

Minutes Amended 11-26-02 V.K.

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING
HELD ON NOVEMBER 13, 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, John Makuch, Secretary, Dorothy DeBoyer, Vice-Chairperson, Pat Sharrow, Sandra O'Conner, Louise Cooper, Tony Antkowiak, ~~Edward Gerald~~ Keller. Absent: Chuck Michel (excused). Also present were Zoning and Enforcement Official Timothy Wiggle, Building Inspector Michael Kras and Wade-Trim Consultant Linda Anderson.
3. **Communications:** None.
4. **Approval of Minutes of October 30, 2002:**

Moved by Cooper, supported by Antkowiak to approve the Minutes of the October 30, 2002 with a change in the Roll Call showing Dorothy DeBoyer as the "Vice-Chairperson" and not Co-Chair.

AYES: All. NAYS: None. ABSENT: Michel.

MOTION CARRIED.

5. **PUBLIC HEARING:**

PROPOSED AMENDMENTS TO CLAY TOWNSHIP MASTER PLAN

Chairperson Getman apologized for the meeting time error as indicated in the *The Voice Newspaper* publication.

Chairman Getman explained the Master Plan has not been amended since 1992, amendments as required by the State Statute, 2000 Census data this year has to be incorporated and the demographics of the community are listed in the Master Plan, new zoning has created new zoning classification, primary change with zoning is on Harsens Island, larger areas on the inland part away from the water have been rezoned to more density, larger parcels will prohibit the development of subdivisions on Harsens Island, has to be reflected in the Master Plan; no drastic changes from 1992, not anticipating any large growth.

Open the Public Hearing Portion:

Norman Rhodes, 3206 S. Channel, Harsens Island, MI:

Questioned statement in Master Plan about looking into alternate means of accessing Harsens Island.

Chairman Getman: Planning Commission can't create or approve transportation to/from Harsens Island.

PLANNING COMMISSION MINUTES – NOVEMBER 13, 2002

Page 2

Norman Rhodes: How does that make its way into the Master Plan?

Chairman Getman: Transportation is an issue for the community.

Norman Rhodes: By making it an issue, does this indicate the Planning Commission will consider alternate or additional means of transportation?

Chairman Getman: Planning Commission cannot consider anything, it is part of the Master Plan to allow for it; whether it is in the Plan or not would not prohibit an alternate plan to Harsens Island, demographic issue, old plan addressed transportation to Harsens Island as well.

Pat Sharrow: Recall in 1989-90, Planning Commission members being very upset with the appearance of the Ferry and the ferry operating off the State Highway were concerns, may have led to that being included in the Master Plan at that time.

Dave Bryson, 1929 South Channel Drive, Harsens Island, owner of the Champion's Ferry: Your inclusion of an alternate means to access Harsens Island, automatically limits having a private enterprise operation provide service, if another ferry wants to start a business only need permits for the driveways on each side of the river, bridge company wants to put a bridge in, could be many lawsuits, by including this statement in your plan, personal opinion would be putting the Township at risk for lawsuits.

Chairman Getman: No proposal for a bridge and do not have any voice in one.

Mrs. Jane Wright, 999 Lee Street: Island resident all my life, great respect for Mr. Bryson, runs a good safe ferry service with integrity and care 24 hours a day.

Annette Heyza, 7353 Flamingo: Questioned the colors on the future land use map.

Chairman Getman: Main changes on master plan are on the Island, interior land away from the River front, now requires a minimum of an acre of land for a house, helps protect some of the areas which might be vulnerable to development, when planning the rezoning ordinance idea was to protect that part of the Island from high density development.

Annette Heyza: Any other parcels on the Dyke you are going to change?

Chairman Getman: No, new zoning ordinance went into affect in October; zoning ordinance and master plan show M-29 along the waterfront is residential with a few marina type operations, north side of M-29 is zoned commercial with some residential.

PLANNING COMMISSION MINUTES – NOVEMBER 13, 2002

Page 3

Pat Sharrow: Like to make it clear to the public whatever land use is on the future land use map isn't necessarily what it is zoned right now, indicates to a developer what the Planning Commission thinks would be best for the land where there is commercial, industrial, 1 acre lots and smaller, etc.

Mr. Dale Dare, 4108 Pte. Tremble Road: Explain what the orange flags are representing on my property?

Pat Sharrow: Downtown Development Authority decided to authorize a road survey done on M-29 along the DDA District *to determine the right of way for M-29.*

Norman Rhodes: Referred to issue on the Island re: commercial property; anticipated use for the future, not necessarily the use today, on this map seems like most of the commercial area in downtown San Souci, Ferry property is no longer in the future considered commercial property, ~~whole lot of residential area that is proposed to be commercial~~ and a whole lot of residential area that is proposed to be commercial and vehemently object to and the commercial area now that will never be changed downtown San Souci that is indicated as residential and so I object to this map and the intent of the changes in land use.

Chairman Getman: Point out to the audience this is not a change from the old Master Plan the same as it has been for ten years, valid point you have made.

No other public comments regarding the Master Plan.

Close the public hearing at 7:55 p.m.

6. SITE PLAN CONSIDERATION FOR WENDY'S INTERNATIONAL

Larry Scott, Attorney, 12900 Hall Road, Sterling Heights and Developer Nick Loudes present: Representing the Petitioner; appeared two months ago regarding curb cut access on M-29, provided you copies of drawings and site plan, happy to answer any questions Board may have.

Chairman Getman: Reviewed what occurred the last time they were here, applicant agreed once an application was made would ask for a traffic study; do have an approved site plan and special approval on property for Wendy's, current special approval is in effect and it prohibits access to M-29, requires access through the new strip mall, application submitted ~~after the deadline~~ under the old ordinance, request for a change in the ~~master~~ site plan will now fall under the new ordinance, per Attorney McNamee indicated would be perfectly proper to amend the special approval conditions on our own, would not require any additional time frame or applications; primarily this evening have to authorize the traffic study. *Applicant did not request a change in the special approval, any new special approval would come under the new Ordinance, any request for a change in the site plan would fall under the old ordinance.*

PLANNING COMMISSION MINUTES – NOVEMBER 13, 2002

Page 4

Pat Sharrow: Wade-Trim questioned the drainage.

Attorney Larry Scott: Discussed with Mr. Mentz the possibility of going through an easement to a retention space he has on his property, negotiations have not been concluded yet

Pat Sharrow: Negotiate with Turn-Key on this issue.

MOTION BY SHARROW, SUPPORTED BY MAKUCH, **MOTION CARRIED**, TO REFER THE SITE PLAN PRESENTED TONIGHT BY WENDY'S INTERNATIONAL TO THE WADE-TRIM TRAFFIC ENGINEERS AND ASK IF THEY WILL TELL US IF THE DRIVE-WAY CUT FOR WENDY'S ON PTE. TREMBLE ROAD CAN SAFELY BE PLACED IN THAT AREA. AYES: ALL. NAYS: NONE. ABSENT: NONE.

Chairman Getman: Informed the public the Township does not pay for the traffic study, the petitioner does.

FRUIT ROAD STORAGE

3502 FRUIT ROAD

Chairman Getman: Site plan consideration for 3502 Fruit Road; review from Linda Anderson, Zoning Department did not get them in the mail on time to Linda for her review.

Pat Sharrow: Questioned the entrance to the building is on a separate lot, need some legal papers, what if you sold the lot with your storage building and then parcel would be landlocked, easement is going to serve two parcels need it in the deed restrictions.

Ron Kahl, 9165 Anchor Bay Drive, Applicant: After this is done will develop the other parcel.

Pat Sharrow: Recent lot split, need something to show parcel 5 will have an access always.

Ron Kahl: Don't quite understand, on the other parcel is an existing parcel, applied for a culvert permit on parcel 4, doesn't show on this site plan, but for the next ~~master~~ site plan for the parcel there is a driveway.

