

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 22, 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, George Lyle, Chuck Michel, Ed Keller. ABSENT: Michael Watson (excused), Tony Antkowiak (excused).
3. **AMENDMENTS TO THE AGENDA:** None.
4. **APPROVAL OF MINUTES:** SEPTEMBER 8, 2004

Moved by Getman, supported by Michel, to approve the September 8, 2004 Planning Commission minutes.

Discussion:

George Lyle: Amend the minutes to indicate his comment on page 5: "objected to the sidewalk required for the Algonac Baptist Church".

John Makuch: Correct the two misspellings of the name "DiPonio" on the 1st page.

Chair DeBoyer's corrections to the minutes:

- 1st page, Re-zoning 123-11, opening statement by Chairperson should indicate, "Over twenty letters were received...."
- Page 2, 1st sentence, change the word "public" to "Planning Commission"
- Page 2, 2nd paragraph, 3rd sentence, change the word "is" to "be put into the record."
- Page 2, last paragraph, 2nd sentence, change word "ability" to "stability"
- Page 7, 7th paragraph down, motion to approve site plan for 5276 Pte. Tremble insert the word that in the 2nd sentence.

Vote on the motion of the amendments:

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

MOTION CARRIED.

5. **COMMUNICATIONS:**

- Letter from the Downtown Development Authority requesting a meeting with the Planning Commission for the purpose of presenting some ideas they have.
- St. Clair Planning Commission letter received re: Re-Zoning on M-29, based on the Master Plan they are recommending denial.
- Letter from Ken Montgomery Associates re: information on the Cottrellville Township Master Plan Amendment.
- Received an additional letter last week regarding the public hearing held on the Harsens Island property, for your review, will not read it because beyond the public hearing.

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6. OLD BUSINESS: RE-ZONING 123-9

PTE. TREMBLE L.L.C./ROBERT MONTE 2420 PTE. TREMBLE ROAD

MOTION BY GETMAN, SUPPORTED BY MICHEL, PURSUANT TO OUR PLANNING CONSULTANT'S RECOMMENDATION BASED ON ALL THE ITEMS AS CITED IN HIS REPORT, THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF THE REQUESTED RE-ZONING OF 2420 PTE. TREMBLE ROAD FROM C-3 GENERAL BUSINESS TO I-1 INDUSTRIAL.

Discussion:

George Lyle: Questioned previous Master Plan states 25 acres of industrial use and needed an additional 92 acres, now zoning 13 acres to commercial.

Pat Sharrow: Areas in the Township Master Plan that could be rezoned to industrial if the need developed.

Chairperson DeBoyer: Mr. Lyle is referring to the old Master Plan, it has been replaced.

George Lyle: New Master Plan did not say to reduce the industrial, referred to the Halkias' property on Fruit Road, point is do not have all kinds of property available for industrial.

Pat Sharrow: Master Plan also calls for a need to increase commercial.

Chairperson DeBoyer: Master Plan intent is to look 20 years down the road.

Pat Sharrow: Comments concerning three commercial districts created, purpose was to have intense commercial grouped together, not an intent to spread commercial along the Township edge, one commercial area flatters another, Planning Commissioner's job is to clearly look at the benefit to the Township in the future and the improvements occurring over the years to this corridor, can envision a concentrated commercial area east to the City limits, regulate the use for the benefit of the community comes first as long as the owner has a reasonable use.

John Makuch: Concern C-3 General Business zoning, present businesses can continue to operate, over the years a number of those businesses have expanded, no site plans submitted, need more control from Bldg. Dept. for a business to follow protocol.

Chuck Michel: Planned for other industrial areas in Clay Township, agree with Planner's comment the reality of any heavy industrial coming in here is limited because of the traffic and access to it.

Pat Sharrow: consolidation of pushing commercial together actually enhances businesses in a group, areas more intense is the circle that needs to grow for future commercial use.

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Chairperson DeBoyer: Spreading commercial out is not good; communities want to keep businesses in a group, easily accessible by citizens.

ROLL CALL VOTE ON THE MOTION:

AYES: SHARROW, MICHEL, KELLER, MAKUCH, GETMAN, DEBOYER

NAYS: LYLE.

ABSENT: ANTKOWIAK, WATSON.

MOTION CARRIED.

7. BY-LAWS

Chairperson DeBoyer: The items addressed are in your packet, read over.

1st meeting in October, the By-Laws would be read and 1st meeting in November can be approved.

8. PLANNING CONSULTANT REPORT:

Patrick Meagher, Planner: Mr. DiPonio has tried to contact me on several occasions to discuss his re-zoning; policy I have is do not meet outside of Planning Commission meetings with re-zoning issues, it was made very clear what he needed to turn back in.

Explained the reason why, do not meet with a developer, contractor outside of a meeting other than a public hearing except special approval land use.

Roles and responsibilities as Planning Commission Members, not a zoning enforcement group, politicians and policy makers, you are a board that is here to administer the township zoning ordinance, you may not like it at times, over the past few months some of the questions the members have had should be decided by you, as a Commission need to talk about your concerns together. Commissioners need to focus on i.e. what is the policy of this township going to be, what are you going to recommend as a policy and can you live with those recommendations after they are made? Commissioners need to enforce the policies the Board has set and/or make recommendations to make those policies better, start thinking about your role as a Commissioner.

Pat Sharrow: Zoning Ordinance some sections may be too stringent, look good on paper, when actually applied can be too strict, appreciate any suggestions you may have on changing this Ordinance.

Patrick Meagher: Referred to the “RE-USE” subject, something that will be discussed at the Ordinance Committee, certain issues in the Building Department procedure should be addressed i.e. copies needed, plans go where, ample time, etc. should be reviewed by the Ordinance Committee, sit down with the Bldg. Dept. to answer some of these questions and smooth the process out.

John Makuch: Questioned what Patrick would want from the Commissioners.

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Patrick Meagher: Like to see better communication between the members, especially outside of a meeting compared to some of differences with the Ordinance and get to the root cause.

9. ZONING ADMINISTRATOR COMMENTS

Tim Wiggle: Mr. DiPonio called Mr. Wiggle, reiterated what the Planner's policy is.

10. CHAIRMAN'S REPORT: NONE.

11. PLANNING COMMISSION COMMENTS:

Ed Keller: Goal should be to make things easy for people in this community, all information available to them as they need it, as easy and smooth transition as possible.

Vice Chairperson Mark Getman: 1st consultant to have given us an interpretation of the various parts of the ordinance, if doing improper site plans why it has taken you a year to let us know? Cited certain procedures had been reviewed in the past.

Patrick Meagher: Responded to Mark's comments, several months ago did advice the Commission re: change to the adm. section of your ordinance on site plans.

Chuck Michel: Comments concerning Commissioners act as two boards, Planning & Zoning rules.

George Lyle: Will we see the proposed changes in the Zoning Ordinance we are considering? I have a few suggestions would like to submit.

Pat Sharrow: Reply to Cottrellville.

Chairperson DeBoyer: Yes, I will reply.

Pat Sharrow: DDA response, call for a joint meeting, think it is necessary, several things need to discuss.

Chairperson DeBoyer: No problem with a joint meeting, think the Township Board needs to remind them the whole idea is to increase tax base.

Chuck Michel: Update what the DDA has in mind.

Pat Sharrow: Think we need a committee to start working on the Master Plan.

Chuck Michel: Questioned the height of the Wendy's lights.

Tim Wiggle: Scheduled to do a final for their C of O, will check on the pole height.

John Makuch: Comments re: Paul Paulus' property; Wendy's lights, have a problem with lighting; site plan review committee comments.

Lengthy discussion followed concerning the Site Plan Review Committee.

Discussion re : Brisbay Restaurant issue, owner should be cited.

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PUBLIC COMMENTS

Dr. Leonard Kasperowicz, 6603 Dyke Road: Asking for consideration from the Board to amend the Zoning Ordinance, would like to place a double wide modular on piece of property, prior to the new Zoning amendment could have put it there.

Chairperson DeBoyer: Will make a note of that and bring it back to the Planning Commission to discuss.

Pat Sharrow: Option you could split off a piece of the property.

12. **ADJOURNMENT**

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

Valerie J. Kulba
Recording Secretary