

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING
HELD ON APRIL 10, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD
ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairman Mark Getman at 7:40 p.m.
2. Roll Call: Present: Chairman Mark Getman; Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Edward Keller, Tony Antkowiak.
Absent: None.

Also present was Michael Kras, Bldg. Dept. Inspector and Karen Missavage, Zoning & Planning Adm.

Moved by Michel, supported by DeBoyer to amend the agenda by including Item No. 2-A. Approval of the March 20, 2002 and March 27, 2002 Planning Commission Meeting Minutes. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

2-A. Moved by DeBoyer, supported by Michel to approve the March 20, 2002 and March 27, 2002 Planning Commission Minutes as submitted. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

3. **Communications**

St. Clair County Board of Road Commissioners have developed a new Haul Route Procedure; any Planning Commission comments and suggestions before formal adoption by the Co. Commissioners on June 4th? Revised procedure not in conflict with the Zoning Ordinance; will require cash bond from haulers, will make it very expensive on the small hauler.

Linda Anderson, Wade Trim Consultant: Traffic engineer reviewed it, nothing that would interfere with our Zoning Ordinance or dealing with fees, etc.; good idea to have copies of the County's Special Haul Routes Adm. Policy and Procedure available in the Office.

Chuck Michel: Many small haulers will be out of business, cash deposit is high.

Chairman Getman: Agree good idea to have the haul route procedure available within the Zoning Ordinance and the soil removal ordinance.

4. **OLD BUSINESS:**

COLONY BOWL, 4962 PTE. TREMBLE ROAD: SITE PLAN CONSIDERATION:
Board has copy of a memo from John Monte that says would not have the requested changes to the Colony Bowl Site plan for this evening, have applied for a special mtg.

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Moved by Sharrow, supported by DeBoyer to grant Colony Bowl, 4962 Pte. Tremble Road their request to postpone a decision regarding site plan until the Special Meeting on April 17, 2002. AYES: Sharrow, O'Conner, Makuch, Getman, DeBoyer, Michel, Cooper, Keller, Antkowiak. NAYS: None. ABSENT: None.

5. **LOT SPLIT: 02-03** DOUGLAS POTTHOFF 6455 DYKE ROAD

Board have any questions or concerns?

Motion by Makuch, supported by Michel to recommend for approve of Lot Split #02-03 for 6455 Dyke Road owned by Douglas Potthoff to the Township Board. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

6. **PUBLIC HEARING:**
SPECIAL APPROVAL LAND USE/SITE PLAN AMENDMENT:
TURN-KEY BUILDING/PTE. TREMBLE

Chairman Getman called the public hearing to order; explained the procedure will follow for the public wishing to speak.

Mike Metz, Turn-Key Developer: Plans are identical to the previous plan, not included is southwest corner, parking the same as approved before.

Richard Baker, Stone Road: Questioned will new site plan change anything, Burger King going in, etc.

Chairman Getman: Out lots have changes and footprints are different, lots not in this site plan, changes it significantly; southwest corner is a separate lot; did not want driveways every few feet, would be part of the special approval condition to share the drive ways with the strip mall.

Kathleen Manning, 2204 Pte. Tremble Road: How would my property be affected by this project? Would it be encroaching on my property?

Chairman Getman: No won't encroach.

No other public comments.

Chairman Getman closed the public hearing.

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Chairman Getman: Asked Turn-Key developers why are signs already put up when the site plan had to come back to the Planning Commission; citizens are asking why is there activity already starting, not been approved and activity suggests it was approved.

Mike Metz: The engineering has not changed, site plan that was approved.

Chairman Getman: The site plan was withdrawn and the special approval when you decided not to purchase the other property.

Mike Metz: Only balancing the land and bringing the sand forward, did not mean to offend anyone.

John Makuch: Will you allow anyone buying the southwest corner to access your driveways?

Mike Metz: Yes, cross easements will be allowed.

John Makuch: Original Farmer Jack square footage has shrunk in size, why?

Mike Metz: Original site plan went with the largest Farmer Jack so would have no problem if it was decreased in size.

Pat Sharrow: Southwest lot should be accessible from the main entrance, access the strip mall driveways; questioned the original site plan required a construction of a 3rd lane on Nook Road.

Mike Metz: In right of way, 3rd lane will be going in there anyway.

Pat Sharrow: Lane would be going all the way to the M-29 corner, glad to know this. The area beyond the Farmer Jacks, detention pond would it be maintained with a natural environment?

Mike Metz: Will seed the area, screen around dumpster, wooded area will be left natural.

