

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD FEBRUARY 28, 2007 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:**

PRESENT: Chairperson Dorothy DeBoyer, Vice-Chair Anthony Antkowiak, Secretary Kathy Schweikart, Edward Keller, II, Pat Sharrow, Earl Lines, George Lyle.

ABSENT: Whitey Simon (excused); Thomas Krueger (excused).

3. **AMENDMENTS TO THE AGENDA:**

Sharrow: After approval of minutes should we put in discussion of our draft?

DeBoyer: Well, truthfully, basically, the idea was to have this so we can approve the minutes so we can get them up to Metro Planning.

4. **APPROVAL OF MINUTES:**

Motion by Sharrow, supported by Lines to approve February 14, 2007 Minutes.

Changes to Minutes:

Page 4, 2nd paragraph – Change “John” to “Jon” and add his last name, “DeBoyer”.

Page 4, 3rd paragraph - Change “Township Board meeting” to “Planning Commission meeting”.

Page 3, New Business – PUD “The Preserves” – paragraph 1 – Change “Site Plan was presented of the proposed development which they are requesting to be zoned R-1...” to “Site Plan was presented of the proposed PUD development...”.

Page 2, 2nd paragraph – Add “The public hearing was closed.”

Page 2, 3rd paragraph – 1st sentence – change “no more development” to “no more commercial development”.

Page 2, 3rd paragraph – 2nd sentence – change “and feels the applicant” to “and the applicant feels he does not need same”.

Page 2, 3rd paragraph – 4th sentence – change “there was a public water access” to “there is not a public water access”, and add “Access belonging to a subdivision”.

Page 2, 8th paragraph – After “Krueger: Yes.” Add – “Restated motion to recommend approval of rezoning from C-2 to C-3 to the Township Board. Reaffirmed by Schweikart.”

Page 2, between 9th and 10th paragraph should state – “DeBoyer: Had checked Master Plan and map and didn’t believe rezoning was contrary to the Master Plan.”

Change throughout Minutes - “Deboyer” to “DeBoyer”.

Sharrow: **Restated motion to approve Minutes with all corrections, supported by Lines.**

Minutes approved with the above corrections.

AYES: All NAYS: None. ABSENT: Simon (excused); Krueger (excused)

MOTION CARRIED.

5. **PLANNING CONSULTANT’S REPORT:**

None.

6. **Z.B.A. REPRESENTATIVE’S REPORT:**

Antkowiak: No report.

7. **CHAIRPERSON’S REPORT:**

Chairperson DeBoyer: We want to get these Minutes up to Metro Planning so that they can make their comments and get it back within the time frame required before the public hearing.

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

DeBoyer: Comments on new Zoning Ordinance?

Lines: Questions page 11, regarding one year authorization on permits. What if they don’t have work completed in one year’s time? In the past, they had two six month periods and then they had to come back.

DeBoyer: They can come back and ask for a renewal. This was changed to coincide with the Michigan Building Code.

Lines: Group homes has shifted to somewhere else?

DeBoyer: It was rewritten and, again, it’s because Michigan law is different than it was when our existing Ordinance was written, so it had to be changed to conform to that. That’s why there is a difference.

Lines: Page 34, State licensed residential facility - A structure of residential purposes that is licensed by the State by the Adult Foster Care Licensing Act.

DeBoyer: That came right from the law and that has been inserted in there, that’s why it is highlighted.

Lines: Read from page 38, “The area encompassed by legal boundaries of the city or village or the area encompassed by legal boundaries of the county or township outside the limits of incorporated cities and villages where the zoning jurisdiction of a county does not include the areas subject to township zoning by the township”, and asked for clarification.

DeBoyer: That comes from the new Zoning Enabling Act and had to be included.

Lines: Page 40, question regarding boat houses, specifically boat houses being enclosed.

DeBoyer: This is talking about height.

Lines: The height of 8' and the 3' down from the top. Is there a possibility of making changes that this requirement could be loosened up a little bit if somebody wanted to enclose a boathouse? We've been going to the ZBA about boathouses that have already been enclosed.

DeBoyer: No. 13 addresses this and that is being added to our Ordinance. We did not feel that it would be advantageous to our community to allow enclosed boathouses everywhere. But, there are instances, as pointed out here, in which they would not be a hindrance to anyone and would be beneficial to our citizens in those areas.

Sharrow: That should reduce some of the variance requests.

Lines: Page 145, 2039, Marine Bridging, Part 5: "There shall be no construction or assembly of barges permitted for such use." Requested clarification regarding difference of marine salvager or dredging company that owns property and stores material and buys steel and builds a barge versus a boat builder. Boat builder could build a barge. A barge is a boat, just called by a different name.

Sharrow: They would have to be zoned industrial.

DeBoyer: Correct.

Sharrow: These marine contractors are not zoned industrial so they should not be manufacturing a boat.

Lyle: Question regarding greenbelts between similar zonings such as between a C-1 and a C-1, you have to have a 5 foot greenbelt. Why would you have a greenbelt between two districts that are the same?

DeBoyer: One reason is aesthetics. Just because you're between two businesses in the same zoning, there are a number of things that you can put under one zoning and they may not be the same.

Sharrow: C-1 could also have residential use. So, we would want to protect them. In C-1, you could have the office in your home.

Lyle: Even between two offices, they have to have a greenbelt?

Sharrow: Once it's zoned C-1, it doesn't have to stay two offices. There could be living quarters, too. That's allowed in C-1.

DeBoyer: Although it may be zoned C-1 or C-2, there's quite a number of different things that can be done on that property and they can be very different from one another. So, even when

we're talking about re-zoning, we have to look at everything they're indicating that they're going to do and determine if it would be compatible. And, if we have two different things, it's reasonable to have greenbelts or screening between the two of them. In our new Ordinance, we will have the ability to change, to a certain degree, what is required. Because it's C-1 doesn't mean it's going to be the same kind of business. It could also include a residence.

Antkowiak: We will have the public hearing on this and then after the public hearing, I assume we would work on this at a workshop meeting and incorporate things from the public and/or from our own reading of this?

DeBoyer: Correct. We will then recommend approval to the Township Board and it will also go to Metro Planning for their comments.

Antkowiak: Do we send it to the other Townships?

DeBoyer: Yes, we do send this to adjoining townships. At a previous meeting I had mentioned that Ira Township had notified us by letter that they are revising their Ordinance and it was available to us for review. Also, several months ago I received a letter from Cottreville that they are amending their Ordinance.

Antkowiak: So, you don't actually have to send them the drafts, just advise them of the revision and if they want to review it they can obtain a copy or request we send them one?

DeBoyer: Correct.

Lyle: Questioned reading possibly in Planner's remarks that you no longer have to be a property owner to be on the Planning Commission according to the Courts.

Sharrow: The State law has read that way for years, and the Court ruled on that 30 years ago. We have never required that a member of the Planning Commission could be a renter. So, we have never used it. Most people who apply are usually property owners, they're more interested. But, we are aware that it might hold up in Court because there was a Court ruling, and your attorney will tell you the same thing.

DeBoyer: And, of course, our Township Board is the one that makes the appointments and they are going to be looking out for the best interests of the Township. And, if you have a Planning Commission with 6 people on it who are not residents, would that be beneficial? I suppose you could argue both ways, but it would be questionable.

Sharrow: There are two bodies, the DDA and the Planning Commission where the Supervisor must appoint and get approval of the Board. But, no Board member can suggest a Planning Commissioner or a DDA. Now, ZBA and others, Dangerous Building and so forth, any member of the Township Board could make a nomination. But, that's the way the State law is written on Planning Commission and DDA. One change in the new Zoning Enabling Act is that when there is a vacancy, the appointment must/shall be made within 30 days. We once had an occasion where we went a year without a Planning Commissioner because, at that time, it said that the member whose term expired remained a member until he was replaced by

someone. So, a year later, that appointment had not been made. So, the new State Zoning Enabling Act has changed for the better. Under the Municipal Planning Act which we were formed under, not the Township Planning Act, there are different requirements than there are under the Township Planning Act. And, sometimes that's confusing for us because we get opinions from MTA because they make them from the Township Planning Act. And, we're one of the rare ones.

DeBoyer: I just received notice that they are looking at doing the same thing with the Planning Act that they have done with the zoning and rewriting and combining all of them. So, that may all change in the future, too. It would be less confusing.

Discussion followed amongst Planning Commission Members Sharrow, Antkowiak, and Chairperson DeBoyer regarding scheduling a time to meet to review the maps. Chairperson DeBoyer will coordinate a mutually agreeable time and contact those involved.

9. **PUBLIC COMMENTS:**

None.

10. **ADJOURNMENT:**

Motion by Antkowiak, supported by Lyle to adjourn the meeting at 7:52 p.m.

AYES: All. NAYS: None. ABSENT: Simon (excused); Krueger (excused)

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary