

MINUTES OF THE CLAY TOWNSHIP SPECIAL PLANNING COMMISSION  
MEETING HELD ON JULY 31, 2002 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 Getman at 7:30 p.m.
2. **Roll Call:** Present: Mark Getman, Chairperson, Vice-Chair Dorothy DeBoyer, John Makuch, Secretary; Pat Sharrow, Sandra O’Conner, Louise Cooper, Chuck Michel, Edward Keller II, Tony Antkowiak. Absent: None. Also present Wade-Trim Consultant Julie Johnston.
3. **Communications:** Nothing relating to the agenda tonight.
4. **Approval** of July 10, 2002 Minutes:

Moved by Cooper, supported by Sharrow, **MOTION CARRIED**, to approve the July 10, 2002 Planning Commission Minutes with one amendment on page 2, Lot Split 02-05, Tony Antkowiak’s comment should read “Questioned the Road Commission remarks as to insufficient frontage for a driveway....”. AYES: All. NAYS: None. ABSENT: None.

5. Open the Public Hearing for Wendy’s Drive Through Restaurant: Pte. Tremble Road East of Nook Road:

Chairman Getman explained the rules to follow for the public hearing.

Chuck Kriss, 8945 Anchor Bay Drive: Asked if could review the changes to the site plan.  
Chairman Getman: Wait until the Planning Commission meets later on the issue.

Sandra Mondella, 2653 Pte. Tremble Road: Concerns are hours open be regulated, lighting toned down, signage, etc.; representing neighbors who feel the same way.

Mike Metz, Turner-Key Developers: Clarification of the intent on utilizing the drive? Don’t know if there should be monetary consideration for the use of that drive, should this be addressed?. Applicant’s plan utilizing my property and drive, no one has contacted us to ask permission; do not know the applicant’s intent.

Applicant had no other comments.

No other public comments.

Close the public hearing.

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Board comments:

Chairman Getman: Turn-Key does not have a choice, must let the applicant use the driveway, setting a monetary cost to the applicant is between you and them, contact should have been made between the two parties, driveway a requirement of the Planning Commission for the development of the Turn Key Project; will not allow anymore driveways or cuts off of M-29 and Nook Road vicinity; right to charge for the use.

Mike Metz: Should have some say so where the drive is going; all parties need to agree to make it work; issue is wish the owners would come and talk about this issue.

Chairman Getman: Referred to 7/18/02 review report from Linda Anderson, page 3, Item G. “No outside loud speakers or music shall be allowed....”; drive through restaurant needs to have some small speakers for ordering, does Linda’s remark include those speakers?

Julie Johnston: Loud speaker referring to is a p.a. system for outdoor music, decimal level of a drive-through is much lower.

Chairman Getman: Would the Board want this to be reviewed by an engineer?

Pat Sharrow: What is the intention of the hours?

Chuck Kriss: Do not know the hours, not representing the tenant, not open 24 hrs.

Pat Sharrow: Condition of special approval, loading and unloading could only occur during non customer hours.

Tony Antkowiak: Engineering study was done for this area earlier.

Chairman Getman: Topography has been reviewed, use will be a little different.

Chuck Michel: Need engineering to look at this for the necessary facilities.

Pat Sharrow: No way of knowing if the land would be filled higher or lower then what it was intended or any drainage problem towards the shopping center or Turn-Key property.

Pat Sharrow: Driveway requirement was a condition Special Approval Land Use to Turn-Key, feel have to make this also a S.A.L.U. condition if inclined to approve this; applicant should discuss with Turn-Key a maintenance agreement for the use of the drive; against drive outlet in southeast corner towards the video store, could interfere with their business and not be allowed, condition of a S.A.L.U. driveway (ingress/egress) should be shown on the plan on the northwest corner for future development of the two lots at the corner of Nook.

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Chairman Getman: Two lots would have access to the service drive, would not have to access it through the Wendy's parking lot.

Requirement was Turn-Key would allow that area access.

Pat Sharrow: Referring to only 100', having an ingress & egress to those two lots might be a little much right now, if don't require it now, could not in the future.

Chairman Getman: Site Plan Committee told applicant may have to indicate an access. Planner recommends not have the other two lots access the Wendy's property, another access off of Turn-Key service drive.

Pat Sharrow: Not in favor of possible exit in front of Block Buster.

John Makuch: Questioned the length of time for the S.A.L.U. remains with the property.

Chairman Getman: Use as a drive-thru restaurant expires in a year. Planning Commission members must consider when voting on this issue: is it a detriment to the community, neighborhood and the neighbors, not a detriment and move ahead and then will need the conditions as stated.

Louise Cooper: No problem with traffic where the Doctor's office is.

Chairman Getman: Drive through should not impact traffic for the neighborhood.

Chairman Getman: Future driveway issues: possible future access (southeast corner) to the parking lot in front of Block Buster, Planning Commission can wait until would be an amendment to the special approval or make this a condition.

Discussion of the disadvantages to a drive at that location., consensus of Board is not to allow it by setting a condition in the S.A.L.U.

Dorothy DeBoyer: Plan does not show the entrance for Block Buster customers entering and exiting the building, does make a difference.

Mike Metz: Clarified where the entrance would be.

John Makuch: concerned with two issues: hours regulated when restaurant is open; not in favor of the ingress/egress in the Block Buster side, future business would determine the egress/ingress side per the function of the building and the function of the commercial operation, Wendy's would be required to allow the driveway use as Turn-Key is required.

Chairman Getman: Zoning allows for all types of uses, not necessary intense use; set the condition now; reviewed the list of conditions with the Board, lighting addressed in the site plan.

Chuck Kriss: Could Planning Commission reconsider restricting of a driveway access on the east border of the property if the developers, Block Busters and Wendy's feel it is important for both businesses to survive.

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Chairman Getman: Return with a new site plan, not intending to regulate these businesses, prime concern is neighbors, other commercial neighbors, people that drive by, customers, etc.; can't put people at risk with cars and pedestrians going through Block Buster driveway to get to Wendy's; come back in the future with a new site plan.

Lengthy discussion re: returning to Planning Commission at a later time with a new site plan; consensus is should be a stipulation from an enforcement point of view.

**MOTION BY MICHEL, SUPPORTED BY MAKUCH, TO APPROVE THE SPECIAL APPROVAL LAND USE FOR THE WENDY'S DRIVE THROUGH RESTAURANT SUBJECT TO THE FOLLOWING CONDITIONS:**

- No access on the full East side of the property to the adjacent property.
- Future development to the property to the West shall be granted access to Wendy's drive pending approval by the Planning Commission.
- Loading and unloading shall take place during non-business hours.
- Restaurant must be closed between the hours of Midnight and 5:00 a.m.
- Reviewed by the Township Engineering.
- Applicant for the Wendy's Drive Thru Restaurant must negotiate with Turn-Key over their access route.
- Paved sidewalk in front of the property on M-29 will be constructed even if it requires moving it on to the applicant's property or the State property.

Discussion on motion: None.

**VOTE ON THE MOTION: ALL IN FAVOR. AYES: ALL.**

**OPPOSED: NONE.**

**ABSENT: NONE.**

**MOTION CARRIED.**

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**SITE PLAN CONSIDERATION FOR THE WENDY'S DRIVE THRU RESTAURANT:**

Applicant Chuck Kriss: Explained the changes in the site plan of the Wendy's Restaurant since the last time came before the Planning Commission: instead of bumper blocks have added a 6" high curb; lighting if not shielded properly, willing to rectify any problems; indicated pad for a free standing sign between the 2<sup>nd</sup> and 3<sup>rd</sup> tree, understand the sign if larger than what is allowable would have to make application for a variance.

Pat Sharrow: Questioned a 6" curb would supply sufficient division if there is development between the Wendy's property and the property toward Nook Road?

Chuck Kriss: Bumper block is no higher than 6", 5' of greenbelt area between those two Properties.

Chuck Michel: Referred to the 30' sign in the front, where is the green bar light located?