Planning members questioned Mr. Metz how many businesses have committed to a lease? Concerns the St. Clair Strip Mall is ½ empty.

Mike Metz: Have some committed leases, people waiting to see how the economy is going, lot has changed since 9-11; St. Clair Mall has food restrictions regarding restaurants can't go in, hurts filling the mall up; Clay strip mall will only be 69,000 sq. feet, less than St. Clair.

Pat Sharrow: Landscaping detail, will you be using the same plan?
Answer: Yes.

Dorothy DeBoyer: Original site plan indicated a bike path to Nook Road along M-29, since the corner lot is not part of original site plan, not reasonable to require it now; if a business were to start in this corner, could make it a requirement for them.

Tony Antkowiak: Questioned the bikepath accessibility after it reaches the east boundary, would you be able to exit it and enter from the Galley?
Answer: Yes.
Tony Ankowiak: Good sounds like it will work.

Dorothy DeBoyer: Suggested nice if DDA were to complete the bikepath from that point to the City of Algonac.

MOVED BY SHARROW, SUPPORTED BY DEBOYER TO APPROVE THE SPECIAL APPROVAL LAND USE FOR TURN-KEY BUILDING/PTE. TREMBLE ROAD RETAIL CENTER AS PRESENTED IN THE REVISED PLAN WITH THE CONDITION:

- ANY DEVELOPMENT IN THE SOUTHWEST CORNER (PTE. TREMBLE & NOOK ROAD) IN THE FUTURE SHARE THE DRIVE-WAY ENTRANCES WITH THE RETAIL CENTER PROPERTY;
- ALL THE CONDITIONS WILL APPLY AS THE 1ST SPECIAL APPROVAL LAND USE WITH THE EXCEPTION OF EXTENDING A SIDEWALK OFF TO THE EDGE OF NOOK ROAD.
- ANY INSPECTIONS REQUIRED PER THE BUILDING INSPECTOR'S DISCRETION FROM ENGINEERS, STATE OFFICIALS AND SO FORTH BE PAID IN FULL BY THE PETITIONER;
- ANY FEES DUE TO THE TOWNSHIP FOR ENGINEERING REVIEWS BE PAID IN FULL BEFORE A BUILDING PERMIT IS ISSUED.

DISCUSSION: Future clean up of that land if necessary not the taxpayers money used to clean it, how much would it take to level that ground out?

Mike Kras: Should require a certain amount of money from the applicant for future engineering if something would happen in the future; require cash bond.

Pat Sharrow: Irrevocable letter of credit.

Mike Kras: Cash bond would be easier to work with if funds were needed.

MOTION BY MICHEL, SUPPORTED BY SHARROW TO AMEND MOTION TO REQUIRE A \$20,000 CASH BOND BE PAID UP FRONT BY THE PETITIONER FOR THE PROTECTION OF THE TOWNSHIP.

ALL IN FAVOR OF THE AMENDMENT: AYES: ALL. NAYS: NONE. ABSENT: NONE.

MOTION CARRIED.

ALL IN FAVOR OF THE MOTION AS AMENDED: AYES: ALL. NAYS: NONE. ABSENT: NONE.

MOTION CARRIED.

SITE PLAN APPROVAL FOR TURN-KEY BUILDING/PTE. TREMBLE

MOTION BY MICHEL, SUPPORTED BY MAKUCH TO APPROVE THE SITE PLAN FOR TURN-KEY BUILDING/PTE. TREMBLE AS PRESENTED.

AYES: ALL. NAYS: NONE. ABSENT: NONE.

MOTION CARRIED.

7. **CHAIRMAN'S REPORT**

Planning Commission will hold a special meeting next week, 4-17-2002, Colony Bowl Site Plan Consideration will be the only issue; April 24th will be the public hearing on the proposed Zoning Ordinance at the High School Auditorium at 7:30 p.m.

8. **PLANNING CONSUTANT'S REPORT**

Linda Anderson, Wade-Trim Consultant: Finished all the engineering reviews on the Pearl Beach Condominiums.

Zoning map has been changed, delivered the copy of the draft of the Zoning Ordinance to the Twp. and the Harsens Island Post Office for the public's review; add was placed in the newspaper as to the Public Hearing.

9. **PLANNING COMMISSION COMMENT**

Louise Cooper: Questioned, which doors at the high school will be open the night of the public hearing?

John Makuch: What will be the process if we want to make additional changes to the Zoning Ordinance?

Linda Anderson: After we are all done with the public hearing can make any additional changes.

10. **PUBLIC COMMENT:** None.

11. **ADJOURNMENT:**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the regular meeting at 8:26 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary