of the wetlands and streams. ECT will be working with RPF to help them go through the State's permitting process. The design layout of the site plan is intended to minimize impact on the area.

Andrew then continued to provide information regarding the onsite truck route and parking within the site. The design provides a good ingress and egress area for RV's and large trucks, and a turning radius allowance so that large vehicles can exit the fueling station onto Colonville Road. The site layout provides ample parking, a

designated area for the Amish to park their buggies, and heated water troughs for their horses. There is a metered retention basin to the east of the diesel pumping area designed to catch all water runoff. The retention basin was designed for a 100-year storm, which is much larger than what is required.

The plan includes an attractive landscaping design. Sixteen cameras will be installed with 4-5 of the cameras streaming directly to the police department to help them with surveillance of the area and to view the busy corner (S. Clare Ave. & Colonville Rd.).

RPF Oil intends to help the local community by hiring local contractors for construction; engage in and sponsor local events; hire area residents to work at the store; and they are open to leasing the food area of the facility to a local restaurant. The business will bring in additional tax revenue to the community; ease up congestion at the corner; support local travelers and transients on their way up north; and they will install a new hydrant on the south end of the site near Colonville Road.

RPF is presently working with the Michigan Department of Transportation (MDOT) and the Department of Environment, Great Lakes, and Energy (EGLE) to obtain the appropriate permits to build at this location.

Rade Beslac, of Fenton Land Surveying & Engineering Inc., furnished information regarding wetland disturbance. A retaining wall is to be installed on the south side, middle section of the site, directly across from the drive-thru window of the store and down to an area just beyond the diesel pump area on the southern boundary of the parking lot, to support the parking lot pavement and to prevent further intrusion on the wetlands. In this area, there is a 175 sq ft area of the wetlands being taken.

On the southern ingress/egress drive, the sanitary sewer will clip the wetlands on the right side of the drive to get it to the manhole across the street. This is only considered a "disturbance" because once the sanitary sewer is in, the area will be restored to its original state. The sanitary sewer will be installed at a depth of six feet. A culvert will be installed for the driveway on the south side, and this will be considered a "taking." The total area (wetland) to be disturbed is 1,650 square feet. The Environmental Protection Agency (EPA) has been made aware of the Site Plan and the intended construction activities.

The site plan provides detail on the dumpster location, a cross-section on the spacing between fuel pumps, drainage structure details, lighting schematics, landscaping plan, and turn-around plan. The desire is to help ease traffic congestion in the area.

The fuel tanks are engineered with multi-walled construction for multi-layered protection. 5-6 feet of concrete is poured above the tanks so that they do not heave. If there was a leak it would be contained within the walls of the tank; leakage would go into a rubber bag, and then an alarm would activate so that the problem could be repaired immediately. The State makes inspections on the fuel tanks multiple times during the installation process. The State then completes quarterly A&B inspections following the completed installation of the tanks. Oscar W. Larson Co., a well-known Michigan company, will be completing all of the underground work.

While it has never happened with these tanks, if an alarm went off, the owners would be notified right away, the tank would be shut down, and an investigation would take place so that repairs could take place. It (fuel) would not go out of the site because of the secondary or tertiary containment (within the tank). If anything were to leak it would be a de minimis amount that would be contained because everything goes to the sump on top of the tank. A vacuum truck would be brought in to suck the leakage out of the sump and then disposed of properly. If necessary, tank repairs could be completed, and the owners would then be required to sign off with the State before they could commence operations.

RPF Oil is aware that other companies have proposed projects utilizing this property. It is difficult to fit most businesses into the usable footprint of the property without taking the wetlands, however, RPF believes that they have been successful in doing so with the proposed site plan. They hope to add to the community and provide a positive impact.

RPF must receive authorization from MDOT for an access drive and placement on South Clare Avenue. The city has authority over Colonville Road. The store's Colonville Road access location for the site is directly across from the US127-exit ramp.

Restrooms at the store will be touch free and kept clean. John Fleckenstein prefers to provide in-house food service while Andrew is interested in leasing the area out to a local restaurant. There will be a food service counter and seating area inside for customers, and a drive-thru window (which requires a special use permit) for the traveler's convenience.

Barb Rogers with Wildlife Recovery Association in Midland County spoke on the importance of wetlands. Ms. Rogers commended RPF on their site plan and their family business but expressed concern that even though RPF is not building on the wetlands, large trucks pulling in and construction will affect the wetlands. Ms. Rogers asked whether RPF had considered building on other sites.