Chuck Kriss: Found out on the back and front of the property and the westerly boundary. Didn't think in the review they were in excess of the allowable height, shielding was a concern.

Chuck Michel: Concerned about the residents on the South, 20' in the air will shine out. Site plan does not show the dimensions of the light poles.

Checking site plan over for light pole dimensions, ask the engineers to look at the lighting and make a recommendation as to the height of the light.

Pat Sharrow: Smaller sign for Wendy's, traffic light will slow vehicles down.

John Makuch: Lighting no problem on the North and East, concerned with the southside, like it worded into the proposal.

Chuck Kriss: Purpose of light is for the pedestrian safety and lighting up the building, no problem if pole needed to be brought down.

Chuck Michel: Like to see the appearance of a more softer light, park like affect, 30' sign could be brought down.

Chairman Getman: Site plan cannot be approved as presented, signage is way beyond what is allowed; 150' square feet is only allowed; stated options Planning Commission can make a motion on.

Chuck Michel: Utilities usually have to show this on site plan.

Chairman Getman: Underground utilities, access to the utilities should be shown.

Condition that pursuant to the Township Engineer's review.

Tony Antkowiak: Questioned a stop sign that would slow people down at the end of the driveway.

Chairman Getman: Cannot make that a part of the site plan, perhaps Turn-Key will put one in.

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MOTION BY SHARROW, SUPPORTED BY MAKUCH, THE SITE PLAN BE APPROVED PENDING REVIEW BY THE TOWNSHIP ENGINEER FOR DRAINAGE AND LIGHTING AND ANY OTHER AREAS UNDER HIS EXPERTISE AND THAT THE SIGNAGE BE AMENDED TO BE IN COMPLIANCE WITH THE ZONING ORDINANCE.

Discussion:

John Makuch: Eng. review will cover the lighting issue? Answer: Yes.

Tony Antkowiak: Notation that future ingress/egress action upon approval by Turn-Key and Township, shouldn't that be removed?

Chairman Getman: S.A.L.U. forbids its use, should take that out of there, amend motion.

AMENDED MOTION BY SHARROW, SUPPORTED BY MAKUCH, THAT SPECIAL APPROVAL LAND USE HAS ALREADY REMOVED THE POSSIBILITY OF INGRESS/EGRESS IN THE SOUTHEAST CORNER

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: NONE.

**MOTION CARRIED.**

Chairman Getman: What Township Engineer should review the site plan?

Pat Sharrow: Wade-Trim Associates.

Dorothy DeBoyer: BMJ familiar with all the water and sewer issues.

Chairman Getman: If Planning Commission members are in agreement can discuss it with Linda Anderson and Clerk Pellerito and make a decision during the week.

6. **CHAIRMAN'S REPORT**

Last meeting two items were referred to the Township Attorney for opinion: Fruit Road Lot Split was not sufficient, would have a landlock parcel, applicant has made changes; Extension on Thornhoillow, per Attorney permit expired, will be back on Agenda in August.

7. **PLANNING CONSULTANT'S REPORT** – None.

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8. **PLANNING COMMISSION COMMENT**

Pat Sharrow acknowledged newly hired Township Planning & Zoning Enforcement Officer Tim Wiggle.

Dorothy DeBoyer: Planning Commission request lighting, traffic report, etc. and once it leaves here, do not really know the outcome on the reports, monthly or quarterly get a report on the outcome of things.

Chair Getman: Zoning & Planning should receive a report.

Pat Sharrow: Like to see a yearly re-review again S.P. and S.A.L.U.

Chairman Getman: Township Board postponed decision to approve the Zoning Amendment until the next agenda.

Dorothy DeBoyer: When will the Planning Commission members have their final copy of the Zoning Ordinance?

Chairman Getman: Will be talking to Kevin Lawrence, we should have them.

9. **PUBLIC COMMENT:** None.

10. **ADJOURNMENT**

Moved by Makuch, supported by DeBoyer, **MOTION CARRIED**, to adjourn the special meeting at 9:05 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba  
Recording Secretary