

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD ON WEDNESDAY, JANUARY 24, 2001 AT
7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM 4710 PTE
TREMBLE ROAD, CLAY TOWNSHIP.

1. Meeting called to order by Chairperson Mark German at 7:30 p.m.
2. **Roll Call:** Diana Decker, Don Kent, Mark Getman, Sandra O'Connor, Louise Cooper, John, Makuch, Chuck Michel, Dorothy DeBoyer.
ABSENT: Patricia Sharrow, excused.
Also present: Allen Parsens, Wade-Trim Planner. Michael Kras, Building and Zoning Adm.
3. **COMMUNICATIONS:** NONE
4. **APPROVAL OF JANUARY 10, 2001 MINUTES:**
Moved by Kent, supported by Michel. **MOTION** carried to approve January 10, 2001 minutes with following amendment.
Ms. DeBoyer pointed out the correct spelling of her name is DeBoyer, capital B.
AYES: All NAYS: None ABSENT: Patricia Sharrow
5. **OLD BUSINESS:** Special Approval Land Use Site Plan Consideration: Sunoco Gas Station/Mini Mart-Taco Bell 5460 Pte. Tremble

Applicants present, Mr. Ford, Mr. Choukier, and Joseph Harding, attorney representative.

Mr. Harding indicates he has no prior experience with the case. Dave Ventura, present builder, knows the most along with the owners. Ventura presently in Cozumel with family. Mr. Harding here as a personal friend of Lanis Ford.

Mr. Harding states he understands that problems developed early on with the drive-thru. Ventura upgraded footings of building (not on drawings) and then drive-thru negotiations were ongoing with Taco Bell but not finalized. Builder needed to move forward. Owner decided to move forward with window, lock it up and not use it. He stipulates that it was put in without approval. The window is not in and owners are now seeking approval. Cites case 146 MICH APP 380, wherein just because owner didn't do everything with approval, doesn't mean that a variance can't be granted; that there is still discretion that is possible to be exercised under appropriate circumstances.

Mr. Getman indicates "variance" depending how it is used is a Zoning Board of Appeals issue. Sunoco/Taco Bell did violate the Ordinance with the sign size and could not go forth with it without ZBA variance. Sunoco did that, and Planning Commission is not and cannot consider variances. Reminder, before us now is Special Approval for drive thru.

Harding apologizes. Point of traffic flow report, Harding suggests per his client to simply put up no left turn signs up to restrict traffic flow. **Getman's** response, we have no jurisdiction on State Highways. Harding suggests that owner can maybe work with MDOT. Getman brings up concerns such as rush-hour traffic, close to busy intersection, ambulance company, Fire Dept, 2 schools & DPW. Board wants Ainsworth considered in traffic study. **Kent** adds mobile home resident traffic.

Getman adds traffic study may eliminate need for any modification. Traffic study is not a request, it's unanimously required. Special approval can also attach all types of conditions. Point made that promises have been made to Board in previous

meetings regarding lighting, a month later still not done. **Mr. Ford**, owner, indicates he thought that item was taken care of. **Mr. Kras** pointed out lights were to have shields on all side, and only are shielded on the inside. **Chuck Michel** indicates point is belabored, since the lights were originally to be recessed. Mr. Makuch points out that lighting has been a continuous issue, different people show up at every meeting, promises made and never fulfilled. Getman: Traffic study is for the safety of citizens.

Mr. Ford suggests that he just put in a turn lane and skip traffic study. Will cost more to him, but then problem is resolved. Ford indicates he thought the lighting problems was resolved; never knew of a sign problem until very recently. Builder took off with his money.

DeBoyer: Need approval from MDOT. Decker: Is there enough room for turn lanes? Kent: Traffic study will answer all this. Getman: Are you agreeing to a traffic study? Mr. Ford: If we have to, we will.

MOTION by O'Connor to postpone decision on Drive-thru until traffic study is received, within 4 weeks, by last meeting of February. Seconded by Decker.

*Makuch suggests a motion that would entertain an immediate kick-off with Wade-Trim, like within 3 days.

*Mr. Ford would like to find somebody else cheaper than \$5,000.

*Kent: Here we go again. Another 4 weeks we will end up in the same place.

Ayes: DeBoyer, O'Connor Absent: Sharrow Nays: Makuch, Getman, Kent, Decker, Michel, Cooper

MOTION DIED

MOTION by Makuch Seconded by Decker to postpone Special Approval Land Use with the stipulation that the applicants agree to have a Wade-Trim traffic study lined up, and do so by the end of this month, January.

Ayes: Decker, Makuch, Getman, O'Connor, Cooper & DeBoyer

Nays: Kent, Michel Absent: Sharrow MOTION CARRIED.

6. **NEW BUSINESS: None**

7. **CHAIRMAN'S REPORT: None**

8. **PLANNING CONSULTANT'S REPORT:** Allen Parsens indicates Board is invited to a dinner party scheduled for 3rd Wednesday in February at Edison Inn in Port Huron. No time stated yet.

9. **PLANNING COMMISSION COMMENTS: None**

10. **PUBLIC COMMENTS:**

Citizen Goodman: States that he would like to see traffic study when it is complete because he has a problem with the whole strip in there.

11. ADJOURNMENT

**MOVED BY KENT SUPPORTED BY MAKUCH. MOTION CARRIED,
TO ADJOURN THE MEETING AT 9:04 P.M.**

AYES: ALL NAYS: NONE ABSENT: Pat Sharrow.

Kelley Nader,
Recording Secretary