

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON APRIL 14, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

1. Chairman Dorothy DeBoyer called the regular meeting to order at 7:30 p.m.
2. Roll Call: PRESENT: Mark Getman, Edward Keller, Chuck Michel, Michael Watson, Pat Sharrow, John Makuch, Dorothy DeBoyer. ABSENT: Tony Antkowiak (Excused). Also present was Community Planner Consultant Patrick Meagher and Zoning Official Timothy Wiggle.
Noted Sandra O'Conner resigned from the Planning Commission and the Township Board of Trustees accepted her resignation on 4-5-04.
Secretary John Makuch to write a letter to Sandra O'Conner from the Planning Commission thanking her for her service to the community.
3. **Communications:** None.
4. **Approval of Minutes:** February 25, 2004

Moved by Getman, supported by Sharrow, **MOTION CARRIED**, to approve the March 24, 2004 Minutes as submitted. AYES: All. NAYS: None. ABSENT: Antkowiak.

PUBLIC HEARING

5. RE-ZONING 123-7 – RICHARD SZEFER VACANT LOT TAFT ROAD

Chairman DeBoyer: Instructions re: public hearing to the public.

Open the Public Hearing re: Re-Zoning 123-7 vacant lot Taft Road.

Applicant Richard Szefer, 8812 Anchor Bay Drive:

Stated the reasons requesting the re-zoning from RS to R1, extend St. Clair Road and service to people having lots on Lakepointe, sewer & water in this whole district and treat as one whole group, if no sewer and water that is the reason there is an RS Zoning, cross districting, our property is RS1 and R1, two different zoning, per your Ordinance can ask for a medium zoning; lots proposing to do are 72-80' lots, not small, will have water and sewer, giving up 36' of property to extend St. Clair Street, would give Lakepointe residents more advantages of their property, parcel in harmony with surrounding R1 Zoning area, business district, schools, twp. hall is within walking distance, makes sense to re-zone to R1, affordable size lots for families to start a home.

Michael Watson: Did you contemplate RS2, per the Master Plan.

Richard Szefer: Lots 100' frontage by 365' deep, too deep of lots, not in favor of it, property is only 427' wide.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 2

George Clark, 7068 Trumble Ln. Applicant: One side lots are 50' and the other side is 100' lots, 70'-80' lots would be a good transition, subdivision plan.

Pat Sharrow: Should not be looking at plans when considering rezoning.

Chairman DeBoyer read into the record three (3) letters concerning the re-zoning:

- Letter 4-12-04 from Jeff and Lisa Castonia, 9305 Folkert Road opposed to the re-zoning.
- Owner, Lot 1 of the Henry Wanket Estate, connected to the 4926 Taft Road, opposed to the re-zoning, list of many unanswered questions if this re-zoning is approved. Arthur and Janet Wanket, 4930 Taft Road.
- Wendel and Sandra Kumer, 9565 Folkert Road: Object to the variance and re-zoning on this property, submitted questions on 10-17-02 and these have not been answered since not having an answer as to what the true and final intention on the parcel is.

Joe William: Comment written on a notice he is for the re-zoning.

Public Comments from the floor in favor of the re-zoning:

1. Richard Mroz, 9440 Lakepointe: Own two lots 186 & 187 St. Clair Blvd. Unplatted, would like to build on those lots, build on a 66' paved road than a 36' road, many benefits to future land holders.

No other comments in favor.

Public Comments opposed to the re-zoning:

1. Angela Sherigan, 9400 Lakepointe: Speaking for husband Michael and neighbors at 9407 Lake Pointe. Issues are: extension of St. Clair Blvd. would give our lots frontage on the road, won't build on them, swale runs through our backyards, close to flooding, where is the easement, additional taxes, natural landscape will be disrupted.

2. Ernest/Mary Braun, 9376 Lakepointe: New road would be beyond our property; children play in this area, a big concern to all of us.

3. Pauline Dueweke, 4913 Taft Road: Concern is the proposed private road, busy area with schools, mobile park, etc., not a good idea to have another intersection close to Folkert.

4. Denise Sartain, 9544 Lakepointe: Not for it or against it, too many questions not answered re: will it be a finished road, who would pay for the pumping station, County road spec, etc.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 3

5. Al Goerke, 9398 Lakepointe: Back up to the property in question, swale drain runs through property, if anything is done back there, attention would have to be given to the swale drain.
6. Joe Dueweke, 4913 Taft Road: Average lot size is 78' up and down the street, wider lots bring more to a community than narrow ones.
7. Mike Sherigan, 9400 Lakepointe: Moved here because loved the area, road and easement he wants to extend will knock the view out and make it look bad.
8. Harold Thomas, 9388 Lakepointe: Opposed to a sub, but would like the road.

Applicant Richard Szefer: Contacted Drain Commissioner Fred Fuller, area needs to be cleaned out, definitely is a drain problem, like to show the people what we have planned for the area.

Chairperson DeBoyer: Reiterated the hearing is on re-zoning only and not the development.

Planner Patrick Meagher: Hearing tonight is for the rezoning of the property allows for certain density of use, any design applicant would show at this time, does not necessarily have to be followed through, don't know what can happen in the future, property may turn over, design may not be the one developed, cognizant of the fact that any plans shown would only be a concept; clarify the property to the west per the review is correct that zoning is R1.

Pat Sharrow: Isabelle Acres is zoned R1, the balance of the property on Folkert is RS, applicant's property would be going beyond Isabelle Acres.

Questions from the Planning Commission members:

Pat Sharrow: Any wetland area.

Richard Szefer: Will have to give some property up for the wetlands.

No other comments will close the public hearing.

Chair DeBoyer: Reminder this was a public hearing tonight, no decision, will be on a future agenda for a determination.

6. **LOT SPLIT 04-02** **JONATHAN BALL** **8029 MCKINLEY ROAD**

Jonathan Ball, applicant: Requesting a lot split on my property, 3-1/2 acres, meets the zoning requirement of 1 acre, split the property and plan on selling it.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 4

MOTION BY SHARROW, SUPPORTED BY MICHEL, LOT SPLIT MEETS ALL THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE LAND DIVISION ORDINANCE, RECOMMEND TO THE TOWNSHIP BOARD THAT LOT SPLIT 04-02 FOR JONATHAN BALL, 8029 MCKINLEY ROAD BE APPROVED.

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

MOTION CARRIED.

7. **LOT SPLIT 04-03 DR. KENNETH BOLLIN 6750 SWARTOUT**

Dr. Kenneth Bollin, Applicant: Perfect 10 acre square 660' x 660', most of the structures are on the eastern side of the property, split off the west 4 acres which is 296' x 660', portion has a 25' sq. 2-story block building on it, according to regulations, would have to go before the ZBA for a variance, 1st step is start with Planning Commission.

Michael Watson: Questioned the drawings.

Dr. Bollin: the request is for two parcels.

MOTION BY MICHEL, SUPPORTED BY GETMAN, TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD PENDING THE ZONING BOARD OF APPEALS APPROVING THE VARIANCE ON PARCEL B FOR THE ACCESSORY STRUCTURE ON THE VACANT LOT, APPLICANT DR. KENNETH BOLLIN, 6750 SWARTOUT ROAD. AYES: ALL. NAYS: NONE. ABSENT: ANTKOWIAK.

MOTION CARRIED.

8. **DISCUSSION ON SEVERAL ITEMS:**

(a) **WILLIAM & CHRISTINE BRISSE RE: FARMSTAND/FARM MARKET**

William & Christine Brisse, 8168 Marsh Road: Operating a road side farm market stand since 1987, explained the materials in the packets for each Commission member, believe we are operating under Ordinance 89, in total compliance with the farm market stand we are operating, explained how they got started.

Chairperson DeBoyer: Thank you for this information and comments, we as Planning Commissioners will look at this and Zoning Ordinance and talk with our Planner also. Do not use Ordinance 89 since 2003, Ordinance 123 is the one the Planning Commission works with.

Commissioner Mark Getman: Referred to Ordinance 89, Section C. was not in compliance, products must be 80% grown in St. Clair County.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 5

Mr. Brisse: Are in compliance, last couple of years have expanded out to purchase products, want to continue to operate the stand and be viable for this community.

Chairperson DeBoyer: Request all Planning Commission members review the material from Mr. and Mrs. Brisse and at the next meeting have Mr. Wiggle give us a report how we have gotten to this point. Issue is requesting a farm market, not allowed in any of our zoning districts, previously was a farm stand, there is a difference between the two.

Zoning Official Timothy Wiggle: Expanded last year from a small farm stand to having a tent, operation grew, appears to be a farm market, definition of a “farm market” is in the ordinance does not state anywhere in the Ordinance that it is allowed, they are appealing it is to be continued as non-conforming, a farm stand is allowable in this zoning, not a farm market.

Planner Patrick Meagher: Material submitted will be reviewed, referred to changes to farm market in the new ordinance, same requirements for a special land use to apply for a farm market called an agricultural business, opportunity to review, research and when expansion took place and offer you a written opinion at the next meeting.

(b) **ELECTIONS**

Questions by Commissioners regarding the election of Officers, word for word of the tape from that meeting, asked to obtain a legal opinion, do not have a written opinion, spoke with an attorney from MTA, a motion was made to nominate, vote was taken, normally there would be nominations, close nominations and then there would be an election, it did not happen that way that night, recommended by the MTA Attorney to poll the Commission and ask “what did you think you were voting for, was it a nomination or voting on an election?”

Pat Sharrow: voting on an election.

Michael Watson: voting on the election.

John Makuch: voting on an election.

Mark Getman: voting on an election.

Chuck Michel: made the motion, voting on the election.

Edward Keller was not at the meeting.

Chair DeBoyer: Clear everyone thought they were voting on an election, the election stands.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 6

(c) BY-LAWS

Chairperson DeBoyer opened the discussion re: updating and amending the Planning Commission By-Laws.

Mark Getman: Reviewed the sample by-laws, agree some amendments need to be made, a committee made up from the Commission appointed by the Chair to review and report back what will work.

Michael Watson: Concern re: Robert Rules of Order is that what we go by?

Chairperson DeBoyer: It is a guideline.

Planner Patrick Meagher: Currently Robert Rules of Order do govern, strong language to operate a meeting, need to ease up.

Committee volunteers to review the By-Laws will be: Mark Getman, Michael Watson and Chuck Michel. Purpose of Committee: Update and add to our by-laws and bring back their recommendations to the Planning Commission.

(d) POLITICAL SIGNS

Chair DeBoyer: Attorney General opinion is covered under “Freedom of Speech”, can put a time limit how soon has to be taken down, cannot be less than ten (10) days.

Pat Sharrow: Can't require the signs be put up more than 30 days prior to an election.

9. CHAIRMAN'S REPORT

Chair DeBoyer: Resident has questioned where you are allowed to have horses, ordinance prohibits platted lands to keep a horse, subject matter would like the Commissioners to review and bring it back for further discussion.

10. PLANNING CONSULTANT'S REPORT

Consultant Patrick Meagher: Article 28 revisions: Zoning compliance permit constitute his signature on the occupancy/building permit application, Commissioners review the revisions, next month can start with Section 301 and Section 305.

Plan is to review sections, advertise for a public hearing and revisions adopted.

11. ZONING ADMINISTRATOR COMMENTS

Timothy Wiggle submitted a report all the cases since 2002 update on these projects to this point.

PLANNING COMMISSION MINUTES – APRIL 14, 2004

Page 7

12. **PLANNING COMMISSIONER'S COMMENTS:**

John Makuch: What is the process of filling a vacancy on the Planning Commission.

Michael Watson: Questioned the Planner's submittals, confused which ones do we review.

Chair DeBoyer: Request Commissioners review and will talk about the proposed changes.

13. **PUBLIC COMMENTS:** None.

14. **ADJOURNMENT**

Moved by Michel, supported by Watson, **MOTION CARRIED**, to adjourn at 8:50 p.m.

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

Valerie J. Kulba
Recording Secretary