

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 13, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Vice-Chair Mark Getman called the regular meeting to order at 7:35 p.m., Chairperson Dorothy DeBoyer is running a little late, will be here shortly.
2. Roll Call: PRESENT: Vice-Chair Mark Getman, Secretary John Makuch, Pat Sharrow, George Lyle, Chuck Michel, Ed Keller II, Tony Antkowiak.
ABSENT: Michael Watson (excused), Dorothy DeBoyer (excused).

3. AMENDMENTS TO AGENDA:

Moved by Michel, supported by Lyle, **MOTION CARRIED**, to accept the Agenda as presented. AYES: All. NAYS: None. ABSENT: DeBoyer, Watson.

4. APPROVAL OF MINUTES: SEPTEMBER 22, 2004

Moved by Sharrow, supported by Michel, **MOTION CARRIED**, to approve the September 22, 2004 Planning Commission Minutes as submitted. AYES: All. NAYS: None.
ABSENT: DeBoyer, Watson.

5. GERALD DI PONIO & SONS 5555 GREEN DRIVE

Chairperson Dorothy DeBoyer arrived at 7:37 p.m.
Apologized for arriving late, we have as guests tonight the St. Clair County Metropolitan Planning Commission, invited them several months ago to tour our area.

Continue with the Re-Zoning for 5555 Green Drive, Gerald Di Ponio & Sons.

Chairperson DeBoyer: Commissioners have copies of a letter from the applicant and citizens that live in the vicinity, will not be reading them out loud since we already had our public hearing. Planning Commission will make their decision tonight.
Any comments from Commissioners?

MOVED BY MICHEL, SUPPORTED BY SHARROW, TO DENY THE REQUEST TO RE-ZONE THE PROPERTY AT 5555 GREEN DRIVE, HARSENS ISLAND FROM C-3 GENERAL BUSINESS TO RM MULTIPLE FAMILY RESIDENTIAL FOR THE REASONS STATED IN THE PLANNER'S RECOMMENDATION:

- THE PROPERTY CAN BE AND IS DEVELOPED UNDER ITS CURRENT ZONING DESIGNATION OF C-3.
- THE MASTER PLAN DESIGNATION FOR THIS PROPERTY IS SINGLE FAMILY AND THE PROPOSED ZONING IS MULTIPLE FAMILIES. THE REQUESTED ZONING, THEREFORE, IS INCONSISTENT WITH THE MASTER PLAN.
- ZONING IN THIS AREA IS SINGLE FAMILY; THEREFORE, THE REQUESTED REZONING IS INCONSISTENT WITH THE SINGLE FAMILY ZONING SURROUNDING THE SITE.

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- THE PROPOSED MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT WOULD BE INCONSISTENT WITH THE ESTABLISHED SINGLE-FAMILY LAND USE PATTERN SURROUNDING THE SITE.
- THE PROPERTY CANNOT BE DEVELOPED FOR THE PURPOSES REQUESTED BY THE APPLICANT UNDER THE ZONING BEING REQUESTED. THE MAXIMUM YIELD FOR THIS PROPERTY, BASED ON THE ZONING ORDINANCE, WOULD BE FOUR (4) – TWO BEDROOM UNITS (SEE SECTION 18.04.1). THE APPLICANT ENVISIONS A 6-STORY, 25 UNIT BUILDING. BASED ON SETBACKS, DENSITY LIMITATIONS AND LADSCAPE REQUIREMENTS, ONLY 3 OR 4 UNITS COULD FIT ON THE SITE. THIS WOULD SERVE NO PURPOSE FOR THE TOWNSHIP IN THAT IT IS NOT A TRANSITIONAL USE AREA AND DOES NOT BRING THE PROPERTY INTO COMPLIANCE WITH THE MASTER PLAN.

THE PRIME REASON BEING IT CANNOT BE DEVELOPED AS THE APPLICANT WANTS TO.

Discussion of motion:

George Lyle: Concern is pumping of water out of the S. Channel into the public waterline.

Chair DeBoyer: That would not be allowed.

Pat Sharrow: Reason as stated by the Planner could be enlarged upon, property has been used for many years as a commercial use, Master Plan indicates single family use and should look at that in the future, stated the restrictions of a multi-zoning, many conditions that prevent it from being developed under this classification.

John Makuch: Agree with Ms. Sharrow, if the applicant decides to purchase the property there are many things that can be done within the C-3 District.

VOTE ON THE MOTION: AYES: George Lyle, Pat Sharrow, Chuck Michel, Tony Antkowiak, Mark Getman, Edward Keller II, Dorothy DeBoyer. NAYS: None.

ABSENT: Watson (excused).

MOTION CARRIED.

Chairperson DeBoyer requested the Commissioners to entertain a motion to hear from the St. Clair County Planning Commissioners who would like to make a brief presentation tonight.

Moved by Michel, supported by Lyle, **MOTION CARRIED**, to amend the Agenda under #7 - #7-A. Presentation by the St. Clair County Metropolitan Planning Commission. AYES: All. NAYS: None. ABSENT: Watson (excused).

7. **LOT SPLIT #04-07**

ED JOHNS

9343 N. RIVER ROAD

Applicant: Like to split the property so can sell the home and keep the party store.

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MOTION BY SHARROW, SUPPORTED BY GETMAN, AS OF NOW WE CANNOT RECOMMEND LOT SPLIT #04-07 FOR 9343 N. RIVER ROAD TO THE TOWNSHIP BOARD WITHOUT SEVERAL ZBA VARIANCES AND ADVISE THE PETITIONER TO PURSUE THESE VARIANCES AND THEN THE LOT SPLIT RETURNED TO THE PLANNING COMMISSION.

Discussion:

Sharrow: Lot nonconforming, less than 65', lot could be more nonconforming with two parcels and the small one with the store, division nonconforming not proper front footage for the home.

George Lyle: Why didn't applicant know this before he came to the meeting?

Pat Sharrow: By law, cannot seek variances until it comes before the Planning Commission.

Chairperson DeBoyer: Comes 1st to the Planning Commission and a decision is made here how it is going to be handled.

George Lyle: Disagree with the procedure.

John Makuch: Applicant works with the Assessor to find out exactly what variances are needed.

Sharrow: Complicated lot split, Assessor may seek legal advice, as could the ZBA.

Tony Antkowiak: Variance cannot be requested until the Commission denies the request, are we denying?

Pat Sharrow: Withdraw the original motion.

MOTION BY SHARROW, SUPPORTED BY MICHEL, TO DENY LOT SPLIT #04-07 FOR 9343 N. RIVER ROAD TO ALLOW THE APPLICANT TO PROCEED TO THE ZBA IF THAT IS REQUIRED. AYES: ALL. NAYS: NONE. ABSENT: WATSON (EXCUSED).

MOTION CARRIED.

7-A. **ST. CLAIR COUNTY METROPOLITAN PLANNING COMMISSION**

Bill Kauffman, Director of the County Planning Commission introduced the following Commissioners: Dorthea Knight, Secretary; Marsden Murphy, Columbus Township, Franklin Schoonover, Clay Township, Geoff Donaldson, Senior Planner.

Bill Kauffman expounded on how the County Planning Commission Staff and the Commissioners reach some of their decisions on zoning requests and Master Plan amendments before a recommendation is made by the County Planning.

Key question for County Planning when a zoning review or amendment is in front of Staff "is it consistent with your Master Plan", policy followed by Staff: "legal basis for community zoning ordinance is your Master Plan", recommendation contrary to your Master Plan is opening you up to litigation. Important to inform the County of your Master Plan updates and any amendments following the Township Board's decision.

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Dorthea Knight: Reiterated the importance of the Master Plan, abiding by it, it is the legal basis if having problems with re-zoning, no reason why it cannot be amended if necessary.

Marsden Murphy, County Planning Commission: Important steps considering a zoning issue or amendment: process and sequence of following the Master Plan, zoning, land use inappropriate to the zoning, comply with your own zoning ordinance, coordination with other departments (i.e. highway department).

Tony Antkowiak: If Twp. master plan is not in compliance with County, which one takes precedence?

Bill Kauffman: If there were a strong inconsistency, try to work with the local community in giving direction. Purpose of County Master Plan is to try to help guide utility improvements, capital expenditures and provide policy guidance to local communities.

Marsden Murphy: Coordination efforts when there is adjoining communities.

Geoff Donaldson: Solid waste plan and how it could impact a proposed use, watershed plan is identified and will be included in the Staff Report. County Master plan is a vision base policy map.

Bill Kaufman: Specified what the County Planning looks for in a community's master plan: goals, set of policies, i.e. goals consistent with your Twp. zoning map, etc.

2005 will be updating the County's Master Plan, public involvement to amend the Plan.

Ed Keller II: Is the County's Master plan map less structured?

Bill Kauffman: Less structured than your Township Master Plan, County is less rigid, opportunity to take a look at goals and objections, use it as an aid.

Pat Sharrow: Questioned amending master plan what time structure are we looking at?

Bill Kauffman: 5-6 months, purpose to inform your fellow community of an anticipated change.

Pat Sharrow: Boundaries do affect other communities, what is in the center does not.

Bill Kauffman: Agree dragging out the process has created a lot of problems with some communities.

Planner Patrick Meagher: Regarding every time we deviate from the Master Plan map are we necessarily deviating from the Master Plan, explained in detail why.

Lengthy discussion by County Commissioners and Patrick Meagher, Planner.
Reiterated the urgency to follow your Master Plan per County Commissioners.

Patrick Meagher: The Master Plan is much more than the map itself, important from the local level not to focus just on the map.

Vice Chair Getman: Understand why many of the County's decisions are not in agreement with the Township Planning Commission.

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Bill Kaufmann: Thank you to the Commissioners for your hospitality and the tour.

Chairperson DeBoyer: Appreciate all of you taking your time to come down to our community, look forward to working with your Commission, as well as you working with us.

8. **BY-LAWS**

Chairperson DeBoyer: By-Laws will be read by Secretary John Makuch tonight. Adopt the amended By-Laws at our next regular meeting.

9. **PLANNING CONSULTANT'S REPORT:** None.

10. **ZONING ADMINISTRATOR COMMENTS:** None.

11. **CHAIRMAN'S REPORT:**

Chair DeBoyer: Nothing additional to report, will be working on a response to Cottrellville Twp. regarding Master Plan.

12. **PLANNING COMMISSION COMMENTS:**

Chuck Michel: Wendy's lights, how were they indicated on the plan?

Zoning Enforcement Officer Tim Wiggle: Per Ordinance is not violating anything, did a site inspection, noted the back two lights and they are going to correct it.

John Makuch: Problem with the intensity of the bulbs; Brisbay Restaurant comments re: parking, lights, cars for sale, etc.

Chairperson DeBoyer: Commission is not an enforcement agency.

Tim Wiggle: Met with the owners today and will be referring it to John McNamee.

Pat Sharrow: They need to come in for a revised site plan if making changes.

Michael Kras: Light meter would be a great help in the Department.

Tony Antkowiak: Specify a lighting diagram as part of the site plan.

Chuck Michel: Problem has no specs on lighting in the Zoning Ordinance.

Patrick Meagher: Draft currently working on the lighting wordage, guidelines.

Brief discussion re: Wendy's, vacant lots, owners are very cooperative.

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13. **PUBLIC COMMENTS**

Unidentified Man: Commissioners need to adjust their microphones, difficult to hear.

Sandra Mondello, 2653 Pte. Tremble Road: Wendy's lights and any lights in the future, don't want the area in heavy lighting.

14. **ADJOURNMENT**

Moved by Michel, supported by Getman, **MOTION CARRIED**, to adjourn the meeting at 9:10 p.m. AYES: All. NAYS: None. ABSENT: Watson.

Valerie J. Kulba
Recording Secretary