Andrew Fleckenstein offered that RPF had travelled all the way up US23 and then down the entire state; they fell in love with this site, the location, and the community.

Ms. Rogers spoke in opposition of construction near any wetland site because of the impact on wildlife. She questioned the timing of studies that were completed (on the site).

Mr. Tollenaere provided a briefing on the required study that was completed. The study was completed in the fall of 2024 toward the end of the dry season. They identified boundaries and completed the required review for EGLE's permitting process. The review involves identifying the limits of the wetlands so that they can understand how to avoid impact to the wetlands. An on-site pre-application meeting was held with EGLE to discuss the construction plan and the permitting process moving forward. EGLE regulates the wetlands in Michigan and their (ECT and RPF) goal is to work within the confines of the law. A species study is not part of the survey requirements for this type of work.

Christine Stewart of the Clare area was curious of whether a species study is not required due to the size of the wetlands area. Ms. Stewart commented that a surface sheen from oil/fuel spills is visible on any parking lot. She voiced concern that the oil/fuels washing off from this parking lot will impact the surrounding wetlands and water further downstream. Mrs. Stewart further speculated that the construction of this fueling station will add to the traffic congestion on Colonville Road.

Mr. Beslac noted that EGLE allows you to build an access drive through wetlands to get to the high point of your property in order to build on the property, but outside of the access drive, they likely would not allow construction. Mr. Beslac noted that the plans include catch basins with sumps, pretreatment stations, and then (runoff) goes to the detention basin; after the sediment settles, the water goes through another chamber for filtering before going out of the basin.

Mr. Tom Stewart of Colonville Road, Clare, provided conjecture that the Amish are diametrically opposed to RPF building on this site and that building a store in this area will not help with congestion. Mr. Stewart said he is not opposed to gas stations; he just does not want one built on the wetlands. Mr. Stewart then stated that there was a house on the property where RPF intends to build.

John Fleckenstein refuted Mr. Stewart's statement about building the station on the wetland area because the site plan shows that the facility is being built on high/dry grounds and not on wetlands.

David Syckle II of the Oneida Nation Wolf Clan, who resides in Alma, MI agreed that the location is an excellent location for a gas station, however, he is not in favor of the station being in the middle of a wetland. The detention pond is rated for a 100-year flood and while it exceeds the requirements, areas of the state in recent years have experienced 200-year floods; and, since it is unknown what types of plant and wildlife

species exist in the wetlands it might be insightful to have environmental impact statement read before a decision is made. Mr. Syckle was not aware as to whether the site is a brownfield location but suggested completing a baseline environmental assessment due to the 450K brownfield sites, ½ (approximately) of them are petroleum stations. Mr. Syckle appreciates that (RPF) has a love for the community and this was the best location that they found but was disappointed that the risk (for contamination) is being downplayed and stated that this is an unfortunate place to build a gas station.

Mr. Tollenaere explained that EGLE regulates what is and what is not allowed in a wetlands area. He briefly described EGLE's permitting process and explained that their goal is to follow the law and follow the guidance that is established by EGLE. EGLE identifies various levels of permitting. The culvert and retaining wall fit within EGLE's general permitting category which is a routine type of impact having no major impact on the wetlands. Other (EGLE) permits look at water quality, which is where the detention basin comes into play. The layout and design must follow certain guidelines, and permits will be required for the project to move forward. Mr. Tollenaere thought it important to know that they (ETC & RPF) are going through the proper steps to follow the natural resources guidelines to complete this project.

A delineation study was completed with EGLE present on site, and EGLE will determine the boundaries of the wetlands. Most of the permitting will take place after the site plan receives local approval because EGLE requires approval from the local governing body prior to the permitting process.

Mr. Stewart offered that the Planning Commission can go beyond what the State requires; they are not bound by the States regulations.

Mr. Syckle noted that underground storage tanks are the main problem with brownfield properties. He was encouraged by the news of secondary and tertiary containment however he is not convinced that the fueling station would shut down for emergency responders to mitigate a spill at the store. The average life of an underground tank is 20-30 years according to EPA statistics, and if there is a spill they are not addressed immediately; rather they are watched for spreading. Mr. Syckle asked for the timeline tank replacements and the logistics of a secondary tank if there was contamination. Mr. Syckle asserted that while he understands the requirement is to work within the law, there is also a component of ethics and morality, and sometimes things that are allowed (by law) are a travesty.

Mr. Beslac stated that the new tanks have a 75–100-year warranty.

John Fleckenstein provided a historical overview on fuel tanks and noted that the site (being considered tonight) is not a brownfield site. In the fifties and sixties, tanks were single walled, thin, steel tanks with galvanized steel piping that corroded. He stated that storage tanks now are bigger, double walled fiberglass construction, with an interstitial space filled with brine that is monitored so that they know if anything leaks from the interior tank space. The pipe is double walled so that if anything were to leak from the inner pipe, it would gutter back to the containment sump on top of the tank, then set off the alarm so that nothing gets out into the environment. Technology has evolved so there is no comparison to fuel tanks of the past. RPF carries a one-million-dollar insurance policy to cover issues, and they carry their own insurance over and above that policy. All the runoff from the parking lot will go to the detention basin and will be metered out. John reiterated that the business is not being built in the wetlands, it is being on the high ground in that area.

Andrew Fleckenstein noted that a larger corporation would complete a wetlands remediation wherein, they would infill the existing wetland and replace it with a wetlands bank which would cause further impact on the wetlands. RPF decided to work around the wetlands to create as minor an impact as possible.

Ms. Rogers questioned what RPF will do for the wetlands because the law does not really protect the wetlands.

John Fleckenstein offered that over the past several years the wetland areas have been mowed, but RPF does not intend to mow the wetlands so that the wildlife living there can continue to live there.

RPF hopes to begin construction in March and be open by the end of 2025.

Moved by Commissioner Wyman seconded by Commissioner Cozat to close the public hearing. Roll call vote: Yeas: Commissioners Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Absent: None. Nays: None. *Motion Carried.*

Motion made by Commissioner Hibl seconded by Commissioner Wyman to approve the Site Plan of RPF Oil by adoption of Resolution 2025-004PC, noting that the drive-thru window will require a Special Use Permit, and signs outside the scope of the ordinance must go before the Zoning Board of Appeals.. Roll call vote: Yeas: Commissioners Lisa Benic, Glenda Carmoney, Angie Cozat, Elaine Demasi, Ken Hibl, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

EXTENDED PUBLIC COMMENT: Commissioner Hibl complimented RPF on the Site Plan presentation. Mr. Hibl expressed his appreciation for the comments and concerns of the audience as a resident of the City of Clare. Mr. Hibl, as the former Clare City Manager, offered insight regarding brownfield sites within the city and noted that we (the city) have one of the largest EPA sites in Michigan. He further offered that we, as Americans, damaged our environment in the past, but we have also learned from our past.

Mr. Syckle spoke on the importance of the public hearing process and the comments made being kept in perpetuity. He expressed disappointment that brownfields are talked about so nonchalantly.

CITY MANAGER COMMUNICATIONS:

Lake Shamrock Dredging and Dam Project. Mechanical dredging is continuing by the city on a limited and weather permitted basis, and we continue to work on the beach area. We are working at the disposal site to clean up the area and make space for additional spoils. Hydraulic dredging by Savin Lake Services is paused for the winter. They will return next year to complete the remaining sections as soon as weather and permits allow.

For the dam project, our engineering firm GEI, continues design work for the dam and completing geotechnical subsurface exploration work (soil borings and ground water monitoring wells) as planned. We received the good news that EGLE has approved the Dam Risk Reduction Grant (DRRG) preapplication to move to the next phase of the grant process. We will be working with GEI to submit our full application which is due by January 31st. As a reminder, we applied for another 2.6 million, with a 2.6 million match coming from our state allocation funds for the project. If awarded, this grant will get us remarkably close to the amount that we will need to complete the full project as currently designed. We are waiting to hear whether we received a second-round grant (High Hazard Potential Dams – HHPD) to cover part of the next phase of the project.

PLANNING COMMISSION DISCUSSION: The Subway shop downtown is up for rent because they consolidated the two locations into one location in the Marathon station at the north end of Clare. There are rumors around town about Jimmy John's restaurant coming to Clare but there has been no confirmation or conversations with city staff to this effect.

Stacy Pechacek requested to be excused from the February 12 meeting as she will be out of town.

PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by consent agenda.

ADJOURNMENT - Moved by Commissioner Moser and seconded by Commissioner Demasi to adjourn. Voice Vote: Ayes: All. Nays: None. Absent: None. *Motion Carried.* The meeting adjourned at 8:02 p.m.

Diane M. Lyon, City Clerk