


AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager 
DATE: August 11, 2010
RE: Request for Zoning Change: 4756 East North County Line Road (Mrs. Ruth Teeter)

For the Agenda of August 16, 2010

Background. The City has received a request (*copy att'd*) from Mrs. Ruth Teeter to change the zoning of the property located at 4756 East North County Line Road (residential property fronting US-BR10 adjacent to Benchley Bros.) in Clare from Residential-1 (single-family residential) to Commercial-2 (light industrial).

All zoning request changes within the City are first required to be presented to the Planning Commission for review, consideration, and recommendation(s) to ensure conformity to the City's Master Plan prior to submittal to the City Commission for consideration.

The City of Clare Planning Commission is scheduled to hear and consider this request at a special meeting to be held at 5:30pm on August 11, 2010. I will provide the City Commission the recommendation(s) and any pertinent comments of the Planning Commission via email subsequent to the scheduled special meeting.

In accordance with the City's Charter and Ordinance Codes, the authority to grant or deny zoning changes rests with the City Commission. The City Commission is required to treat all zoning change as an ordinance amendment. Therefore, the City Commission is required to hold a public hearing to receive comment related to the requested zoning change and subsequently either direct a first reading of the proposed ordinance change (*copy att'd*) or deny a first reading, thereby essentially rejecting the zoning change request. A public hearing has been noticed (*copy att'd*), and property owners within a 300' radius of the property to be rezoned have been notified (*see copy of att'd mailing list*).

The City's Future Land Use Map (*copy att'd*), which is a key component of the City's Master Plan, depicts the future use of this property as commercial; consequently, this request conforms to the proposed future use stipulated in the City's Master Plan. Denial of this zoning change request would invalidate the City's Future Land Use Map and require that the Planning Commission reconsider this aspect of the City's Master Plan.

Issues & Questions Specified. Should the City Commission hold a public hearing and direct a first reading of the requested ordinance/zoning change?

Alternatives.

1. Hold the hearing and direct a first reading of the requested ordinance change.
2. Hold the hearing but decline to direct a first reading.
3. Set the matter aside for consideration at a future scheduled Commission meeting.

Financial Impact. There is no immediate fiscal impact upon the City; however, the proposed rezoning and use (Coyne Oil Corp. of Mt. Pleasant is proposing to use this property for a propane sales and distribution site) is likely to increase the taxable value of the property and potentially create jobs.

Recommendations. I recommend that the City Commission, by appropriate motion(s), hold a public hearing and subsequently direct a first reading of the requested ordinance change, which is Ordinance 2010-005 (*copy att'd*).

Attachments.

1. Request for Change in Zoning.
2. Public Notice.
3. Mailing List.
4. Future Land Use Map.
5. Ordinance 2010-005.

Request for Change in Zoning

Name of Applicant: <i>Lina Roth Teeter</i>		
Address of Applicant: <i>212 E. Fourth St.</i>		
City: <i>Clare</i>	State: <i>Mi</i>	Zip: <i>48617</i>
Phone: <i>(989) 386-3665</i>		Wireless: () -
Address of Property for Rezoning: <i>4756 E. North Countyline Rd.</i> <i>Clare</i>		
Tax ID#: <i>18-002 - 20 - 003 - 00</i>		
Is the applicant also the owner?: YES NO		
If NO, name of the property owner:		
Address of Property Owner: <i>212 E. Fourth St.</i>		
City: <i>Clare</i>	State: <i>Mi</i>	Zip: <i>48617</i>
If applicant is not the owner, has permission been granted by the owner for a zoning change? YES NO		
Current Zoning:	R1	R2 C1 C2 I IP
Requested Zoning:	R1 R2	C1 C2 I IP
<p>I understand that there is a fee to request a parcel be rezoned. That fee is based on a time/material fee schedule. This request must be presented to the Planning Commission prior to receiving approval of the City Commission. In order to accommodate public notice requirements, that process may take several weeks to accomplish. The fee for a rezoning request is non-refundable and is payable within 30 days of invoicing.</p>		
<i>7/19/10</i>	<i>Lina Roth Teeter</i>	
Date	Signature of Applicant	
Request received on: <i>7/20/10</i>	By: <i>Carlene Sysek</i>	



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490

989/386-7541 • Fax 989/386-4508

www.cityofclare.org

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DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182
Fx 989/386-3445

W/WWT PLANT

Ph 989/386-2321
Fx 989/386-2387

POLICE DEPT.

Non-emergency
Ph 989/386-2121
Fx 989/386-0440

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151
Fx 989/386-3020

PARKS & RECREATION

Ph 989/386-7541
Fx 989/386-4508

AIRPORT

Ph 989/386-0445
Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190
Fx 989/386-9190

CITY OF CLARE PUBLIC NOTICE

The City of Clare Planning Commission will hold a public hearing on Wednesday, August 11, 2010, at 6:30 p.m. at Clare City Hall to receive public comment pertaining to a Request for Change in Zoning, to change zoning at 4756 East North County Line Road from residential to commercial. The Planning Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5:00 p.m. on the date of the hearing. A copy of the site plan application is available for review at the City Clerk's Office.

The City of Clare City Commission will hold a public hearing on Monday August 16, 2010, at 6:00 p.m. at Clare City Hall to receive public comment pertaining to the Request for Change in Zoning, at 4756 East North County Line Road. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5:00 p.m. on the date of the hearing.

Diane Schmidt
City Clerk

Publication Date: 07/27/2010



CITY OF CLARE

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July 27, 2010

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Fx 989/386-9190

Dear Property Owner:

The attached public notice is being sent to you because the applicant is requesting a Change in Zoning to develop property located at 4756 E. North County Line Rd. A copy of the Request for Change in Zoning is available for review in my office. Property owners within 300 feet of the property have been notified and a public notice will appear in the paper on Tuesday July 27, 2010.

Please contact me if you have any questions or comments.

Sincerely,

Diane Schmidt
City Clerk
City of Clare

Enclosure

LEATHERER TRUSS
851 INDUSTRIAL CT
CLARE MI 48617

STEVE STARK & AMY KUNSE
820 INDUSTRIAL DR.
CLARE MI 48617

NORTH TEN LLC
PO BOX 385
CLARE MI 48617

RICK CAREY
805 E US 10
CLARE MI 48617

RI CS4 LLC
600 LA TERRAZA BLVD
PO BOX 460069
ESCONDIDO CA 92025-0069

NATALIAN LLC
805 INDUSTRIAL DR
CLARE MI 48617

BENCHLEY BROTHERS
821 E. FIFTH ST.
CLARE MI 48617

NYLE HAGGART
ACEKERMAN PLUMBING & HEATING
5015 PERE MARQUETTE
CLARE MI 48617

ELIZABETH MCINTOSH
310 W WHEATON AVE
CLARE MI 48617

MMI
2374 PARKWAY DR
MT PLEASANT MI 48858

MICHAEL & REBECCA ROGERS
120 BIRCHWOOD AVE.
CLARE MI 48617

DAVID SEITER
3100 E MANNSIDING RD
HARRISON MI 48625

DENNIS & STACIE KOCH
4833 E CLARABELLA RD
CLARE MI 48617

JUDY KOCH
4833 E CLARABELLA RD
CLARE MI 48617

ORDINANCE 2010-005

AN ORDINANCE TO AMEND ORDINANCE 219 AS CONTINUED BY CHAPTER 52 OF THE CLARE CITY CODE, BEING AN ORDINANCE ADOPTED PURSUANT TO ACT NO. 207 (MCL 125.581 ET SEQ.) OF THE PUBLIC ACTS OF 1921 AS AMENDED, FOR THE GENERAL PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITY OF CLARE.

THE CITY OF CLARE ORDAINS:

Section 1. The sections of the above-mentioned zoning ordinance and hereafter mentioned parcel is hereby repealed.

Section 2. that the following parcel of property described herein shall be rezoned from Residential-1 (R-1) to Commercial-2 (C-2): The property located at 4756 East North County Line Road in the City of Clare described as T16 R4W SEC 2, PARCEL COM AT E 1/8TH LINE; TH 33FT S OF N L OF SD SEC THEN W 300FT TO NL OF US 10; TH SELY ALONG SD NL TO PT ON 1/8TH L THAT IS 182 FT S OF POB; TH N 182 FT TO POB.

MADE, PASSED, AND ADOPTED THIS ___ DAY OF _____ 2010.

IN ACCORDANCE WITH SECTION 7/5 OF THE CITY CHARTER, THIS ORDINANCE IS DECLARED NOT TO BE EMERGENCY IN NATURE AND WILL BECOME EFFECTIVE 15 DAYS AFTER ADOPTION BY THE CLARE CITY COMMISSION.

WE HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS DULY ADOPTED BY THE CLARE CITY COMMISSION AND SIGNED BY THE MAYOR AND CLERK ON THE ___ DAY OF _____ 2010.

Pat Humphrey, Mayor

Diane Schmidt, City Clerk