

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION SPECIAL MEETING HELD ON WEDNESDAY, MAY 7, 2003 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, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper.
Absent: Tony Antkowiak (excused), Edward Keller II.
Also present was Timothy Wiggle, Zoning Enforcement Official.
Six (6) citizens.
3. Communications: None.
4. Approval of Minutes of: April 23, 2003

Moved by Cooper, supported by Michel to approve the April 23, 2003 Planning Commission Minutes with the following corrections:

- Page 3, 2nd paragraph from the bottom re: 9600 Nook Road (Part Of), correct sentence by Getman: change the end of the sentence from "past it" to passed it.
- Page 6, top comment by John Makuch, 2nd line to read "...rezoning process by correcting errors made in the first place, deviating from how advertised is not right."
- Page 8, middle of the page, Sharrow's comment, change to "What advice did you receive from Attorney regarding enforcement issues?"
- Page 8, Motion to accept the proposed amendments..... 5th bullet down delete the line.

AYES: All. NAYS: None. ABSENT: Keller, Antkowiak.

MOTION CARRIED.

5. PUBLIC HEARING: AMEND ACTION TAKEN AT THE APRIL 23, 2003 MEETING:

CHAIRMAN MARK GETMAN: Meeting advertised as a public hearing, will hold an informal public hearing, not called for at this point and will explain.

Reason here tonight, at last meeting did some corrections to the map, did this as the same process as rezoning, held a public hearing for the 26 zoning map errors, advised by consultant to conduct the hearings.

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Opinion from Attorney McNamee re: corrections to Clay Township Zoning Map. According to a case law, it was not necessary to hold a public hearing for any of the zoning map errors where the map was colored incorrectly, did not constitute a rezoning process, errors cannot inadvertently or accidentally legislate, you can deliberately pass some legislation that might be a mistake, typographical errors are not automatically rezonings, all we would had to do when we noticed there was an error was to acknowledge it and make the changes administratively. The changes to the map would not need to proceed to the County or Township Board since it was not a rezoning or needed public hearings.

McNamee's opinion re: vacant property (part of) #74-140570002 on Pte. Tremble Road: Zoning Map indicates all commercial from M-29 to Phelps Road, most Planning Commissioners had assumed it was previously zoned all multiple residential, therefore, changing it back to Multiple Residential and a portion of it on M-29 to Commercial as we thought was incorrectly zoned, turned out it was never zoned multiple residential in the front, 650' from M-29 towards Phelps has always been commercial as is most of the property surrounding area.

McNamee commented on the public's concern re: Notice published in the newspaper, was to make the corrections on the map, emphasize was not to rezone, could be confusing and not the way to do it as was advised by our consultant.

Per McNamee make a motion to amend the action that was taken at the April 23, 2003 Planning Commission meeting and approve what was submitted initially.

Anyone in the public that would like to address the issue?

No comments.

Planning Commission comments:

Sharrow: questioned if a motion was needed to reconsideration to put this back on the agenda.

Getman: no since following legal advise.

Makuch: do we have to rescind the original motion.

Getman: cannot, could only have done that at the original meeting, only amend the action taken.

O'Conner: questioned map really has not changed, same as originally zoned before errors.

Getman: any properties that were colored incorrectly on the map did not constitute a rezoning.

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MOTION BY DEBOYER, SUPPORTED BY MICHEL, TO AMEND THE ACTION TAKEN AT THE LAST PLANNING COMMISSION MEETING AND APPROVE THE MAP CORRECTIONS ON THE MAINLAND AS THEY WERE PRESENTED AT THE APRIL 23, 2003 PLANNING COMMISSION MEETING.

AYES: ALL. NAYS: NONE. ABSENT: KELLER, ANTKOWIAK.

MOTION CARRIED.

Chairman Getman: Notify the Board and the County officially of the changes on the Mainland and Island zoning map.

Sharrow: Cover letter from the Chairperson to the County explaining legal advice concerning the issue.

Chairman: Cannot address any other items on the Agenda since the meeting is designated a special meeting.

10. PUBLIC COMMENT: None.

11. ADJOURNMENT

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the special meeting at 7:45 p.m. AYES: All. NAYS: None. ABSENT: Keller, Antkowiak.

Valerie J. Kulba
Recording Secretary