

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING
HELD ON AUGUST 11, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP MEETING HALL,
4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

1. Chairperson Dorothy DeBoyer called the regular meeting to order at 7:30 p.m.
2. Roll Call: PRESENT: Chairperson Dorothy DeBoyer, Vice-Chairman Mark Getman, Secretary John Makuch, Pat Sharrow, Tony Antkowiak, Edward Keller, George Lyle, Michael Watson, Chuck Michel.
ABSENT: None.

3. **AMENDMENTS TO AGENDA:** None.

4. **COMMUNICATIONS:**

Chair DeBoyer: Letter sent from Attorney McNamee about Champion's Ferry, David Bryson. Clarified issues in the letter that do not reflect what transpired at the Site Plan Review Committee.

5. **APPROVAL OF MINUTES:** July 28, 2004

Moved by Getman, supported by Watson, **MOTION CARRIED**, to approve the July 28, 2004 Planning Commission minutes with the following corrections:

- Page 1, 5 paragraphs from the top: "Chair DeBoyer informed the Planning Commission received information from Donna Horvath regarding Silent Acres issue...."
 - Page 3, 9th paragraph from the top: Pat Sharrow's comment to read "Change the 2nd one, noted Zoning Ordinance required the slope."
 - Page 3, 2nd paragraph from the bottom: Chairperson DeBoyer comment: "Plan submitted earlier....." replaces the word admitted.
 - Page 6, 4th paragraph from the bottom, last sentence of paragraph: ".....all Commission members shall vote and chairperson shall vote last."
 - Page 6, last paragraph, referred to Section II: "Suggestion on Agenda, same as we have now except it includes...." replaces the word accept.
 - Page 7, 6th paragraph from the top: Second line the word should be chance and not change.
- VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

Brief discussion regarding Ira Township Amended Master Plan sent to Chair DeBoyer for our review. Cottrellville Twp. is revising their Master Plan, letter requesting a copy sent to Clay Planning Commission.

6. **OLD BUSINESS:**

7. **N & N DEVELOPMENT (TACO BELL)** **5460 PTE. TREMBLE ROAD**

Planning Commissioner Pat Sharrow asked to be excused from the Taco Bell issue at 7:40 p.m.

PLANNING COMMISSION MINUTES – AUGUST 11, 2004

Page 2

Planner Patrick Meagher: Summary of Planner's comments:

Sidewalk location: parking lot is up to the right of way, if sidewalk were moved into the right of way, landscaping would have to be removed. Advise keep sidewalk on the property, paint a line, provide easement document allowing public cross access through the sidewalk.

Signs: Sign is outside of the right-of-way per a boundary survey.

Dumpster gates should require a permanent hinge to keep them closed.

Chuck Michel: Progressive sidewalk development by DDA, what affect would this have on the sidewalk at Taco Bell?

Planner Meagher: Adjacent neighbors would have to taper their sidewalk into this one and get back into the right of way.

Brief discussion regarding the DDA proposal for sidewalks to build every year.

Right of Way Study was done by METCO for DDA to the cost of \$85,000.

Planner Patrick Meagher would be interested in obtaining a copy.

John Makuch: Questioned applicant re: landscaping, like to see bushes between the trees especially in the front, concern is car lights shining into neighbor's property.

MOTION BY GETMAN, SUPPORTED BY WATSON, PURSUANT TO THE RECOMMENDATION FROM COMMUNITY PLANNING & MANAGEMENT, THE PLANNING COMMISSION APPROVES THE N & N DEVELOPMENT (TACO BELL), 5460 PTE. TREMBLE ROAD SITE PLAN AND TO ADDRESS THE ISSUES PER THE PLANNER'S REVIEW: RECOMMEND A LINE PAINTED DESIGNATING THE 5' WALK AREA ALONG THE CENTRAL FRONTAGE OF THE PARKING LOT AND THE DUMPSTER BE REPAIRED AND PROPERLY MAINTAINED.

Discussion:

John Makuch: Consider two additional conditions: provide an easement document for the sidewalk, traffic pattern marked on the lot, west side of the building at the drive-thru window between tree #3 and #5 plant bushes to block the headlights.

Michael Watson: Bushes can be a traffic problem, suggest place an arrow sign at the concrete island, the sign would block the headlights.

AMENDED MOTION BY GETMAN, SUPPORTED BY WATSON, TO APPROVE THE SITE PLAN FOR TACO BELL, 5460 PTE. TREMBLE ROAD SITE PLAN WITH THE FOLLOWING REQUIREMENTS:

- SIDEWALK CONSTRUCTED ON THE PROPERTY, PAINT A LINE DESIGNATING THE 5' WALK AREA ALONG THE CENTRAL FRONT OF THE PARKING LOT.
- PROVIDE AN EASEMENT DOCUMENT INDICATING THE PUBLIC CROSS ACCESS THROUGH THE SIDEWALK AREA FOR FUTURE USE.
- DUMPSTER HINGE REPAIRED AND PROPERLY MAINTAINED.
- TRAFFIC PATTERN FLOW MARKED CLEARLY ON THE LOT.

PLANNING COMMISSION MINUTES – AUGUST 11, 2004

Page 3

(MOTION CONTINUED)

● ARROWED EXIT SIGN PLACED ON THE EXTENSION OF THE CONCRETE ISLAND ABUTMENT, SIGN PLACED IN A FASHION AND AT A HEIGHT TO BLOCK ANY HEADLIGHTS THAT SHINE INTO THE NEIGHBOR’S YARDS ACROSS PTE. TREMBLE ROAD.

VOTE ON THE MOTION: AYES: ANTKOWIAK, KELLER, LYLE, WATSON, MICHEL, MAKUCH, GETMAN, DEBOYER. NAYS: NONE. ABSENT: NONE.
ABSTAINED: PAT SHARROW.

MOTION CARRIED.

Planning Commissioner Pat Sharrow rejoined the Board at 8:00 p.m.

**Chairperson DeBoyer recessed the meeting at 8:00 p.m. to complete the proper paperwork for the Taco Bell site plan
Meeting called back to order at 8:10 p.m.**

**8. RE-ZONING 123-9
PTE. TREMBLE L.L.C./ROBERT MONTE 2420 PTE. TREMBLE ROAD**

Chairperson DeBoyer: Attorney Gendernalik called had a conflict in his schedule. He requested his client’s re-zoning 123-9 postponed until the next Planning Commission meeting 8-26-04.

MOVED BY GETMAN, SUPPORTED BY WATSON, **MOTION CARRIED**, TO POSTPONE THE RE-ZONING 123-9 FOR PTE. TREMBLE L.L.C./ROBERT MONTE AT 2420 PTE. TREMBLE ROAD PER THE APPLICANT’S REQUEST TO THE PLANNING COMMISSION MEETING TO BE HELD ON THURSDAY, AUGUST 26, 2004. AYES: SHARROW, WATSON, LYLE, GETMAN, MAKUCH, ANTKOWIAK, KELLER, DEBOYER. NAYS: MICHEL. ABSENT: NONE.

NEW BUSINESS:

9. LOT SPLIT: 04-05 NORMA HALKIAS VAC. FRUIT ROAD

Comments:

Pat Sharrow: Appears lot rezoning to residential was never split, intend to build a house.

MOTION BY SHARROW, SUPPORTED BY GETMAN, **MOTION CARRIED**, TO RECOMMEND APPROVAL OF LOT SPLIT 04-05 TO THE TOWNSHIP BOARD FOR NORMA HALKIAS, VACANT FRUIT ROAD. AYES: ALL. NAYS: NONE. ABSENT: NONE.

PLANNING COMMISSION MINUTES – AUGUST 11, 2004

Page 4

10. LOT SPLIT: 04-06: JOHN SHAMO VAC. LAND (REAR) S. CHANNEL

Chairperson DeBoyer: Per Assessor he is dividing rear main parcels with the adjacent property owners, this parcel is rear land which will be added to each parcel fronting on S. Channel.

Pat Sharrow: Not a lot split but a property line adjustment.

John Makuch: Need a depth ratio 5-1 20' variance.

Dorothy DeBoyer: To get a better understanding need to look at the preliminary proposed property split, smaller one is confusing.

Agree will require a variance, all individual lots, creating nonconforming lots.

MOTION BY MICHEL, SUPPORTED BY MAKUCH, TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT 04-06 SUBJECT TO THE VARIANCE BY THE ZBA REGARDING THE 5-1 RATIO.

Discussion:

Michael Watson: Now making lots that are not connected, lots are not conforming.

Chairperson DeBoyer: Referred to the quick claims.

Pat Sharrow: Quick claims are for separate little parcels, should be a condition to redo the deeds, if ZBA approves the variance, want the issue to return to the Planning Commission for review of the Deeds.

AMEND THE MOTION BY MICHEL, SUPPORTED BY MAKUCH, TO RECOMMEND TO THE TOWNSHIP BOARD TO APPROVE THE LOT SPLIT 04-06 CONDITIONED UPON A VARIANCE GRANTED BY THE ZBA AND AFTER VARIANCE IS GRANTED WILL RETURN TO THE PLANNING COMMISSION FOR FURTHER REVIEW ON THE DEEDS FOR EACH PIECE OF PROPERTY AND THE VARIANCES FOR THE 5-1 RATIO.

Lengthy discussion by Commissioners re: questions of the depth of the lot, dimensions not agreeing, 60' easement, Annie Street on the map, etc.

Chairperson DeBoyer: Lots will be 50' x 270' finished.

Zoning Administrator Tim Wiggle: Referred to the west line dimension.

Michael Watson: Referred to the quick claim deed for Parcel A is 270' deep will be added to a 50' lot.

Tim Wiggle: Need a 70' opposed to a 20' variance, questioned the 1st parcel is 26', need a greater variance.

Michael Watson: If he does not split parcel A, then A & B would be one unit.

Chairperson DeBoyer: Lots A,B&C are all shown to be quick claimed to same people.

Pat Sharrow: Questioned the front land on the easement is it rear land? Questioned Annie Drive location and how it affects the lot split.

Planner Patrick Meagher: Easement on a right of way, recommendation table until more review can be done.

PLANNING COMMISSION MINUTES – AUGUST 11, 2004

Page 5

WITHDRAW ORIGINAL MOTION BY MICHEL, SUPPORTED BY MAKUCH.

MOTION BY WATSON, SUPPORTED BY LYLE, **MOTION CARRIED**, TO TABLE A DECISION ON LOT SPLIT 04-06 FOR JOHN SHAMO, VACANT LAND (REAR) S. CHANNEL, HARSENS ISLAND UNTIL MORE INFORMATION CAN BE OBTAINED FROM THE APPLICANT AND ASSESSOR. AYES: ALL. NAYS: NONE. ABSENT: NONE.

11. UPDATE ON: BY-LAWS

Chairperson DeBoyer: Copy of the By-Laws was given to the Commissioners with the talked about amendments for their review, next meeting can give your thoughts on the changes.

12. PLANNING CNSULTANT'S REPORT

Patrick Meagher: Preliminary item: site plan for Joe Stephenson Builders, currently rent space from him, would the Commission feel more comfortable if the site plan review was sent out? Board consensus: Commissioners are fine with Community Planning handling the site plan review for Joe Stephenson Builders.

13. ZONING ADMINISTRATOR COMMENTS

Timothy Wiggle: Previously addressed by the Chair was the Bryson situation, no comment.

John Makuch: Brisbay Restaurant comments re: lot being used as a parking lot.

Chairperson DeBoyer: Not a policing and enforcing Commission, owner has never has come to the Planning Commission for a site plan.

Tim Wiggle: Will send a letter and make contact with the owner, no approved site plan and using the lot as one.

Michael Watson: Any update on Wes Simons on composting and hauling stones.

Tim Wiggle: Have found out nothing, will keep an eye on it and if warrants any action.

14. CHAIRMAN'S REPORT

Chair DeBoyer: Reminder to the Commission the next Planning Commission meeting will be Thursday, August 26th due to the St. Clair County Commissioners will hold a meeting on Wednesday, August 25th.

PLANNING COMMISSION MINUTES – AUGUST 11, 2004

Page 6

15. PLANNING COMMISSION COMMENTS

George Lyle: Appears pipes are being laid on the Halkias property, what is going on?

Tim Wiggle: Jerry Green's property was approved for storage.

Pat Sharrow: What are we going to do about property owned by Ron Kaul, piling equipment and materials, did not apply for a site plan.

Chuck Michel: Cheers Restaurant, new owners never came to the Planning Commission, needs a site plan, illegal nonconforming use.

Tim Wiggle: Rebuttal regarding Cheers is legal.

Mark Getman: Questioned Cheers handicap parking location; comment re: Review received this evening, not leaving us a whole lot of time.

Planner Patrick Meagher: Received the plans on Monday, re-zoning sent last month.

Edward Keller: Questioned if Cheers is supposed to be discussed at this time? Clarification questioning an ordinance interpretation.

16 PUBLIC COMMENTS

Richard Baker, Stone Road: Mrs. Sharrow did not participate in the vote and discussion of Taco Bell because of a conflict of interest, object to this since she is the only representative I had a direct vote in.

Chair DeBoyer: Her choice to excuse herself, Commission is a nine member Board.

Pat Sharrow: Competition issue.

Richard Baker: Should not have preference over me.

17. ADJOURNMENT

Moved by Watson, supported by Michel, **MOTION CARRIED**, to adjourn the meeting at 8:45 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary