

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD ON TUESDAY, NOVEMBER 26, 2002 IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll Call: Present: Chairperson Mark Getman; Vice-Chair Dorothy DeBoyer, Pat Sharrow, Sandra O’Conner, Chuck Michel, Louise Cooper, Tony Antkowiak, Edward Keller II.
Absent: Excused John Makuch.
Also present is Linda Anderson, Wade-Trim Planner.
3. Communications: Michigan State University Extension and St. Clair County Metropolitan Planning Commission presents Citizen Planner Program in St. Clair County January 16, 2003 – March 20, 2003; interested Planning Commission members contact the Clerk’s Office to register.
4. **APPROVAL OF NOVEMBER 13, 2002 MINUTES:**

Moved by Sharrow, supported by Cooper, to approve the November 13, 2002 Planning Commission Minutes with the following amendments:

- page 1, under Proposed Amendments to the Master Plan: “Chairperson Getman apologized for the meeting time error as indicated in The Voice Newspaper publication.”
- page 3, 3rd paragraph: “Downtown Development Authority decided to authorize a road survey done on M-29 DDA District to determine the right of way for M-29.”
- Page 3, 4th line down: should be “effect” instead of “affect”.
- Page 3, 6th line down: should be “site plan” instead of “master plan”.
- Page 3, 5th line down: delete the words “after the deadline”.
- Page 3, Chairman Getman’s comments: Add the following phrase:
“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.”
- Page 4, 3rd paragraph from the bottom: 2nd sentence should be changed to “...but for the next site plan.....” and not master plan.
- Page 1, Roll Call: Correction to Mr. Keller, change to Edward.
- Page 3, 4th paragraph down: double phrase, delete the following:
“whole lot of residential area that is proposed to be commercial and”

ALL IN FAVOR OF APPROVING THE MINUTES AS AMENDED:

AYES: All. NAYS: None. Absent: John Makuch (excused).

PLANNING COMMISSION MINUTES – NOVEMBER 26, 2002

Page 2

5. OLD BUSINESS

WENDY'S INTERNATIONAL PTE. TREMBLE ROAD

Pat Sharrow questioned if applicant knew change in meeting?

Chairman Getman: Agenda mailed and Marie called.

Planner Linda Anderson: Developer called, advised him would not have copies of the report, Planning Commission reviews the report first.

Chairman Getman: Planning Comm. members had a chance to review the traffic report?

Recommendation: access would be through the service drive of the strip mall; exactly what the existing site plan and special approval plan require.

Chuck Michel would make a motion to accept the traffic study's recommendation.

Pat Sharrow: Decision on site plan tabled until this meeting.

Tony Antkowiak: Is Planning Comm. obligated to accept the decision or can we say "no" and grant Wendy's the curb cut off M-29? Applicant's negotiations with TurnKey if still have not gotten anywhere, could we consider a curb cut?

Chairman Getman: Personal opinion should not ignore the engineer's recommendation per the safety issue; if Turn-Key is not negotiating properly, could be in violation of their special approval conditions, Township could take action within the court to force Turn-Key to negotiate per advice from Township Attorney.

Tony Antkowiak: Questioned how much property on the corner do they own?

Chairman Getman: Own five lots, combining three of them for the purpose of site plan.

Tony Antkowiak: Questioned corner lots if developed where would their access be?

Chairman Getman: Requirements for TurnKey would also have to allow these corner lots access to the strip mall.

Sandra O'Conner: Referred to businesses on Gratiot with multiple drive through restaurants having curb cuts, what constitutes allowing curb cuts on Gratiot and not here?

Chairman Getman: Recent businesses are accessing through a strip mall, those already there do have access to Gratiot.

Pat Sharrow: Traffic Study based on a recent Michigan Department of Transportation of Publication; if Planning Commission allowed the curb-cut and not followed the engineers recommendation, the first serious accident the Township would be sued.

Chairman Getman: Developer not claiming there is an access problem.

PLANNING COMMISSION MINUTES – NOVEMBER 26, 2002

Page 3

Tony Antkowiak: An approach for Wendy's is about not paying for the use of the access through the strip mall?

Chairman Getman: Wendy's International at site plan meeting had no objection, franchise holder is protesting..

Pat Sharrow: Cannot accept the site plan with conditions, have to decide to amend or not amend the special approval land use granted and than deny or accept the site plan.

Chairman Getman: Special approval in place requires they access through the Strip Mall, would have to change the special approval, if deny this site plan still have an approved one, can still build the Wendy's.

Brief discussion of a bike path to Nook Road; bike path was one of the conditions.

Pat Sharrow should mention in the motion not amending the previous special approval land use due to the traffic study, special approval land use allows PIng.Comm.that authority.

Dorothy DeBoyer: Questioned the drainage plan not shown, can we take any action?

Chairman Getman: Motion indicated postponed for the safety determination of a curb cut.

Pat Sharrow: Latest site plan indicated connecting storm sewer to storm sewer existing on Turn-Key property, no reason to believe this was not what they were doing.

MOVED BY MICHEL, SUPPORTED BY ANTKOWIAK, THAT WE ARE NOT AMENDING THE ORIGINAL SPECIAL APPROVAL FOR WENDY'S INTERNATIONAL, PTE. TREMBLE ROAD AND DENY THE MOST RECENT SITE PLAN PRESENTED TO THE PLANNING COMMISSION BASED ON THE TRAFFIC STUDY REPORT INDICATING THE SAFETY HAZARD OF A CURB CUT AND AT THE SAME TIME BRING US A SITE PLAN INDICATING THE DRAINAGE PLANS THEY HAVE NEGOTIATED WITH TURN-KEY DEVELOPERS.

DISCUSSION:

Mark Getman: Why do we want Wendy's to come back with a site plan showing drainage?

Original site plan and special approval have been granted, can't take it back, can't amend the original site plan.

MOTION WITHDRAWN BY MICHEL, SUPPORTED BY ANTKOWIAK.

Chuck Michel: Need something to show where the drainage will be.

Pat Sharrow: Building Inspector will review drainage if a good plan, not acceptable an amended site plan would have to be submitted.

PLANNING COMMISSION MINUTES – NOVEMBER 26, 2002

Page 4

MOTION BY MICHEL, SUPPORTED BY ANTKOWIAK, THE PLANNING COMMISSION WILL NOT CHANGE THE ORIGINAL SPECIAL LAND USE APPROVAL AND DENY THE SITE PLAN PRESENTED ON JULY 31, 2002 BASED ON THE TRAFFIC STUDY FROM WADE-TRIM INDICATING THE SAFETY HAZARDS OF A CURB CUT THAT CLOSE TO THE INTERSECTION ON NOOK ROAD AND THE ENTRANCE TO FARMER JACK.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: MAKUCH (excused).

MOTION CARRIED.

FRUIT ROAD STORAGE

3502 FRUIT ROAD

Chairman Getman: No amended plan or opinion from the Twp. Attorney on the drive-way, not able to take any action on it since applicant has not had time to address all the issues.

MOTION BY ANTKOWIAK, SUPPORTED BY SHARROW, MOTION CARRIED, TO REMOVE FROM THE TABLE THE MOTION MADE ON 11-13-02 FOR THE FRUIT ROAD STORAGE SITE PLAN CONSIDERATION AT 3502 FRUIT ROAD, CLAY TOWNSHIP. AYES: ALL. NAYS: NONE. ABSENT: MAKUCH (EXCUSED).

Chairman Getman: Apologize to applicant for the mixed signals he has been receiving regarding his building permit, has created some extra costs for him, no fault of his.

Contacted Twp. Attorney regarding this issue, recommendation was Planning Commission request of the Township Board that if there were any additional fees would consider waiving those fees.

Pat Sharrow: Questioned reviews from Linda Anderson.

Linda Anderson: Site plan review.

MOTION BY DEBOYER, SUPPORTED BY ANTKOWIAK, MOTION CARRIED, TO POSTPONE THE CONSIDERATION OF THE SITE PLAN FOR THE FRUIT ROAD STORAGE, 3502 FRUIT ROAD TO THE NEXT PLANNING COMMISSION MEETING UNTIL THE TOWNSHIP ATTORNEY HAS SUBMITTED HIS REVIEW ON THE DRIVEWAY AND THE APPLICANT HAS THE OPPORTUNITY TO SEE WHAT LANDSCAPING IS REQUIRED.

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

6. APPOINTMENT OF NOMINATING COMMITTEE

At the December 11th meeting will elect the Chair, Vice-Chair and Secretary for 2003; nominating committee will consist of Pat Sharrow and Chuck Michel, rationale for those two individuals is they cannot hold any of the three offices.

PLANNING COMMISSION MINUTES – NOVEMBER 26, 2002

Page 5

7. **CHAIRMAN'S REPORT:** None.
8. **PLANNING CONSULTANT'S REPORT:** Linda Anderson apologized for the lateness on Planning Commission members receiving the Traffic Study.
9. **PLANNING COMMISSION COMMENT:**

Moved by Sharrow, supported by Michel, **MOTION CARRIED**, to amend the agenda to discuss the Master Plan. AYES: All. NAYS: None. ABSENT: Makuch.

Discussion followed:

Map did not show any planned commercial use on San Souci.

Pat Sharrow: Map is actually correct, not looking at it clearly, explained what is commercial.

Questioned the little red area above the fire hall, why would that be commercial?

Discussed the area of businesses and residential on LaCroix and along South Channel.

Sandra O'Conner: Can see a need for some overnight lodging.

Yellow corner of land by Sheldon Street is property that went to the City of Algonac. Property next to it which would be Action Auto property some of it would be the sewer plant zoned commercial.

Reminder not a zoning map, master plan does not have to indicate the businesses.

Property next to Township Hall (Mr. Gooden's property) master plan is indicating future public use, question is why would the Township buy it, could see about 50' for extra parking; Clay's municipal buildings are sufficient and meet the needs of the people, property made public would lose the tax base. Zoning map has it as single family, by changing it now will eliminate a hassle later and be more desirable to a developer. How do other Planning Commission members feel?

Suggestions were: Like to see it multi-residential.

Could do some nice cluster developments, need more in Clay Township

Consultant Linda Anderson: Multiple family housing opening up a lot of opportunities for cluster development, amend the master plan in order to do this, might be a good area for it, would make it very desirable if zoned multiple family.

Motion by Antkowiak, supported by Michel to change the Master Plan map as follows:

- Harsens Island Fire Station change to residential to agree with the surrounding area.
- Along the waterfront across from San Souci a couple of parcels going commercial.
- Sheldon Road (orange triangle) should indicate City of Algonac property.
- Area next to Action Auto (purple area) needs to be changed from industrial to commercial.
- Property next door to Township Hall (Mr. Gooden's property) change from public use to multi-family residential.

Vote on the Motion: Ayes: All. NAYS: None. ABSENT: Makuch.

MOTION CARRIED.

PLANNING COMMISSION MINUTES – NOVEMBER 26, 2002

Page 6

Additional comments as to Master Plan:

Pat Sharrow: Page 56 of old Master Plan talks about public utilities, states “No water on any of the Islands...”, should be taken out now that there are water lines available.

Pat Sharrow: Page 56, Received construction permit for water mains along Stone and Folkert Roads that was ten years ago; Linda Anderson will remove this statement to “receive construction permits for watermain permits along Stone and Folkert Road”, this statement will be removed from the Master Plan and the statement added indicating are in existence now, 10 years they were in the construction stage.

Pat Sharrow questioned the water and sewer consumption figures, State has mandated water and sewer plants need updating; Linda Anderson will contact Clerk Michael Pellerito for the amended water and sewer use.

Phelps Road in the draft Master Plan states is paved, correct statement to indicate “.....plan to pave Phelps Road by 2003.....”

Pat Sharrow: Someday like to find out from Linda how to create an incentive to replat some of these little subdivisions that have 50' x 100' lots.

Linda Anderson: Will research at this and find out something and report back.

Linda Anderson: Will make the changes and print out another copy of the Master Plan for Chuck, Pat and Mark; can adopt it now with the changes as noted in the minutes.

Board's consensus was to wait until the December 11th meeting to adopt the Master Plan.

Pat Sharrow: Explained background to members how and why the Harsens Island Transportation Authority was created.

Chairman Getman: Comment regarding Building Department's objection to sections in the new Zoning Ordinance, assemble all changes at once, have one public hearing for any amendments.

PUBLIC COMMENT

Sandra Mondello, 2653 Pte. Tremble Road: Curb cut to Wendy's Restaurant so close to the Nook Road intersection agree would not be a good thing to have, agree with the traffic study. Have to admit do like the way the TurnKey Strip Mall turned out. Signage been addressed in the Master Plan?

Chairman Getman: Farmer Jack had a variance for their sign.

ADJOURNMENT:

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the meeting at 9:10 p.m. AYES: All. NAYS: None. ABSENT: Makuch.

Valerie J. Kulba
Recording Secretary