

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 8, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 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. APPROVAL OF MINUTE: August 28, 2004

Amend minutes as follows: Page 2, bottom section, Update: By-Laws: 2nd sentence, eliminate the word "Vice" should be "Vice Chair"; last sentence comment re: Rules of Order: suggested use the wording that was presented by the By-Law Committee.

Page 1, bottom motion re: postpone Re-zoning 123-9; vote by Michel was a "Nay".

Moved by Getman, supported by Michel, MOTION CARRIED, to approve the minutes as amended. AYES: All. NAYS: None. MOTION CARRIED. Absent: None.

5. COMMUNICATIONS: None.

6. NEW BUSINESS:

**RE-ZONING 123-11, 5555 GREEN DRIVE
PUBLIC HEARING:**

GERALD L. DI PONIO

Chairperson Dorothy DeBoyer: Reiterated the public hearing rules that are printed on the back of the Agenda, give your name and address, everyone will have an opportunity to speak. Over twenty letters were received expressing the same thing, will not read every letter, if want your letter read out loud, please let me know. The re-zoning decision will not be made tonight, Planning Commission and Planner will review, Planner will provide the Planning Commission with a recommendation, would be on the next Agenda.

Open the public hearing requested by Gerald Di Ponio on the re-zoning from C-3 to RM. for 5555 Green Drive.

Applicant Gerald Di Ponio: Convert the property known as the Island Yacht Club zoned C-3 General Business to RM Multiple Family Residential. Shared plans with some of the property owners and the current tenant Art Cook, he also explained the plans to the Commission members including condominium sizes, facilities, parking, latest on sewer and water treatment facility, etc. Comparisons what currently exists and the proposed condo project. Detailed how this project would have a positive impact on this area of fine homes. Objection is to enhance a presently commercially zoned property, want to develop a residential community in a more compatible situation that will be successful and not subject to change in the future.

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Chairperson DeBoyer: Stated the fact comments cannot be made by the Planning Commission as to the project, strictly rezoning.

Two letters read into the record are comparable to the twenty-three letters received regarding their objection and reflect pretty much the opinion of the surrounding property owner's letters. The letters are from David Gant, 4454 Green Drive and Bruce and Kathy Schweikart, 5615 Green Drive.

MOTION BY MICHEL, SUPPORTED BY GETMAN, TO ACCEPT ALL THE LETTERS SENT FROM THE PROPERTY OWNERS OBJECTING TO THE RE-ZONING OF 5555 GREEN DRIVE BE PUT INTO THE RECORD. AYES: ALL. NAYS: NONE. ABSENT: NONE. MOTION CARRIED.

Secretary John Makuch read what is allowed in the current zoning of C-3 and RM zoning.

PUBLIC COMMENTS:

In favor of the re-zoning:

Peter Winslor, Real Estate Broker: In favor of the re-zoning, Mr. Grenadier has wanted to sell the property for several years, Mr. Di Ponio has the vision and the motivation to convert the property into a better use, community will appreciate the high valued residential development rather than the other uses that could go there under C-3.

Against the Re-Zoning request:

Ray Robeski, 3798 Middle Channel: Family owned since 1917, Island a jewel, should be left as is, no sewers or full time fire dept., haven for fowl and fish, very opposed to the re-zoning.

Henry Denolf, 8344 Benson Hwy.: Applicant commented on the architecture, cannot keep that out of it.

Chairperson DeBoyer: If Planning Commission did rezone have no control over what is put on the property as long as it meets the requirements of RM, applicant cannot be held to what they plan to do.

Henry Denolf: C-3 zoning is a way to balance your commercial and residential properties, inappropriate balance lack of business on the Island, marina business is needed on the Island, many transient boaters need this type of marina. Environmental concern with the sewage treatment facility and the water for 25 units, if there is a power failure or the system fails. Board should think about these things before you change the zoning from C3 to R M.

Nick Sarzynski, Delta Hardware: Only three marinas on the Island to do large boat repairs, take one away, lose 33%, need the economic stability, mechanical people and service to contribute to the Island's economy.

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Barbara Persyn, 3455 Green Drive: Concern losing commercial land, Island has little, fire department protection, water to the Flats already a problem, traffic on M154 is already a problem and a project as this would create an increase, pollutants to the River.

Dick Chute, 2690 S. Channel: Years ago worked on the Master plan, at that time it was decided the property was commercial or single family; River has changed, let's do everything to get it back like it use to be.

Ken Quint: Own four lots from the marina, keep his boat at this marina, support the need for a commercial property there, many boats on the Island, no place to go to get service.

Doug Whipple, 4063 Green Drive: A 60' building would make the Island across the River resemble Grand Traverse Bay, Island has a unique character, like to see it maintain the integrity we now have.

Fred Franzel, 5489 S. Channel Drive: Own property adjacent to the present Island Yacht Club Marina, vested interest in this issue, own parts of lots 551, 552 & 553, decision made would have an impact on my property enjoyment, use and value; questioned Lot 551 & 552 only .82 acres is actually build able land, 20%of the land is water, applicant states 4 acres of land there for the project, in reality only talking 5 units. Height restrictions to consider, opposed to something of that height next door to me.

Referred to reviewing the paper in the Office on the subject matter, letter dated July 21, 2004 ref. File No.30173, letter appeared to be a synopsis of a meeting between representatives of the developer, owner and Planning Commission members, there evidently is a letter generated by the Township in response to the 7/21/04 ltr., asked Chairperson DeBoyer if she has that letter in response would like it shared with the public or at least share what is not acceptable based on that letter and the agreement reached.

Chairperson DeBoyer: No one from this Planning Commission has been in a meeting with the applicant to discuss, not privileged to any correspondence concerning this. Reiterated to Mr. Franzel the only thing the Planning Commission would be approving is the re-zoning.

Fred Franzel: Again stated who were the parties that would have met with the prospective developer and owner?

Chairperson DeBoyer: Departments within the Township, Plng.Comm. not a part.

Benard Laquati, 1825 S. Channel Dr: Submitted a letter to the Chair expressing opposition to the rezoning.

Jack Masters, 2900 South Channel: Would be setting a precedent if you change the zoning, could be significant.

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John Cameron, 2165 S.Channel: Condo supervisor at one time, owners have to pay assessment and maintenance costs, if turned over to the owners it will start to deteriorate the buildings, would be doing a disservice to the Island.

Applicant Gerald Di Ponio: No further comments.

Planner Patrick Meagher: In the Commission's discussion would ask you request the applicant to thoroughly spell out what properties are being requested for the rezoning and would like a feasibility sketch indicating the property can be developed, allow applicant ample time to respond to these requests, consider bringing back to the 1st meeting in October.

Closed the public hearing at 8:30 p.m.

Recess the meeting at 8:30 p.m.

Reconvened at 8:35 p.m.

Board discussion:

Trustee Sharrow: Feasibility sketch to see if this land would support multiple housing, only a 2-family duplex, multiple requires a minimum of one acre, 100' of grassy area.

John Makuch: Reiterated what the Planner wants to see from a feasibility sketch.

MOTION BY MICHEL, SUPPORTED BY SHARROW, TO TABLE THE REQUEST FROM THE APPLICANT FOR REZONING OF 5555 GREEN DRIVE UNTIL THE INFORMATION AS REQUESTED FROM THE PLANNER, NAMELY WHETHER MULTIPLE HOUSING IS FEASIBLE ON THE PROPERTY AND A CLEAR ACCURATE DESCRIPTION OF THE PROPERTY.

Discussion:

Patrick Meagher: Applicant provide documentation of his interest in the property, no ownership documents showing the right to rezone the property, how many acres does the applicant have control over, what exactly he has an option on?

Chairperson DeBoyer: Referred to the letter from Charles Grenadier.

Questioned ownership of Lot 550-551-552, discussion followed.

Pat Sharrow: Paperwork from other Twp. personnel may have been placed in the public packet after the packet was put out.

Zoning Enforcement Official Timothy Wiggle: Comment regarding a letter, explained the Township's position.

Discussion regarding to table or postpone.

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AMEND THE MOTION BY MICHEL, SUPPORTED BY SHARROW, TO POSTPONE THIS REQUEST FOR REZONING FROM APPLICANT GERALD DI PONIO FOR 5555 GREEN DRIVE UNTIL THE APPLICANT HAS SPELLED OUT EXACTLY WHAT PROPERTY IS BEING ASKED TO BE REZONED AND PROVIDE DOCUMENTATION OF OWNERSHIP AND PROVIDE A FEASIBILITY SKETCH.

**AYES: All. NAYS: None. ABSENT: None.
MOTION CARRIED.**

**8. SPECIAL APPROVAL LAND USE: ALGONAC BAPTIST CHURCH
8569 MARSH ROAD**

Chairperson DeBoyer: Cited the rules for a S.A.L.U. during a public hearing and why a public hearing is held for the S.A.L.U. according to the Zoning Ordinance.

OPEN THE PUBLIC HEARING:

Jeff Horner, 9101 Field Road, Engineer for the Algonac Baptist Church: Explained the height, sq. footage, etc. Dave Wilson is the builder and is present.

Public Comments in favor: None.

Public Comments not in favor: None.

Letter read into the record in favor of the Algonac Baptist Church built.
Myrtle Pate, 8591 Marsh Road.

Close the public hearing.

Discussion by Board:

Chuck Michel: Referred to the 8/16/04 Planning Commission meeting requirements were noted for the plan, have they been addressed?

Jeff Horner: Clarified the green belt on the north, south and east side.

Chuck Michel: Current drive-in lights are coming down?

Jeff Horner: Correct, new lighting plan for the building & parking lot.

Pat Sharrow: Existing house on the Southside, rental or will the Parson use it?

Jeff Horner: Correct Parson will occupy.

George Lyle: Marsh Road has 100' right of way, 50' on your side is correct, the other side is 33'.

Jeff Horner: Verify to make sure this is correct.

Chuck Michel: Septic field questions.

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Jeff Horner: Existing septic field on the premises, Board of Health to review property tomorrow, prepared to build a new septic if need to.

Chuck Michel: Questioned the fire safety.

Builder Dave Wilson: Alarm system will be connected.

Jeff Horner: Northwest side of the building will be room for a drive for a fire truck.

Need it marked specifically “Fire Lane – No Parking”, will note it on the plan.

Pat Sharrow: What are the other buildings going to be used for on the site?

Gentleman: Explained barn closest to the pond will be used for storage, one is for the Parson and a garage that will be used.

MOTION BY GETMAN, SUPPORTED BY ANTKOWIAK, PURSUANT TO THE RECOMMENDATION OF THE PLANNING CONSULTANT THAT WE APPROVE THE SPECIAL APPROVAL LAND USE FOR THE PROPERTY AT 8543 MARSH ROAD AND COMPLY WITH ANY AND ALL THE REQUIREMENTS BY THE FIRE CHIEF REGARDING FIRE SUPPRESSION AND ACCESS.

Discussion: None.

R/C VOTE ON THE MOTION: AYES: Sharrow, Watson, Lyle, Makuch, Getman, Michel, Keller, Antkowiak, DeBoyer. NAYS: None. ABSENT: None. MOTION CARRIED.

9. SITE PLAN CONSIDERATION:

ALGONAC BAPTIST CHURCH 8543 MARSH ROAD

Tony Antkowiak: How are the classrooms going to be used?

Jeff Horner: Marked on the site plan.

MOTION BY GETMAN, SUPPORTED BY MICHEL, PURSUANT TO THE PLANNER’S COMMENTS TO APPROVE THE SITE PLAN FOR THE ALGONAC BAPTIST CHURCH, 8543 MARSH ROAD.

Discussion: Michael Watson questioned the address; 8543 Marsh Road is the correct one.

R/C VOTE: AYES: Sharrow, Watson, Lyle, Makuch, Getman, Michel, Antkowiak, Keller, DeBoyer. NAYS: None. ABSENT: None.

10. SITE PLAN CONSIDERATION:

JOE STEPHENSON BUILDERS 5276 PTE. TREMBLE ROAD

Joe Stephenson applicant: Looking to build a new office.

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Chuck Michel: Application is dated 9/1/04; Ordinance requires 21 days prior to submission.
Joe Stephenson: All we did was add a landscape plan.

Zoning Official Timothy Wiggle: Submitted corrected plan as per the Planner and the Committee, he met the timeframe.

John Makuch: Met with the applicant, Site Plan Review Committee reviewed the Planner's comments and Mr. Stephenson has made the changes accordingly.

Pat Sharrow: How quickly are these site plan applications coming in and are we pushing them to the Planner, are we rushing him too much? He should have these a week ahead of time.

Planner Patrick Meagher: Addressed Mrs. Sharrow's comments; later would like to review the Site plan review procedure sit down with staff and work out a good timeframe, if not sufficient time would give the Planning Commission a letter explaining not enough time to review.

Mark Getman: Should receive Planner's review and department head's reports prior to the meeting night.

Pat Sharrow: Don't think we can approve curbside pickup for a business, curbside is for residential only, need an area for a small dumpster.

MOTION BY SHARROW, SUPPORTED GETMAN TO APPROVE THE SITE PLAN FOR 5276 PTE.TREMBLE ROAD WITH THE INCLUSION THAT THE AREA THAT STATES A WOODFENCE FOR CURBSIDE PICK-UP WILL BE A WOOD FENCE LARGE ENOUGH TO CONTAIN A SMALL DUMPSTER.

R/C VOTE: AYES: Sharrow, Watson, Lyle, Antkowiak, Michel, Keller, Makuch, Getman, DeBoyer. NAYS: None. ABSENT: None.

MOTION CARRIED.

11. PLANNING CONSULTANT'S REPORT

Patrick Meagher: Offices will be moving shortly to new location.

12. ZONING ADMINISTRATOR COMMENTS: Public hearing went very well tonight.

13. CHAIRMAN'S REPORT

Shamo property will be receiving a comment from the Township Attorney as to how that one should be handled.

14. PLANNING COMMISSION COMMENTS

Mark Getman: What happened to the emailing of your reviews?

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Patrick Meagher: Once a time schedule can be set for reports to the Committee and the full Commission, can start the emailing process again.

Mark Getman: Comments in reference to the resale store that just opened, use change, why no site plan review?

Patrick Meagher: If a change of use from office to retail would say a site plan should be required.

Discussion continued on this issue.

Michael Watson: Email address change.

Chuck Michel: Cheers issue.

Chair DeBoyer: A letter from the attorney will be addressing the issue.

15. **PUBLIC COMMENTS**

Barbara Persyn, Harsens Island: Questioned when will the rezoning for the Green Drive property return to the Planning Commission?

16. **ADJOURNMENT**

Moved by Watson, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:33 p.m. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary