

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON MAY 12, 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: Chair Dorothy DeBoyer, Mark Getman, Vice-Chair, John Makuch, Secretary, Michael Watson, Patricia Sharrow, Tony Antkowiak, Edward Keller, George Lyle. ABSENT: Chuck Michel (excused).
Also present was Community Planner Consultant Patrick Meagher and Zoning Official Timothy Wiggle.
3. **Communications:** None.
4. **Approval of Minutes:** April 28, 2004

Moved by Getman, supported by Makuch, **MOTION CARRIED**, to approve the April 28, 2004 Planning Commission Minutes with the following correction: Change the Re-Zoning No. 123-07 referred to on page 1 and page 2 to Re-Zoning No. 123-08.

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

5. **OLD BUSINESS:**

RE-ZONING 123-08

RICHARD SZEFER

VAC. LOT TAFT ROAD

Applicant Richard Szefer comments: Packet presented to Commissioners, review of what it covered: Legislative outlook re: zoning in lower income area and what is the outcome, etc; review of the history of the re-zoning since 1999, reasons zoning should change to R-1, Isabella Acres re-zoning and their advantages, etc.

Chair DeBoyer: Map distributed indicating surrounding zoning, applicant encircled by R-1, any Commissioner's thoughts.

Secretary Makuch: Opinion re: two zoning possibilities, advantages, economics, etc.

Pat Sharrow: Times and opinions change over the yrs., possible solution one-half of property zoned R1 the same distance to the north as Isabella Acres leaving a portion of it as RS to fit in with the other RS or RS1, applicant plans to open St. Clair Blvd., benefit for the platted lot owners, option lot averaging, cluster housing, wetland open space.

George Lyle: Suggested a zoning between R1 and RS2.

Richard Szefer: Waiting for this re-zoning a long time, will have open space in this property.

Tony Antkowiak: Ms. Sharrow compromise a good idea, questioned wetlands location.

Richard Szefer: Wetland location has been different, marginal .

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Pat Sharrow: County stated Township not providing for all types of housing, not true, indicated the area available for 400-500 homes on 50' lots and dense development.

Mark Getman: Also agree, a good use of the land, possibility of cluster housing.

John Makuch: Draw a line across from where the Isabella Acres goes from RS1 to R1, everything below should be zoned R1 for the consistency, zoning ordinance change suggestion by Mr. Lyle is a good idea, other areas zoned R1 not been any development, economics will dictate the homes built and sold.

Michael Watson: Idea is excellent, should work out well, hope it is developed in that matter, questioned splitting the property and what could happen to the area not rezoned?

Richard Szefer: Planning on building in sections, complete some of the homes.

Chair DeBoyer: Master Plan and Zoning Ordinance regarding RS1 intended to be a rural area and water and sewer not something that is put in immediately, ideas suggested are good and reasonable.

MOTION BY LYLE, SUPPORTED BY SHARROW, TO RECOMMEND RE-ZONING 123-08 TO THE TOWNSHIP BOARD TO RE-ZONE THE PROPERTY TO R-1 BACK TO LOT 00252H ON THE WEST AND TO THE PROPERTY LINE BETWEEN LOT 211 AND 210 ON THE EAST AND LEAVE THE REMAINING PORTION TO THE NORTH RS1.

R/C VOTE: AYES: SHARROW, WATSON, KELLER, LYLE, MAKUCH, GETMAN, ANTKOWIAK, DEBOYER. NAYS; NONE. ABSENT: MICHEL (EXCUSED).
MOTION CARRIED.

Zoning change further described as: Parcel number 74-14-052-0025-100, Map number W00216B2, being a portion of the parcel to be Zoned R-1 from RS-1 North to the South line of W#00252H on the west property line, and between Lots 211 and 210 on the east property line. Depth of the portion to be rezoned will be approximately 1865.44 feet on the west property line and 1605.44 feet on the east property line. The remainder of the property to the North to remain as RS-1.

6. LOT SPLIT 04-04 JOHN CHAFFEE, JR. VACANT ZOBL CT.

Mark Magness, 7495 Zobl Ct. Representing Les Golewski and John Chaffee and himself, Plan is to purchase property, split it to match the three properties across the street.

Open it up to the Commissioners:

Michael Watson: Questioned the location.

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Pat Sharrow: Present homes closer to conformance, missing is three proposed deeds to include their present property/home and the addition of the 30' or 60' recorded, present deeds if recorded would have a separate 30' lot, legal document is not here.

Mark Magness: How do I get that document before the land is purchased?

Pat Sharrow: Can still draw up a proposed deed.

Chair DeBoyer: Per Assessor, the owner initially purchasing the land did not want to draw the deed up unless he knew it would be approved, possibly could be a condition.

MOTION BY SHARROW, SUPPORTED BY WATSON, TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT #04-44 FOR JOHN CHAFFEE, JR. FOR VACANT ZOBL COURT PENDING THE THREE PROPOSED DEEDS WHICH INCLUDE THE THREE (3) DIFFERENT PEOPLE PRESENT PROPERTY AND THE ADDITION, ONE DESCRIPTION FOR THOSE COMBINED PIECES ARE PRESENTED AT THE TOWNSHIP BOARD.

R/C VOTE: AYES: SHARROW, WATSON, KELLER, LYLE, GETMAN, MAKUCH, ANTKOWIAK, DEBOYER.

NAYS: NONE. ABSENT: MICHEL (EXCUSED).

MOTION CARRIED.

7. **PUBLIC HEARING:**

SPECIAL APPROVAL LAND USE/SITE PLAN CONSIDERATION

SILENT ACRES FARM, INC. 2040 GOLF COURSE ROAD

Chairperson DeBoyer: Decision will not be made tonight, stated procedure to follow when making your public comment, applicant can speak first followed by public comments.

John Horvath, 2040 Golf Course Road: Proposing to do something have done right along, requesting from the Commissioners is the ability to sell a load of dirt occasionally.

Chairperson DeBoyer opened the public hearing:

Public comments in favor: None.

Not in Favor:

Jon Manos, 2280 Golf Course Road: Own the adjoining property to Mr. Horvath, would like letter sent which addresses many concerns the Board should know when considering to reinstate this S.A.L.U. Recap of the former events regarding the soil removal operation.

Jack Sears, 2031 Golf Course Road: Against any commercial activity on Cottage Lane.

Chairperson DeBoyer: Read the following correspondence into the record:

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Silent Acres Farm, Owners John and Donna Horvath requesting permission to be able to remove dirt from the property occasionally.

Harry a. Yax, 2538 Cottage Lane: Against the request from Mr. and Mrs. John Horvath to allow a special land use for 2040 Golf Course Road, area is zoned residential.

Jon E. Manos, 2280 Golf Course Road: Own the adjoining property, stated reasons why the application from Mr. Horvath for a special approval land use should be denied and the reasons to support this.

Petition was submitted by Mr. and Mrs. John Horvath with approximately sixty (60) signatures from Island residents not objecting to the proposed soil removal project.

Commissioners have been supplied with the Planner's questions to the applicant and the responses, update as of May 10th.

No other public comments.

Chairperson DeBoyer closed the public hearing.

Chairperson DeBoyer: Commissioners to review the materials supplied to you, refer to the Master Plan, Zoning Ordinance and the copy of the Guide to Planning & Zoning (Chapter 16) these reference guides and documents should be reviewed before a decision is made.

Mark Getman: Recommend Mr. Meagher meet with Attorney McNamee regarding the Court decisions and he be brought up to date in order to make his opinion.

Mrs. Horvath: Petition signatures comment, some of the comments made tonight did not relate to this.

Mr. Horvath: Property is not residential, Township turned us to RS, State in 1994 made us Agricultural Real Property. Sell and haul some dirt that is all we want to do, back pond when done with it will be a catfish pond.

Pat Sharrow: Not a complete site plan for Commissioners to make a proper decision, cited specific missing items.

John Horvath: Comments regarding the issues.

Mark Getman: Patrick Meagher contacting Township Attorney to be brought up to speed.

Patrick Meagher, Planner: Couldn't hurt to get some background if no one has done that, Mr. Kras has indicated he has had discussions with the Attorney, no problem talking with him.

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8. **CHAIRMAN’S REPORT**

Chairperson DeBoyer: Reminder if any Commissioner’s have an email address, inform Patrick Meagher and info can be forwarded.

No By-Law report from the Committee.

Set up a time for the Committee looking at amendments to meet and discuss them.

9. **PLANNING CONSULTANT’S REPORT**

Patrick Meagher: No, except would like to set up the committee meeting.

10. **ZONING ADMINISTRATOR COMMENTS** None.

11. **PLANNING COMMISSION COMMENTS**

Welcome to the new Planning Commission member George Lyle, welcome aboard!

12. **PUBLIC COMMENTS** None.

13. **ADJOURNMENT**

Moved by Getman, supported by Watson, **MOTION CARRIED**, to adjourn the meeting at 8:36 p.m. AYES: All. NAYS: None. ABSENT: Michel.

Valerie J. Kulba
Recording Secretary