Pat Sharrow: Need to have it reviewed by the Township Attorney, don't like the fact the driveway is going to be used by the other lot, not an objection.

John Makuch: Understand what Mrs. Sharrow's concern is.

PLANNING COMMISSION MINUTES – NOVEMBER 13, 2002

Page 5

Ron Kahl: Cannot see the problem, referred to the recent split before purchasing the land.

Chairman Getman: Asked Planner about Ms. Sharrow's concern.

Linda Anderson: Parcel 4 and 5 were combined easiest thing would be to combine them right now, possible to have a deed restriction, like the attorney to review it.

Pat Sharrow: Questioned if there would be a lawn in front of the building?

Ron Kahl: 8' steel fence there now.

Linda Anderson: Reviewed it under the old ordinance, difference in the new ordinance, industrial property abuts into some other property there is a certain percentage of landscaping required. Yes, landscaping and a buffer required under the new ordinance.

Ron Kahl: Explained the steps he followed when he applied for his building permit and was not notified of all the changes due to the new zoning ordinance.

Chairman Getman: Options can deny, cannot approve yet, there are some deficiencies, come back in a few weeks and possibly be approved with certain changes.

Ron Kahl: Do not want to combine the two lots; other parcel not on here because of the time restraint, a series of buildings that will involve water, heating, etc., questioned stages on a site plan can be addressed.

Pat Sharrow: Asked Building Inspector Michael Kras if the building this size would require lighting and fire sprinklers?

Michael Kras: Pole barn will not require any lighting, if it has heat those would require lighting; no fire sprinklers unless 12,000 sq. feet or better.

MOTION BY ANTKOWIAK, SUPPORTED BY COOPER TO TABLE SITE PLAN CONSIDERATION FOR THE FRUIT ROAD STORAGE, 3502 FRUIT ROAD UNTIL THE NEXT MEETING FOR THE ISSUE OF THE DRIVE-WAY ACCESS TO BE REVIEWED BY THE TOWNSHIP ATTORNEY JOHN MCNAMEE AND WHAT LANDSCAPING WOULD BE REQUIRED UNDER THE NEW ZONING ORDINANCE.

**IN FAVOR: ALL. NAYS: NONE. ABSENT: MICHEL
MOTION CARRIED.**

Discussed the type of landscaping that should be considered.

PLANNING COMMISSION MINUTES – NOVEMBER 13, 2002

Page 6

Linda Anderson: Per new Zoning Ordinance what the requirements are re: landscaping for industrial.

7. **CHAIRMAN'S REPORT:** None.
8. **PLANNING CONSULTANT'S REPORT:** None.
9. **PLANNING COMMISSION COMMENTS:**

John Makuch: Term on Planning Commission expiring 11-15-2002, Supervisor has not decided if will be re-appointed; 26th meeting will not be able to attend due to an exam.

10. **PUBLIC COMMENTS:**

Norman Rhodes: Inquire about the comments made during the public meeting, what is the next step regarding the Master Plan?

Chairman Getman: The Planning Commission heard the comments, will discuss and debate those comments and decide if we are going to amend the amendments or what we will do with it; agenda item in the future.

Norman Rhodes: Problem with the zoning map, couple parcels of land on the South Channel Drive changed to commercial from residential done mistakenly by the map makers; requesting this Board immediately address that, request them to change that or give an explanation how that happened.

Chairman Getman: It was a computer error, colored area overlapped, apprised of the mistake, will put together a list and an amendment to change those errors.

Building Inspector Michael Kras: In the new Ordinance having a problem with enforcement, an amendment to the ordinance to include an Administrative Policy.

Chairman Getman: Already addressing that issue from an administrative point.

11. **ADJOURNMENT:**

Moved by Makuch, supported by DeBoyer, **MOTION CARRIED**, to adjourn at 8:31 p.m. AYES: All. NAYS: None. ABSENT: Michel.

Valerie J. Kulba
Recording Secretary