

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 13, 2006 IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

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

2. **ROLL CALL BY VICE-CHAIR:**

PRESENT: Chairperson DeBoyer, Vice-Chair Anthony Antkowiak, Pat Sharrow, Whitey Simon, Kathie Schweikart, Thomas Krueger, Earl Lines, George Lyle, Edward Keller II.

ABSENT: None.

Also present was Building Department Official Michael Kras and Community Planning Peter Briddick.

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

4. **APPROVAL OF MINUTES:**

Motion by Antkowiak, supported by Simon, to approve the November 21, 2007 Minutes as submitted. Ayes: All. Nays: None. Absent: None.

5. **OLD BUSINESS:**

PLANNED UNIT DEVELOPMENT:

Grande Pointe Properties, LLC Sand Island Club

Chairperson DeBoyer: Update to the Board on the Grande Pte. Property, now it has come back to us for further discussion and consideration. Board has option if ready to make a decision can approve with conditions or deny recommendations to the Township Board.

Pat Sharrow: Disappointed the company conducting the traffic study totally ignored North Channel Drive. Spoke with Patrick Meager, Community Planning, he was to contact the company, what information did he find out?

Representative from the traffic study company: 1st want to clarify, trip generation numbers used in the study may not accurately represent the type of homes and residence that actually on the Island, namely some of the homes may be occupied by seasonal residence, retirees, etc. The number of traffic leaving this proposed development had a greater ratio than the existing homes there, 90 cars coming and going from the development for a total of about 300 homes, 2,000 currently on the island which constitutes 86 trips. This number is quite a few less of what is expected. Numbers using are extremely conservative and extremely high, if we had to go back to those numbers, safe to say if cut in half the numbers generated from this development will be half of what is stated in this report. Rely on IT Trip Generation because that is the standard practice. Current roadway out on N. Channel is about 18' gravel road, should have no trouble handling the initial trips generated by this development, looking at roughly one car every two minutes based on peak hour, common practice for gravel roads. Do not see any issues regarding the additional impact on that section of roadway. Primarily focused on the ferry service, seemed if there was a failure in the system it would have occurred at the ferry, limited access and capacity.

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Pat Sharrow: Not a gravel road, last quarter is, it is a county primary, hard surfaced road, concerned with the entire road not only the last 500'. No other inlet to this project, every car getting off the ferry must use this road to get to Sand Island.

Project Spokesman: N. Channel Dr. and the roadways leading to Sand Island, exception of that section which is 1,056', 22' right of way is gravel portion is the area of most concern; the other segment is a paved roadway. This may need some maintenance work or resurfacing which would be the responsibility of the St. Clair County Road Commission. Roadway can safely accommodate the additional traffic generated by the proposed development and even taking in the full rate the IT engineers recommend for single family dwellings. Report presented to you based on 875 vehicles per the IT engineers criteria; roadway of N. Channel Dr. should easily accommodate this traffic without any reduction of the level of service.

Chairperson DeBoyer: Condition of N. Channel if needs to be updated, direction will come from S.C.R.C. Planning Commission does not have control over N. Channel; do have over your development where the ingress/egress meets N. Channel.

Project Spokesman: Agree with you, trying to address the capacity and the impact on that segment of N. Channel and w/o taking in the consideration of the roadway, the volume can be accommodated.

Earl Lines: Addressed the subject of the proposed bridge, questions and concerns.

Project Spokesman: Spoke with Coast Guard Robert Bloom several times. Very specific requirement through the Coast Guard for developing a bridge over this area. Minimum clearance would be 25' or a moveable bridge. Talked with design build people and from a community point of view some kind of a counter swing area, need 25' clear between the two piers that hold it up. Cleared through Coast Guard, EPA, DEQ, public hearing process, try to design a bridge with enough clearance 90% of the boats can go back and forth, owner operator, emergency beacon, etc. Coast Guard process and whatever they require we are ready and willing to cooperate to make this work.

Chairperson DeBoyer: Major repair work to the bridge many years from now, would funds be available?

Project Spokesman: Privately owned such as the sanitary treatment plant, privately funded operation and owners would contribute towards this capital improvement funds.

Chairperson DeBoyer: Coast Guard requiring a higher bridge, how will that affect the homes along there?

Project Spokesman: Only home would be Mr. Rizzo's home at the end of N. Channel; he is the owner and developer. In fact, the road abandonment with the 22' right of way is his property.

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George Lyle: Questioned if developer received the Planner's letters and replied to his questions?

Developer: Believe we did address the three issues the Commissioners addressed.

Chairperson DeBoyer: As far as the dimensioning, when the time comes and when we make our recommendation to the Township Board, it would be advantageous to have one package rather than several to show everything up to date.

George Lyle: Study made that the water lines will support this many homes?

Chairperson DeBoyer: Study not required at this time. Talked with the Engineer, Water Dept. and DEQ will require a study, preliminary stage as of now.

Pat Sharrow: Preliminary will have a lot of "ifs" if our recommendation to the Board is to approve. Everything told to us tonight regarding the traffic study would like it in writing. All the conditions on the bridge want it in writing before it goes on to the Township Board.

Thomas Krueger: Key word is "preliminary" for this project, want to make sure the road, bridge, DEQ everything is in place before it comes back for a final approval. At this point of time, think we owe it to these gentlemen to make a motion to the Township Board to recommend preliminary approval with all those "ifs" in place.

Whitey Simon: Feel all the "ifs" should be resolved and addressed to the satisfaction of the Planning Commission.

Pat Sharrow: Verbally developer has addressed questions, site plan completed in full, etc. with all those things together, would prefer a decision be postponed, making progress.

Anthony Antkowiak: Concern is the bridge and the waste water treatment plant, especially Mrs. DeBoyer's question who would maintain 20 years down the road. Like to see some kind of document that states the association will take care of any maintenance and repairs in the future.

Chairperson DeBoyer: Response in writing that we can pass on.

Anthony Antkowiak: There will be some kind of bridge, who will maintain it, pay for it, waste treatment plant how will that be maintained and taken care of in the future.

Chairperson DeBoyer: Not asking for an agreement yet, just a response to these in writing so we can tell the Township Board they have answered these questions. We are required to do a written report to the Township Board.

Project Spokesman: We can do that and have it to you in a week's time, or else you can vote on the approval process and we'll have it in writing in a week, the approving process may take up to 6-months before we can get the final approval process.

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Pat Sharrow: Final of a condo agreement where attorney will review the provisions of the fees held towards repair of the sewer, bridge that will be part of the final approval process, is that correct?

Planner Peter Briddick: Yes and he explained the process steps.

Pat Sharrow: Township cannot support deed restrictions, it will have to be a strong homeowners association that will insure these repairs, financial stability is there.

Chair DeBoyer: Sure it will be a lengthy and detailed agreement and even after it will come back to us for review and recommendation, we are in the preliminary stage.

MOTION BY LINES, SUPPORTED BY LYLE TO POSTPONE A DECISION ON THE PLANNED UNIT DEVELOPMENT FOR GRANDE POINTE PROPERTIES, LLC UNTIL THE PLANNING COMMISSION HAS ALL THE DETAILS REFERRED TO IN WRITING AND THEN A RECOMMENDATION CAN BE MADE TO THE TOWNSHIP BOARD.

Discussion:

Whitey Simon: Referred to the bridge questions can't all be answered in a timely fashion due not all the detail is available as of yet.

Community Planner: Based on the type of generalities.

Anthony Antkowiak: Assume all the clean-up things that have to be completed according to our Planner. Information re: maintenance of the bridge, treatment plant, reports on the road and bridge in writing.

Pat Sharrow: Ownership of that property shed some new light, private property concern.

Edward Keller II: Our own Planner is recommending there not be approval on the preliminary until items discussed, i.e. bridge be in writing, tend to listen to our Planner.

Kathie Schweikart: Applicant received the Planner's letter with his recommendation, why weren't these questions answered sooner?

Developer Spokesman: Address those questions in this form, brought our expertise people here to address those issues. Trying to move the project forward, asking if it could be conditioned upon these issues. Full site plan is prepared; address the three issues out there. Language to handle the maintenance of the bridge, wastewater treatment facility is something we can easily put together. Ask for us to move forward, condition it however you please. Long road ahead of us and this will help start it.

Pat Sharrow: Reiterated the importance of the information requested in writing.

Dave Gagnon: Did not receive a copy of letter until Friday, reacted to it on Monday.

Definitely concerned when we saw the list did everything we could to have written answers before this meeting.

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Thomas Krueger: Not taking into consideration this is a preliminary plan and whatever they put in writing could change the next day because of the requirements in the permitting process. Expressed his views regarding the plan, proposal a letter from the developer detailing what they said tonight, followed by a review by the Chairperson and Planner. This is by no means the final approval on this, many more steps to go through with the permitting process.

Pat Sharrow: If proceeds to Board level, not all information there, would be a delay; as long as everything is in writing and can be presented to the Township Board.

MOTION WITHDRAWN BY LINES AND SUPPORTED BY LYLE.

Earl Lines stressed the fact providing the necessary letters are submitted to the Township Board.

Planner Peter Briddick: Packet includes a complete current signed and sealed set of plans that are up to date.

Pat Sharrow: Approve the preliminary PUD Plans with our request for the additional information our Planning Consultant will review and submit a review to the Township Board, like that included in the motion.

MOTION BY SIMON, SUPPORTED BY SHARROW, TO RECOMMEND PRE-APPROVAL OF THE PLANNED UNIT DEVELOPMENT FOR GRANDE POINTE PROPERTIES, LLC, SAND ISLAND CLUB TO THE TOWNSHIP BOARD WITH THE FOLLOWING CONDITIONS:

- WRITTEN REPORTS SUBMITTED PRIOR TO OUR PASSING IT ONTO THE TOWNSHIP BOARD ANSWERING THE POINTS AS LISTED BY OUR PLANNER IN HIS LETTER DATED DECEMBER 5, 2006, WHERE THE RESPONSES MAY NOT NECESSARILY HAVE TO GO INTO DETAILED ENGINEERING RESPONSE AS DISCUSSED EARLIER.
- SUBMIT THE TRAFFIC INFORMATION REPORT
- ALL THE INFORMATION REQUESTED IS REVIEWED BY THE PLANNING CONSULTANT AND A REPORT GIVEN TO THE TOWNSHIP BOARD PRIOR TO IT THEIR REVIEW.
- TEN (10) COPIES OF COMBINATION SITE PLAN WITH ALL DETAILS ON ONE SITE PLAN
- SUBMIT PROOF OF OWNERSHIP OF THE PROPERTY

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

MOTION CARRIED.

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6. NEW BUSINESS:

SITE PLAN CONSIDERATION/SPECIAL APPROVAL LAND USE:

John Spasich/Waters Edge Bar & Grill 7291/7301 Dyke Road (Vacant Lot #1062)

Chairperson DeBoyer: Request for a S.A.L.U. on the one parking lot. According to our ordinance that lot could have been approved for parking by the Zoning Administrator. Site plan submitted earlier with the following addressed: dumpster had to be moved, greenbelt on the south side, approval from ZBA for parking arrangement, greenbelt on south side used for employees parking and the 15' would create a hardship.

Now it has come back to us just on the one vacant lot. Commissioner's your thoughts and recommendations.

Anthony Antkowiak: If we look at the vacant lot only, what happens to all the things we have done prior to this? Would the variances from the ZBA for that piece of property be in affect or would something different have to happen?

Chairperson DeBoyer: Would still be in affect, decision made by the ZBA, cannot overrule the ZBA. Everything we said had to be addressed on that site plan would be addressed. Court Order saying they to submit that site plan to us.

Anthony Antkowiak: Variance granted by the ZBA took care of the issue of landscaping on the north side and the parking lot, never talked about the south side. In favor of trying to get the man his parking on the lot he bought which was rezoned so he could use it that way.

Pat Sharrow: Southside concern of a greenbelt is losing parking spaces, a masonry wall would do just fine, don't know if we have the authority to specify.

Chairperson DeBoyer: Under our ordinance we do not have that authority, would require a variance from the ZBA.

Pat Sharrow: Possibility could be a home on the south side and a home one lot over. Wall would block headlights and noise.

Whitey Simon: Talking about only the added lot, wall in question is the original piece of property, parking lot that was rezoned; do we have to look at that again?

Chairperson DeBoyer: If the Planning Commission decided to look at just that one lot, they still have to comply with the original site plan.

Anthony Antkowiak: Which would still require some kind of blocking on the south side.

Chairperson DeBoyer: If not required to put in a greenbelt, it would be reasonable to say the fence has to be capable to block more than the existing fence.

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Whitey Simon: Asphalt in that area where it would have to be torn up and regarded.

Anthony Antkowiak: Remember could go around that building and get out, circular driveway.

Chairperson DeBoyer: What triggered the site plan requirement was that circular driveway was blocked.

Pat Sharrow: Added the patio without any site plan approval.

MOTION BY SHARROW, SUPPORTED BY LINES, TO APPROVE THE SITE PLAN FOR WATERS EDGE BAR & GRILL, 7291/7301 DYKE ROAD (VACANT LOT #1062 ONLY) PENDING A VARIANCE GRANTED BY THE ZBA FOR A MASONRY WALL IN PLACE OF A GREENBELT ON THE SOUTH SIDE AND COMPLETE THE 15' GREENBELT ON THE NORTHSIDE AS REQUIRED AND AGREED TO RELOCATE THE DUMPSTER OUT OF THE GREENBELT AND SHOW HIS PARKING SPACES ON THE SITE PLAN

Discussion:

Tony Antkowiak: Things he had to do was move the dumpster, provide landscaping and ZBA gave him the ability to put as many parking spaces in that space that are legal. Need from the ZBA would be approval for that wall and it would be over with, if not approved he would have to come back. Six foot wall.

Chairperson DeBoyer: With ZBA approval that could be submitted to the zoning adm. And he could determine it meets the requirements.

George Lyle: Don't think we have the right to require the cement wall.

Chairperson DeBoyer: We are not requiring it, would be decision of the ZBA.

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

MOTION CARRIED.

SITE PLAN CONSIDERATION:

St. Paul's Episcopal Church 208 Orchid Ave., Harsens Island

Chairperson DeBoyer: Within the footprint of the existing building, taking a stairway out and running one wall across. Township Board has approved waiving the building and inspector's fees.

Earl Lines: Do not see any problem with it.

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MOTION BY LINES, SUPPORTED BY LYLE, TO APPROVE THIS SITE PLAN FOR ST. PAUL'S EPISCOPAL CHURCH, 208 ORCHID AVE., HARSENS ISLAND AS THE PROPOSED ADDITION WILL NOT POSE ANY IMPACT ON THE SURROUNDING LAND USES, DOES NOT REQUIRE ANY ADDITIONAL PARKING, DOES NOT POSE ANY ADDITIONAL TRAFFIC PROBLEMS. R/C VOTE: AYES: KELLER, SHARROW, KRUEGER, SCHWEIKART, LINES, LYLE, ANTKOWIAK, DEBOYER. NAYS: NONE. ABSTAIN: WHITEY SIMON. MOTION CARRIED.

7. ELECTION OF OFFICERS

Three Offices: Chair, Vice Chair, Secretary.

Chair DeBoyer asked for nominations from the floor:

Earl Lines nominated Dorothy DeBoyer continue on as Chairperson.

Edward Keller II nominated Anthony Antkowiak as the Vice Chair.

George Lyle nominated Kathie Schweikart for Secretary.

MOTION BY SIMON, SUPPORTED BY LYLE, TO CLOSE THE NOMINATIONS. AYES: All. NAYS: None. ABSENT: None. MOTION CARRIED.

MOTION BY KRUEGER, SUPPORTED BY SHARROW, TO APPROVE THE OFFICERS FOR 2007 PLANNING COMMISSION: DOROTHY DEBOYER, CHAIR; ANTHONY ANTKOWIAK, VICE CHAIR; KATHIE SCHWEIKART, SECRETARY. VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: NONE. MOTION CARRIED.

8. ADOPT 2007 MEETING DATES:

MOTION BY SHARROW, SUPPORTED BY SIMON, TO ADOPT THE SCHEDULE FOR CLAY TOWNSHIP PLANNING COMMISSION MEETINGS FOR THE YEAR 2007. ALL MEETINGS ARE THE SECOND AND FOURTH WEDNESDAY OF EACH MONTH, BEGINNING AT 7:30 P.M. WITH THE EXCEPTION OF DECEMBER WHERE THERE WILL NOT BE A 2ND MEETING. IT IS THE INTENTION OF THE PLANNING COMMISSION TO CONDUCT BUSINESS REGARDING SITE PLANS, SPECIAL LAND USE REQUESTS, ZONING CHANGES AND LOT SPLITS AT THE FIRST MEETING OF THE MONTH, AND TO DESIGNATE THE SECOND MEETING OF THE MONTH AS A WORKSHOP MEETING FOR THE PURPOSE OF REVIEWING THE MASTER PLAN, ZONING ORDINANCE, OR BUSINESS THAT CANNOT BE POSTPONED TO A REGULAR MEETING AND/OR POSTPONED OLD BUSINESS. AYES: ALL. NAYS: NONE. ABSENT: NONE. MOTION CARRIED.

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9. **PLANNING CONSULTANT’S REPORT:**

Peter Braddock: No report. Wish you all a blessed Christmas and a Happy and Safe New Year.

10. **Z.B.A. REPRESENTATIVE’S REPORT:** A. Antkowiak: No meetings to report.

11. **CHAIRPERSON’S REPORT:**

Attended a meeting regarding the Michigan Heritage Route Program that is looking at designating M-29 as a Heritage Road.

Happy to report, two Planning Commission members will be attending the Citizen Planner Program in January.

Wish everyone here a very Merry Christmas and a Happy New Year filled with health and peace.

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

Members all wished each other a joyful and safe Holiday.

13. **PUBLIC COMMENTS:**

Nick Sarzynski, Harsens Island: Warning to members to heed developers coming in with unlimited funds. People can tie up a municipality in the Court system. What is happening to everything we have on this Island that was to be preserved. Our wetlands are disappearing. We need to be cautious and look to the future.

Norman Rhodes, Harsens Island: PUD development bridge situation, development does have the ability to declare bankruptcy. Something needs to be stated on the deed that it is the homeowner’s responsibility to fund that bridge and any additional tax cost.

Judy Champ, N. Channel, Harsens Island: 18’ dirt road, don’t understand how they think 90 cars a day are going to travel on that dirt road. Concerned about the turn around. How do two vehicles pass on 13’? Called the Road Commission and they claim never heard from the developer.

Lucy Burby, Harsens Island: Questioned a lift bridge across Grande Pointe Cut, cars would have to wait to go over, holding area for cars when the bridge is in the up pattern.

Chairperson DeBoyer: We appreciate all your thoughts. Developer has his right to develop the land.

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14. **ADJOURNMENT:**

MOTION BY SIMON, SUPPORTED BY LINES, TO ADJOURN THE MEETING AT 9:06 P.M. AYES: ALL. NAYS: NONE. ABSENT: NONE.

MOTION CARRIED.

Valerie J. Kulba
Recording Secretary