

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

1. Chairperson DeBoyer called the meeting to order at 7:30 p.m.

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

PRESENT: Chairperson Dorothy DeBoyer, Vice Chair Anthony Antkowiak, Secretary Michael Watson, Pat Sharrow, George Lyle, Earl Lines, Thomas Krueger, Kathie Schweikart, Edward Keller II.

ABSENT: None.

Also present was Zoning Official Timothy Wiggle, Community Planner Peter Briddick.

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

4. **APPROVAL OF MINUTES: November 22, 2005**

Motion by Sharrow, supported by Antkowiak, to approve the November 22, 2005 Planning Commission Minutes as submitted. AYES: All. NAYS: None. ABSENT: None. CARRIED.

5. **OLD BUSINESS:**

**LOT SPLIT #05-08 RONALD SCHWARK VAC. MANAVEL CT.
(PROPERTY #74-14-541-0125-000)**

Chairperson DeBoyer: Prior meeting lot split came before Planning Commission did not meet the requirements, sent to ZBA for a variance.

MOTION BY KRUEGER, SUPPORTED BY, _____ TO RECOMMEND APPROVAL OF LOT SPLIT #05-08 FOR A VACANT LOT ON MANAVEL CT., OWNED BY RONALD SCHWARK TO THE TOWNSHIP BOARD.
R/C VOTE: AYES: SHARROW, LINES, LYLE, ANTKOWIAK, WATSON, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: NONE. ABSENT: NONE. CARRIED.

**LOT SPLIT #05-11 ANDREW GARSHOTT 9091 STONE RD.
(PROPERTY #74-14-541-0017-200)**

Chairperson DeBoyer: Board members have Attorney McNamee's opinion and copy of the drawing, opinion read out loud

MOTION BY KRUEGER, SUPPORTED BY SHARROW, BASED ON ATTORNEY MCNAMEE'S CONCLUSION AND RECOMMENDATION OF THE LOT SPLIT #05-11 FOR 9091 STONE ROAD THE PLANNING COMMISSION CANNOT ALLOW THE LOT SPLIT FOR ANDREW GARSHOTT FOR 9091 STONE ROAD.
R/C VOTE: AYES: SHARROW, LINES, WATSON, ANTKOWIAK, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: LYLE. ABSENT: NONE. CARRIED.

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Chairperson DeBoyer: Called for a short recess at 7:40 p.m. to provide Mr. Garshott the legal opinion.

Regular meeting reconvened at 7:42 p.m.

**6 PUBLIC HEARING: RE-ZONING #123-16 ART/TRACY COOK
1737 N. CHANNEL DRIVE (74-14-640-0005-000)**

Chairperson DeBoyer: Piece of property currently zoned C-2, applicant requesting a change to C-3, operating a boat repair and sales business.

Open the Public Hearing for comments for or against the rezoning #123-16:

No public comments for or against the rezoning.

Closed the public hearing.

Comments from the Board:

Thomas Krueger: C-3 is a special approval land use, is the applicant aware of this?

Chairperson DeBoyer: Yes.

Thomas Krueger: Don't see any problem, still would need a S.A.L.U.

Pat Sharrow: Commission is not to consider what applicant wishes to develop property into.

Chairperson DeBoyer: Brown's Field and Old Bank property abuts the property.

Pat Sharrow: Really no homes behind it, wetland area.

Timothy Wiggle: Wetland area and probably would not be developed.

Tony Antkowiak: Correct there won't be any action tonight?

Discussion followed regarding an action tonight on the rezoning.

Thomas Krueger: Property conforming to the zoning next to it.

Planner Peter Briddick comment: Surrounding area and designation including your Master Plan does specific the property have commercial use.

Pat Sharrow: Stated reasons why the surrounding areas will remain as is (wetlands).

MOTION BY KRUEGER, SUPPORTED BY ANTKOWIAK TO RECOMMEND APPROVAL OF RE-ZONING #123-16 FOR 1737 N. CHANNEL DRIVE, HARSSENS ISLAND FROM C-2 TO C-3 BECAUSE C-3 IS CONSISTENT IN THE SURROUNDING AREAS, NO RESIDENTIAL GROWTH PROJECTED IN THE AREA AND C-3 CONFORMS TO THE USE IN THE AREA.

R/C VOTE: AYES: SHARROW, LINES, LYLE, WATSON, ANTKOWIAK, SCHWEIKART, KRUEGER, KELLER, DEBOYER. NAYS: NONE. ABSENT: NONE. CARRIED.

7. ARTICLE V AMENDMENT DISCUSSION: RURAL SUBURBAN DISTRICT

Chairperson DeBoyer: Group and day care Attorney to review the section.

George Lyle: Questioned page 16 – Day Care, not a permitted use and why? Like to see it left as a special land use.

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Peter B. Remarks regarding Michigan Law, clarification of the various types of groups, subject to local zoning restrictions, day care not a multi living area.

Chairperson DeBoyer: It is allowed in our other districts, only not in multi-family, consider what goes along with six or less, best use for our community. A parameter could be put on it if we decided to do that.

Pete B. Subcommittee spent a lot of time researching; we are setting a benchmark for other communities. Take a look at these uses and a definition section will be done last, once everything is finalized it will be alphabetized.

George Lyle: Churches are Special Approval Land Use, why is it required?

Peter B. Referred to the LOPO ACT, explained what this refers to; section that needs to be reviewed by council, legal opinion from Township Attorney.

Edward Keller II: Restrictive with people and don't think we should ask that of them, unaware of certain situations.

Chairperson DeBoyer: Planning Commission must be concerned with the safety, healthy and welfare of the entire community.

Can arrange for the Township Attorney to be present and bring the amendment back to you and than we can make our decision.

8. ELECTION OF OFFICERS

Chairperson DeBoyer: Asked for nominations from the floor.

Chairperson:

Motion by Antkowiak, supported by Watson, to nominate Dorothy DeBoyer as Chairperson.

AYES: All. NAYS: None. ABSENT: None.

Carried.

Motion by Lyle, supported by Lines, to recommend we close the nominations for Chairperson. AYES: All. NAYS: None. ABSENT: None.

Carried.

Vice-Chair:

Motion by Lyle, supported by Watson to nominate Anthony Antkowiak as Vice-Chair.

AYES: All. NAYS: None. ABSENT: None.

Discussion:

Pat Sharrow: Legally don't believe a ZBA Representative can serve as a chair or vice-chair well on the Planning Commission, have we discussed this with our attorney, could run into a Court challenge if not operating properly.

Chair DeBoyer: Will acquire a legal opinion.

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Motion by Watson, supported by Lyle to close the nominations for Vice-Chair. AYES: All. NAYS: None. ABSENT: None.
Carried.

Secretary:

Motion by Lines, supported by Lyle to nominate Michael Watson as secretary. AYES: All. NAYS: None. ABSENT: None.
Carried.

Motion by Antkowiak, supported by Krueger to close the nominations for secretary. AYES: All. NAYS: None. ABSENT: None.
Carried.

Chairperson DeBoyer asked for roll call vote on the following nominations for 2006:
Dorothy DeBoyer, Chair
Anthony Antkowiak, Vice-Chair
Michael Watson, Secretary

R/C VOTE: AYES: SHARROW, LYLE, LINES, WATSON, ANTKOWIAK, SCHWEIKART, KRUEGER, KELLER II, DEBOYER. NAYS: NONE. ABSENT: NONE.
MOTION CARRIED.

9. ADOPT RESOLUTION OF MEETING DATES

Chairperson DeBoyer: Resolution has never been done.

Motion by Sharrow, supported by Antkowiak to establish the Clay Township Planning Commission meetings for the year 2006 as presented. AYES: All. NAYS: None. ABSENT: None.
Carried.

10. PLANNING CONSULTANT'S REPORT

Peter Briddick, Consultant: Wish the Board Members a healthy New Year and a good Christmas.

11. **Z.B.A. REPRESENTATIVE'S REPORT:** Anthony Antkowiak: No report.

12. **ZONING ADMINISTRATOR'S REPORT:** Timothy Wiggle – Happy Holidays

13. CHAIRPERSON'S REPORT:

Wish everyone a good Christmas and a healthy and safe New Year.
County Planning Commission Chair spoke very highly of our Planning Commission, very impressed and how well we work together; a great compliment indeed.

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14. **PLANNING COMMISSION MEMBER’S COMMENTS:**

George Lyle: At a DDA meeting and they spoke about doing a survey, should we arrange to have our committee meet with their committee, so don’t duplicate?

Chair DeBoyer: DDA Chair should contact me and we can arrange something.

Season’s Greetings to all!!!

15. **PUBLIC COMMENTS:** None.

16. **ADJOURNMENT:**

Motion by Watson, supported by Lines to adjourn the meeting at 8:36 p.m. AYES: All.

NAYS: None. ABSENT: None.

Carried.

Valerie J. Kulba

Recording Secretary