

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 14, 2005 IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.**

1. Secretary Michael Watson called the meeting to order at 7:31 p.m. A motion is needed to appoint a temporary Chairperson for this evening's meeting.

MOTION BY LYLE, SUPPORTED BY LINES, TO NOMINATE THOMAS KRUEGER AS THE TEMPORARY CHAIRPERSON IN THE ABSENCE OF CHAIRPERSON DOROTHY DEBOYER. AYES: ALL. NAYS: NONE. ABSENT: DeBOYER, SHARROW, KELLER, ANTKOWIAK.  
**CARRIED.**

2. **ROLL CALL BY THE SECRETARY:**

**PRESENT:** Secretary Michael Watson, George Lyle, Earl Lines, Thomas Krueger, Kathie Schweikart.

**ABSENT:** Chairperson Dorothy DeBoyer, Anthony Antkowiak, Pat Sharrow, Edward Keller II – Excused attending the State Conference.

Also present was Zoning Official Timothy Wiggle, Staci and Patrick Meagher, Community Planning.

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

4. **APPROVAL OF MINUTES:** August 24, 2005

Motion by Schweikart, supported by Lines, to approve the August 24, 2005 Planning Commission Minutes as submitted. AYES: All. NAYS: None. ABSENT: Sharrow, Keller, Antkowiak, DeBoyer.

**CARRIED.**

5. **OLD BUSINESS:** SPECIAL APPROVAL LAND USE/SITE PLAN APPROVAL

Michael Watson: August 10, 2005 public hearing requested information from the applicant regarding the runoff from the drainage, landscaping and traffic study.

Applicant Leonard Dunsford: Landscaping issue did not hear from the Planner, traffic study again not heard from anyone, currently in contract with Drain Commission. MDOT does not have a problem with the drive; understand from the last meeting the Planning Commission would set up the engineering company to do the study.

Earl Lines: Had you contacted the Planning Chairperson? Suggest you contact Mrs. DeBoyer to straighten out some of these problems as who is to do what.

Zoning Adm. Tim Wiggle: Informed Board Mr. Dunsford contacted office earlier today, he received letter through his engineers stating per the County Drain Commission there is not an available drain on the property to drain into. Mr. Dunsford wanted to pull the project, told him should appear at tonight's meeting, he is unclear what other requirements the

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Commission required him to take care of, advised him possible postponement and may be able to work these issues out with Commission and Planner.

Mr. Dunsford: Questioned 10' easement, told need a variance, how would we solve that?

Planner Patrick Meagher: Advised Board present at the meeting when applicant first came in front of the Planning Commission and public hearing was held, perhaps table it this evening until can meet with the Chairperson and see what we need to have done.

Mr. Dunsford: Questioned the costs involved with a traffic study and what guarantee is there the project would be approved?

Acting Chairperson Krueger: Do not know until the Commissioners see all the information that has been requested before a decision is made.

MOTION BY WATSON, SUPPORTED BY LYLE TO TABLE THE SPECIAL APPROVAL LAND USE/SITE PLAN APPROVAL FOR THE PROPOSED ICE CREAM PARLOR AT 5628 PTE. TREMBLE ROAD UNTIL ALL THE INFORMATION IS GATHERED AND A FIRM UNDERSTANDING OF THE REQUIREMENTS ARE MET. R/C VOTE: AYES: LINES, LYLE, SCHWEIKART, KRUEGER, WATSON. NAYS: NONE. ABSENT: SHARROW, ANTKOWIAK, KELLER, DEBOYER. **CARRIED.**

**6. PUBLIC HEARING: RE-ZONING 123-4**

LUCAS HOMES LLC VAC. PTE. TREMBLE RD. PARCEL 74-14-060-0018-000

Acting Chairperson Krueger explained the rezoning from R-1 to RM and the public hearing rules as noted on the back of the Agenda.

Applicant's comments:

Mario Palazola: Project is to develop approximately 45 acres of land adjacent to the Pearl Beach Drain, new procedure called "Contract Zoning" consisting of 40 attached condominiums in the front of the project, in the rear would be 40 detached condominiums. Housing in the front would attract the Seniors of the community, rear condo's would be especially attractive to the younger residents since there would be outdoor activities, i.e. hunting, walking, boating, winter activities, etc. Will not build within 75' of the Pearl Beach Drain, will leave that all rustic. Planning a community center for meetings, etc. Multiple units are ranches; provide a very beautiful frontage, which will act as a landmark for the subdivision at the entrance. Clay Commons Condominiums have been built by our builder, Gary has worked well with the Twp.

The area building will be below the density requirement.

George Lyle: How large are the lots?

Architect: 70' x 120'.

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Earl Lines: Questioned the back part of the lot, owner can do as he/she wishes?

Mario P.: Not prepared with condo rules and regulations, merely introducing the project, determination would be controlled by association requirements.

**OPEN FOR THE PUBLIC COMMENTS:**

Richard Quinville, 9233 Maynard Road: Lived in area for years, area use to be a golf course, could not play because under water in 1984, water down now and eventually it will come up again. Reverted to a wetland over the years because of the water, marsh area and should not be developed.

Jack Richard, 9486 Maynard: Address the issue of drainage and traffic patterns, by increasing homes built will only create more of a drainage and traffic problem by more people driving, using water, etc., don't think infrastructure will hold up. Marshland and prefer it to stay natural.

Richard Baker, 9212 Stone Road: Developers do not live in Clay Township, see no reason why they should come in our community and build and change the area, totally wetlands where they want to building, changing from R1 to R2 is ridiculous. Access to the highway is very small, should only be small dwelling homes there, our small town is vulnerable, property taxes will not help the community at all, will be a drain on water and police department.

Dr. L. Kasperowicz: Will be a neighbor to the project, in favor of it; let them buy the property, swale on Phelps Road should be opened, that is the way the drainage should go, need development, would create more school tax base.

Joe Waleck, 9175 Maynard: Don't let the developers take our assets, this is a wetland community, destroy all we have by developing these wetlands.

Robert Senjmajor, 9179 Maynard: County and Twp. Asking for more taxes all the time and have not made more money by having new developers come in. Need to look at the quality of live we want here. Project is too big, if 100' back might be more reasonable. Do not want any more snowmobiles and quads running the fields.

Judy Cummings, 5689 Pte.Tremble Road: Object to this rezoning, have a lot of traffic already going out of there.

Acting Chairman Thomas Krueger: Do we have any more comments for or against the rezoning?

No more comments close the public hearing portion at 8:03 p.m.

Board member comments:

George Lyle: Questioned the elevation of the land.

Engineer: Topo is not completed yet.

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Mario P.: There are some wetlands, we plan to keep about 50% of this property not developed, low density in the area, great community for people to live in, front will mainly be for senior living quarters and the back portion will be for the younger people.

Planner Patrick Meagher comments: This conditional rezoning is fairly new grounds for all of us, recently introduced by the State Legislation, as to how this process might flow would suggest the applicant listen to the public comments and those made by the Planning Commission members, hopefully can return back and take a better look at issues re: flood plain and also have a little better idea of what portions of this property might be useable, process is going to be very long drawn out, waiting to hear from the Township Attorney regarding the legal steps to follow.

Suggest a motion be made to table this decision in order to get information gathered.

Michael Watson: Not heard anything for R1 not working.

Patrick Meagher: Should look for the same criteria under any rezoning application, applicant is stating want the rezoning but not asking for all the benefits of the particular zoning districts, Commissioner members must weigh what they're offering in comparison what you feel the zoning should be on that property and does it fit the mold of the Master Plan.

Interruption from Richard Baker with a comment re: legal notice.

MOTION BY WATSON, SUPPORTED BY SCHWEIKART TO TABLE THE RE-ZONING 123-14 FOR LUCAS HOMES LLC FOR THE VACANT PTE. TREMBLE PROPERTY TO ALLOW TIME FOR A WETLAND SPECIALIST OUT ON THE SITE AND ANY TYPE OF DEQ INVOLVED TO REVIEW THE SITE.

AMEND THE MOTION BY WATSON, SUPPORTED SCHWEIKART, TO POSTPONE THE RE-ZONING 123-14 FOR LUCAS HOMES LLC UNTIL A FUTURE MEETING TO ALLOW THE APPLICANT TO GATHER PERTINENT INFORMATION BY HAVING A WETLAND SPECIALIST OUT ON THE SITE AND A DEQ REPORT.

R/C VOTE: LINES, LYLE, SCHWEIKART, WATSON, KRUEGER. NAYS: NONE.

ABSENT: SHARROW, KELLER, ANTKOWIAK, DeBOYER.

**CARRIED.**

7. **PLANNING COSULTANT'S REPORT:** None.

8. **Z.B.A. REPRESENTATIVE'S REPORT:** ZBA Rep. Antkowiak is attending the State Conference.

9. **ZONING ADMINISTRATOR'S REPORT:**

Timothy Wiggle: Finished up the new application based on the changes in the Ordinance.

10. **CHAIRPERSON'S REPORT:** None.

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**11. PLANNING COMMISSION MEMBER'S COMMENTS:**

Michael Watson: Reminder after public hearing is closed cannot be discussion.

Kathie Schweikart: Applicant aware of the Planner's comments?

Planner Patrick Meagher: Yes were also given a copy of our comments.

George Lyle: Conditional rezoning can we make suggestions?

Patrick Meagher: Can't get into details, in general the State Law requires the applicant introduce the conditional rezoning, does not say the Commission cannot offer conditions back to the applicant, cannot mandate the applicant to do anything, can deny the rezoning if he doesn't, once the contract or conditional zoning has been introduced it is open for debate and discussion.

Earl Lines: When does the DEQ step in when there could be marshland?

Patrick Meagher: If applicant does not get the DEQ involved, they will step in automatically, wetland study would be recognized by the DEQ.

George Lyle: Single-family homes can they vary the setbacks?

Patrick Meagher: Applicant not asking for any variation at this point of time.

Earl Lines: Questioned single unit calculation.

Patrick Meagher: At a very initial phase with the project, have not done a contract rezoning with a township, was not able to tell the applicant what process to follow until or how it would progress until we have the Township attorney involved was uncomfortable letting the applicant progress too far. Advertisement has been done and the public hearing and may have to reopen a public hearing at some point of time.

Michael Watson: Questioned the rezoning.

Patrick Meagher: Asking for a conditional zoning, condition is they build exactly what they submitted on those plans, literally will be a contract if they are rezoned, can't get anymore specific, it has already been tabled, next step is to focus on getting some answers regarding the rezoning, i.e. wetlands, DEQ, infrastructure, etc.

Earl Lines: Does MDOT have any future plans for the M-29 highway?

Tim Wiggle: Not aware of any expansion of this road at this time.

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12. **PUBLIC COMMENTS:**

Richard Baker: Developers come in and ask for rezoning, does not benefit the Township, zoning should be denied.

Patrick Meagher: Applicant has a constitutional right to use their property, need to allow for the due process.

Mike Weaver, 3857 Green Drive, Harsens Island: Question would like to rezone his property from C-1 to C-3.

13. **ADJOURNMENT**

Moved by Lines, supported by Watson, MOTION CARRIED, to adjourn the meeting at 8:30 p.m. AYES: All. NAYS: None. ABSENT: Sharrow, Antkowiak, Keller, DeBoyer.

Valerie J. Kulba  
Recorder