

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 11, 2003 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: Chairperson Mark Getman, Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Tony Antkowiak, Edward Keller.
Absent: None.

Also present was Wade-Trim Planner Julie Johnston and Zoning Enforcement Officer Tim Wiggle.

3. **COMMUNICATIONS:** None.

4. **APPROVAL MINUTES OF MAY 28, 2003:**

Moved by Cooper, supported by Antkowiak, to approve the May 28, 2003 Planning Commission Minutes as amended:

- page 3, last paragraph: Chairman Getman comment should read "if never the intention of the Planning Commission to change the Ordinance, may not have to amend."

ALL IN FAVOR OF APPROVING THE MINUTES AS AMENDED:

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

MOTION CARRIED.

5. **OLD BUSINESS:** SITE PLAN CONSIDERATION

FRUIT ROAD STORAGE

RON KAHL

Chairman Getman: Status is Site Plan postponed from 6-months ago, nothing new has been submitted

Board Comment:

Tony Antkowiak: Confused as to what opinion using, dealing with Ord. 89 or Ord. 123.

Chairman Getman: Ordinance 123, use the opinion of Township Attorney John McNamee, Attorney Dan Dalton can only prosecute the Zoning Ordinance and not give legal opinions, clarified some confusion to the members re: applied for a building permit prior to adoption of Ord. 123, Zoning Ordinance is what controls the site plan, did not apply for a site plan until after effective date of the new Ordinance, current Ordinance would require the removal of the steel fence and some minor landscaping.

Chuck Michel: Questioned the drive.

Chairman Getman: Opinion from Attorney months ago stating it would be on the new site plan.

Sandra O'Conner: Questioned if applicant has been getting help from the Twp. in the process.

Zoning Enforcement Official Timothy Wiggle: Confusion what Ordinance it would come under, he has been left in limbo, needs some solid direction tonight.

Chairman Getman: Pointed out to Planning Commission, all direction to Mr. Kale has been under Ordinance 123 per Wade-Trim's direction and Attorney opinion, the applicant appealed our decision to one of the elected officials and that is how we got another legal opinion.

Pat Sharrow: Everything about the use in industrial, only thing we lack is a landscaping plan, 50' from the road, applicant do this in the next 60 days, willing to postpone.

Easement, applicant knows he will have to dedicate the easement or put a driveway in this one.

Apparent the fence will have to come down.

John Makuch: Applicant has a good idea, like to see it work, need the landscaping.

Ron Kaul, applicant: More than the landscaping across the front, landscaping down the side per Wade-Trim, letter from Wade-Trim stated approved site plan.

Chairman Getman: Wade-Trim makes recommendations to the Planning Commission, fees were waived, Planning Commission followed Ordinance 123.

Makuch: Rely on Wade-Trim as Planning Commission's professional guidance, don't agree with them all the time, there to help us legally, asked applicant do you plan to put in the landscaping and a fence.

Sharrow: Doesn't need a fence, sheet metal has to come down, Ordinance requires 5% landscaping of the total area, 50' front yard, landscaping can be a lawn, requires 2-30' side yards, 50' rear yard, not indicating any outside storage.

Ron Kaul: Property has to be secured so has to be a fence completely around it.

Chuck Michel: Use a chain link fence.

Sharrow: Questioned why do you need a fence around it.

Kaul: Idea of a storage area is to keep it secure.

Questioned if a chain link fence is allowed in the front in the industrial area.

Ed Keller II: questioned key issue is the difference between Ordinance 89 and 123.

Chairman Getman: Restated the facts re: legal from Attorney Dan Dalton.

DeBoyer: Noted stamp date for a site plan is October 14th.

Chairman Getman: Plan not deficient, fact it needs a landscaping plan.

Sharrow: Page 90, last sentence "...open space front yard must remain unoccupied and unobstructed from the ground up except for landscaping, plant materials or vehicle access...."; opinion cannot be a fence in the front, could place a fence from the corner of the building to the side yard and around the rear, don't know how it would leave it unsecure.

John Makuch: understand the concern for security, can put up a chain link fence and surround the property as long as the setbacks are all met and can meet the landscaping requirement.

Dorothy DeBoyer: Ordinance Under fences in nonresidential indicate where security of industrial and commercial property is a concern, Planning Commission may approve an 8' fence with barbwire.

Ron Kahl: Fencing is already there, building back 80' from the front.

Wade-Trim Consultant Julie Johnston: Planning Commission can allow the 8' fence, can vary where the fence will be located, 50' back from the part where you are meeting that front yard setback.

Makuch: Go back 50' from the property line, put up a 6' chain fence, tear the existing fence down will have a fence all the way around your building, no problem with it.

Ron Kahl: According to the Planning Commission only way get to build, take down the metal fence, 50' chain link across from each side and put 196' across and leaves me a 50' open area to plant grass.

What has to be down to keep the existing driveway?

Chairman Getman: Referred to Mr. McNamee's letter, applicant needs to record the easement on parcel 4 establishing a permanent ingress/egress to parcel 5.

Sharrow: In the future if you want a drive on Parcel 5, could remove that recorded easement.

Ron Kahl: Questions how do you have an easement recorded, in the future want to put drive on Parcel 5, butting the driveways in Parcel 4 & 5, problem have a Michigan Bell box on the property line.

Discussed a solution to the problem.

Board consensus easiest way is the recorded easement.

Owner on Lot 5 has the right to use the driveway on Lot 4 to access the building on Lot 5.

Applicant questioned

MOTION BY MAKUCH, SUPPORTED BY SHARROW, UPON

6. **CHAIRMAN'S REPORT**

Remind members the Zoning Ordinance No. 123 is now in affect, don't get rid of your Ordinance 89, may still get something that you may have to refer back.

Planning Commission Meeting on Nov. 13th is the Public Hearing on the Master Plan.

Nov. Planning Commission meeting will be held on Tuesday, 11-26 and not on Wednesday due to the Thanksgiving Holiday.

7. **PLANNING COMMISSION COMMENT:** None.

8. **PUBLIC COMMENTS:** None.

9. **ADJOURNMENT:**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the special meeting at 7:40 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary