

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 12, 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, Whitey Simon, Earl Lines, George Lyle, Thomas Krueger, and Edward Sharrow.

Also present: Patrick Maher, Township Planner and Peter Briddick, Community Planner

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

Motion by Vice-Chair Antkowiak, supported by Lines to approve the minutes of August 22, 2007 as presented.

AYES: All NAYS: None

MOTION CARRIED.

5. **PUBLIC HEARING: Re-Zoning – 9334 North River Road (C-2 to RM) – Great Lakes Inn AFC LLC – Mario Palazzolo**

Chairperson DeBoyer opened the public hearing at 7:34 p.m.

Mario Palazzolo: Interested in re-zoning this property from C-2 to RM so that it can be used as an Adult Foster Care Home, primarily handling individuals with Alzheimer's. In order to go through the process of applying for a license, the State will not even consider this property unless it is zone appropriately for this type of operation. Have been involved in the project for several years and the possibility of using the existing facility in a variety of different ways. They feel that this would be one of the best ideas of how to use the existing building. Their short-term goal is to get the existing building licensed for 20 beds, but could actually be licensed for a larger facility but would require much more extensive renovations. They do have plans, if the market calls for it, to expand to an additional 20 beds.

Chairperson DeBoyer: As the Commission considers a re-zoning, they cannot consider what might be put on it. If it were to be re-zoned, anything that is allowed in the Zoning Ordinance

would be put on it. The Commission has to look at it as a simple re-zoning of the property and if it is good for the area, is it fit.

Palazzolo: Understands, but wanted to make the Commission aware of what their goal is. They feel that the use they are considering this property for is less detrimental to the environment or the area than a commercial district would be. They wouldn't require the same kind of traffic, they don't use the school system, they don't use the police department. They feel they are usually a valuable resource to the community because of the type of use they are.

INDIVIDUALS IN FAVOR OF PROPOSED RE-ZONING:

Dr. William Drake, 9287 North River Road

He and his family have watched the property deteriorate over the years away from its prestigious status of what it once was. Supports the re-zoning for many reasons since an RM is similar to what's also in the area because there are also some other RM zoned areas, if not contiguous to the property, in close proximity to the property to the North. Also, there are some properties across the street that are acting similar to the intended use. Feels it would be conducive to the area of what is going on. Feels the ultimate goal of the builder and developer for an adult foster care on this property not being a consideration, it should also not be considered a detriment. Meeting the needs of the elderly and the aging of America needs to be met. Feels that something like this into a community like Clay Township should be embraced, and that it probably would improve the quality of the property right now, and there is a great need in many ways.

David Dibley, 9251 North River Road

Owns and adult foster care that is much smaller which is kitty-corner from the property. Obviously, from the standpoint of competition he is not overly thrilled with the idea but feels there is definitely a need for places for elderly people. His foster care home strictly takes care of elderly people. Within the whole licensing process, there are different types of care and different types of facilities. There is a multiple residential zoning kind of grandfathered into that direct area, so he feels it kind of fits in with the area. So, if, down the road, at some point to be competitive, he would ask the Commission to be considerate of him if he was coming to ask for a zoning change to accommodate more people.

INDIVIDUALS IN OPPOSITION TO THE PROPOSED RE-ZONING:

Linda Russell, 9200 North River Road

Feels the property was built and rebuilt as a restaurant and lodging place and should stay as a lodging place and restaurant. Feels it could be very successfully run by someone and thinks that the dining room of the property would be perfect for bookings of showers, graduation parties, etc., and with the rooms upstairs it would be a viable business for someone. With regards to an adult foster care, she has a bad memory of picking up a little old man who was walking down M-29 and trying to get in the door of Big River Grill when he was living across

the street. Every time you say foster care to her, she just thinks of this man in his bedroom slippers and me trying to figure out where did he belong. Feels the property should stay commercial.

Gerald Payette, 9454 North River Road

Feels the man wanting to re-zone the area to multi housing and put a senior home in is not what the zoning is about. To him, if you starting doing this, you're going to put a lot of pressure on the neighborhood because everyone in the neighborhood has a very nice piece of property. And, somebody's going to come in there and say we want it all. How can you guarantee his piece of mind in there. He has a very nice piece of property and doesn't want it re-zoned and doesn't want the property around him re-zoned.

Jerry Kowal, 9317 North River Road

Lives right across from the Great Lakes Inn. Feels the idea that Mr. Palazzolo has about putting an adult foster home would be great for the elderly since we'll all be there at one time or another. But, he is in opposition. When you're going RM, basically you're giving him a lot of latitude. He's talking foster home, but he has other avenues to go if this thing is re-classified. He could put up a tower there for cell phones. He could put up multiple apartments. He could do anything with it because there's about 9 or 10 different categories he could work in. He's talking foster home. He's trying to prey on everybody here that that's what it's going to be, but there's no guarantee that you're telling us that it's going to be a foster home or assisted living, which would be great. However, there's a lot of other avenues he could go. Once it's gone, re-classified, he could wait a year or two and say we're not going to go that way. We're going to put up single dwelling apartments and we might put up some cheaper condos. I think he's got a good point as far as helping the older people, but there's nothing here guaranteeing us that he's going to go in that direction. RM means a latitude in a lot of different areas and that's why I don't think it should be done unless you can pinpoint it to one spot that it's going to be for foster care, and that's not going to happen.

Lee Duhaime, 9386 North River Road

He is the third property to the south of the property in question. He is very confused about this request for re-zoning to a multiple family residential district. Feels that if he goes by Clay Township's codes that he has, that would permit a possibility of 13 different options being put in, not just necessarily the senior citizens. That would cover the entire spectrum anywhere from two-family dwellings to boarding houses to wireless communication centers. All of these items could possibly be put in, not necessarily by the gentlemen that's looking at the property right now, but any future owners of that particular property. Feels the area has a high concentration of rental apartments and complexes within the immediate area. It is interesting to note that every one of those properties either has a "For Rent" or "For Sale" sign up. So, there's a multitude of properties that are indeed available. This request for re-zoning with a multitude of possible uses for the property either now or in the future is way too broad to make a decision on. He feels it would have to be more specific. Feels the attempt to increase this to a high intensity infrastructure would create a specific number of problems. As an example, the

sewers out of the Great Lakes Inn have historically been a problem, plugging up the sewers on all sides of that particular piece of property because the property has been grandfathered and doesn't have proper sewage disposal. This has caused property owners problems as well as Clay Township having to come out again and again to clean those drains. Feels that increased traffic might also be an issue. On weekends, because of the proximity to the State Park and the tourist traffic, and on weekdays during the morning and afternoon commute congestion. This is the only access road to that piece of property at present. He would ask that the request for this proposal, as it is being proposed, be denied.

Ted Krause, 9415 North River Road

States that the area is referred to as Willow Point. And, they think they have the jewel in the Township community. Wants to comment on a couple of situations that they have in the immediate area. One is right off of M-29, North River Road, on Hemenger Elizabeth. The zoning is very questionable. It's supposedly a private home, but it appears to everybody in the neighborhood that it's a home for multi families. There is traffic in and out of there. It is not uncommon on a weekend to get up in the morning and find 12 cars parked on Elizabeth Road wherein an emergency vehicle could not get through if they had to. We have another situation 50 feet south of the Great Lakes southern fence line that is literally a shack. A trailer was put in there at one time, plywood and aluminum and is boarded up the side, the grass is a foot tall and there's a condemnation letter on it. Across the street from the Great Lakes Inn 50 feet to the north, there is an RV and boat storage area with traffic in and out of that. His property is across the road 200 feet south of the southern border of the Great Lakes Inn and did not receive a letter regarding this hearing. Would like to know what the criteria was for sending that letter out? If it wasn't for a good neighborly friend, he would not be aware of this meeting today. In reading the letter, he, too, felt it was extremely broad and gave, other than a reference to what the re-zoning would be, no detail on what a multi-residential zoning might entail and what could be erected on that facility. At this point, he is totally opposed to it.

Lois Payette, 9454 North River Road

Questions once you put in an adult foster home, how is it going to affect them not only as where they live but as a tax base and would future re-zoning like that be moving down the road? The previous gentlemen talked about the mobile home there with the siding on it and stated that they moved in 20 years ago and it was there then, it's still there. Is just wondering how long it takes to get rid of something like that and then you're going to put up a foster home. You have a very attractive nuisance. It's available to get into that lot from the back through the bike trail. Kids are up and down there all the time. And, if you've got an adult who's not too with it and he gets out of the foster home and gets in there, who's going to know to go looking in there for him? It's just not a safe area there for the foster home. Doesn't feel that it's going to fit right in that area. There's high traffic from the State Park. Feels somebody will get hurt out there. Just doesn't feel that it's safe and doesn't see how it's going to fit there without having a lot of problems.

Patrick Maher, Township Planner

The Township recently adopted the new Zoning Ordinance, No. 126. As part of that Ordinance, if it is in fact the intention of the applicant to put foster housing onto this site, it could be treated under a Special Land Use criteria rather than a re-zoning and that would entail still allowing that specific use but under the current zoning. Obviously, the action that is being requesting is a re-zoning at this point. But, if it truly is the intent of the applicant to do foster housing, perhaps in terms of limiting the scope of their activities, they may want to reconsider and take a look at this from the perspective of Special Land Use. That is one option available to the applicants.

Chairperson DeBoyer: Questioned whether the applicant would like to make a final comment?

Palazzolo: The reason why we asked for the re-zoning was that it was suggested by the Township. But, we also have to come back to the Board again for special use requirements. But, he thinks it's still under a multiple requirement that we do this. What he needs is to get a zoning that the Township says is okay so that he can go to back to the licensing bureau that will at least allow him to apply for the license. There is a lot to this process. He has to get the Township to give him a zoning that allows it to happen for him to apply for a license so that they can begin the process to look at the existing building to make sure that it meets all the needs. The existing building will not meet all the needs today. Because of fire requirements, we cannot lock people up but they do use Wander Guard, a system that they employ which prevents a person from existing a building without an alarm going off. This does not have the same competition as an apartment building or complex. There is a need because people get older and sometimes you need help and can't live at home any longer and you need some help. That is what these facilities are designed for. They also have some of the same concerns that the residents mentioned. This might not be a good use for this building. They searched high and low to figure out what a good use would be. There was a restaurateur that looked at this building and turned it down due to location. One of the reasons they were attracted to this building was the restaurant portion. Some of the cost of building the facility are already incorporated in this building. Is looking to obtain a zoning that he could take back to the licensing people in Lansing with a zoning that can be pursued and allows us to go to the next step. It doesn't mean that we're there. There are several renovations and updates that will need to be met and we won't know what they are until they come through the building and they won't come through the building unless we have the right zoning.

Chairperson DeBoyer: Reads a letter from Great Lakes Opportunity Group – Clay, Michigan to the Planning Commission in opposition to the re-zoning.

Chairperson DeBoyer: Requested Vice-Chair Antkowiak read what is currently allowed under C-1 and C-2 of the new Zoning Ordinance, including Special Land Uses.

Vice-Chair Antkowiak reads the allowed uses under C-1 and C-2 including Special Land Uses of the Zoning Ordinance.

Chairperson DeBoyer: Requested Secretary Schweikart read what is currently allowed under RM zoning, including Special Land Uses of the new Zoning Ordinance.

Secretary Schweikart reads the allowed uses under RM, including Special Land Uses of the Zoning Ordinance.

Chairperson DeBoyer closed the public hearing at 8:09 p.m.

Chairperson DeBoyer: Planning Commissioners you may now discuss, ask questions, and determine whether you want to make a decision tonight or wait to digest the information received tonight and make a determination at our next regular meeting.

Vice-Chair Antkowiak: Stated from his personal point of view, he feels that the commission should wait until the next regularly scheduled meeting to make a decision since they have received a lot of information from the public and we need to look at this very closely. He personally feels that to make a recommendation tonight would be premature.

Krueger: Questioned whether the people that spoke in opposition to the re-zoning were familiar with the current uses that could be used under C-2 zoning? His understanding from the public's comments were that if this property was re-zoned to RM it would open it up to more widespread uses when, in fact, under C-2 it's much wider than under RM. Requested a show of hands as to whether those that spoke in opposition still feel the same way after the readings from the Zoning Ordinance as to what is allowed under RM versus C2.

Lines: Stated that since what is allowed in C-1 also falls under C-2, adult foster care is already listed. Whether we change it or not, the door is still open for him to proceed.

Sharrow: Feels that using the Special Land Use would be the easiest way out for everyone and the zoning would not need to change.

Chairperson DeBoyer: It wouldn't make any difference. As the applicant pointed out, he was looking for something that would give him an opportunity to then go to the State to obtain his licensing.

Sharrow: The Special Land Use would do that.

Chairperson DeBoyer: It's true, but he felt it would be a longer process. With the Special Approval Land Use Site Plan, they have to provide the Site Plan. It is the right of a citizen to make a decision as to how they want to approach it once they know it's available. It was an option, but this is the route that he chose.

It has been suggested that we wait until the next meeting to make a decision on this request.

Vice-Chair Antkowiak: Questions whether No. 5 under RM is the section that the applicant is referring to, State licensed residential facility?

Chairperson DeBoyer: Yes, he would require a license to do that. Even if he went under the Special Approval Land Use, he still would have to get State licensing.

Simon: Questioned whether the only real difference is the fact that a re-zoning would allow him to go for a license before he has to come to us with a Special Land Use Site Plan and the rest of the expense that that would entail?

Chairperson DeBoyer: That's true.

Motion by Vice-Chair Antkowiak, supported by Krueger that the Planning Commission postpone a decision on this particular issue until our next regular meeting.

AYES: All NAYS: None.

MOTION CARRIED.

6. SPECIAL APPROVAL LAND USE/SITE PLAN CONSIDERATION WITH CLUSTER HOUSING OPTION:

**74-14-514-0034-000 Harris Dr., 74-14-618-0004-000 Little Rd.;
74-14-618-0031-000 Little Rd.; 74-14-618-0007-000 North Channel Dr.;
and 74-14-618-008-000 North Channel Dr.**

Grande Pointe Development LLC – Timothy Stoepker

Chairperson DeBoyer: This is not a public hearing. This is on the agenda for the Planning Commission to discuss and determine if we are ready to set the public hearing. So, there will be no public comments on this tonight. This is strictly for the Planning Commission to discussion.

Stated to the Commissioners that we have had a large amount of information to review and look through. If there are questions or things that you would like to discuss before we make a determination on the public hearing now is the time.

Lines: Personally feels that upon reading the economic impact information presented, the applicants should have gone to the City of Algonac to ask for permission to do this on Harsens Island because everything refers to Algonac, not to Clay Township, i.e., the Algonac-Harsens Island Ferry. He went to Algonac looking for a ferry to Harsens Island and couldn't find one; Walpole Island, yes. To him, there were six pages that he found that were a slap in the face to Clay Township. He was very upset about it. It's a prestigious piece of land. Regarding the flow of water, you always need a place for the water to go into and a place for it to come out. It always has to have circulation. Looking at the print of the layout of this land, he can see this becoming nothing but a bog. There's no way you're going to get a flow of water through there to keep that not from coming up with undergrowth.

Chairperson DeBoyer: In the pre-site meeting, that issue was brought up, and there will be a means to keep the flow of water hydraulically.

Lines: The next concern is what are they going to do with all that dirt?

Chairperson DeBoyer: Truthfully, that is not our concern.

Lines: He understands but when it still is an issue with us when that's a piece of land that we're in charge of caring for. Also, has concern for the undertaking of the sewer line across the North Channel.

Chairperson DeBoyer: Again stated that is an issue that is out of the Township's hands.

Lines: Stated the fact that it is out of their hands really scares him.

Chairperson DeBoyer: We would have to leave it to the County who controls the sewer system. They would have to make a decision on whether they would allow something like that. The only way we should be thinking about it is that we have to realize that if any number of the things that are proposed, such as the sewer or the road, would not be approved by the entity that has the power to approve it, it would then change the plan and it could not be approved as presented. Those are the things that we need to keep in mind. Those are the things we need to know have been approved before we make a recommendation for approval. So, as to whether we think it should be approved or not is really out of our hands, but it is something that we need to know before we make our decision which will not come until after the public hearing.

Lines: The information that has been provided for us to consume has been overwhelming. Also, questioned the wetland issue and whether the applicant has made application to the DEQ?

Maher: Feels there are some very excellent points being brought up and needed for consideration. But, remember this is just to set the public hearing and anything talked about tonight doesn't become part of an official record with regard to this project. Feels that all these questions need to be addressed at the public hearing so that all of the information becomes part of the discussion and the input from the public as well as the applicant's ability to answer the questions. Feels that the only issue at this point should be whether or not to set the public hearing.

Schweikart: Is not opposed to setting the public hearing but setting it out farther than we normally would to give us all time to digest the information.

Chairperson DeBoyer: Keep in mind this must be at a regular meeting. If we held it at the next meeting, it will not be held until October 10th.

Schweikart: And the one after that would be?

Vice-Chair Antkowiak: November 14th.

Sharrow: Is concerned with the traffic impact study. I'm sure the people know what they're doing, but what if they're wrong? Where does the liability come if it has to be re-done and re-worked?

Chairperson DeBoyer: Again, those are questions that we need to ask at the public hearing.

Simon: Aren't we really only concerned with the density considerations of that piece of property as exists right now and as it is zoned R-1 and RS-1?

Chairperson DeBoyer: No, I don't think it's truly accurate that we are only concerned with the density. We have to look at it as an entire site plan. That is how it's being presented to us, as a cluster housing.

Simon: He understands that, but the cluster housing and the number of units are based on the allowable use under R-1 and RS-1.

Chairperson DeBoyer: Correct, which is addressed in the material we received.

Simon: Questioned whether this is, in fact, only a consideration to look at a site plan to satisfy the limits of the number of units that can conceivably fit into that 380 acres because we're not concerned with anything else?

Chairperson DeBoyer: There are other things that are still within the scope that we should be looking at. We cannot decide on water, sewer, or roads. That is not our decision to make. What goes on the land is our decision to make. And, as in other previous considerations, we do have questions such as elevation set backs.

Simon: What we are really into is the number of buildings and the aesthetics of the buildings.

Chairperson DeBoyer: And whether they meet the requirements.

Motion by Simon, supported by Vice-Chair Antkowiak to set a public hearing regarding approval of the Grande Pointe Development LLC at the October 10, 2007 regular Planning Commission meeting at 7:30 p.m., and that due notices be published.

Vice-Chair Antkowiak: Feels that a month should be sufficient time to review all the information presented.

AYES: All. NAYS: None.

MOTION CARRIED.

7. PLANNING CONSULTANT'S REPORT:

Maher: Has copies of the new zoning maps which may be put into the Commissioner's booklets and will hand those out after the meeting. However, this does not include a map of

Dickinson Island. It is referred to only on the main zoning map and is currently all zoned R-1. We will either need to redevelop that map file or wait for the County to finish developing it. And feels that may be the best route to take or we can perhaps retrieve that file from Wade-Trim.

8. Z.B.A. REPRESENTATIVE’S REPORT:

Vice-Chair Antkowiak: Nothing new to report.

9. CHAIRPERSON’S REPORT:

Chairperson DeBoyer: Requested that those who have been appointed to the Master Plan Committee need to schedule a meeting and requested they check their calendars and let her know what date is convenient for all. This will be a lengthy process. We will need to get letters out, talk to our Planner, to the Township Board, and make a determination of how we are going to go forward on this. Upon discussion of Master Plan Committee members, it was agreed upon to meet on Thursday, October 4, 2007 at 6:00 p.m. at the Township Hall.

10. PLANNING COMMISSION MEMBER’S COMMENTS:

Chairperson DeBoyer: Welcomed Mr. Krueger back as our Township Board representative, and he will be with us, unless some unforeseeable thing happens, until November of 2008.

11. PUBLIC COMMENTS:

Norman Rhodes

Commented regarding the Grand Pointe Development project. Stated he has 36 people that are represented tonight that came for the Special Approval Land Use and presented petition to Chairperson DeBoyer. These represents that there are 36 tax payers who did not feel that there was enough information presented to the Township for this Commission to set the public hearing. Read the data required to be presented for scheduling of a public hearing on a Special Land Use consideration from Item E. He was in the Township trying to keep track of this, and it is his opinion that none of that information was provided to the Township and, if it was, it was not revealed to him when he asked for it. From his understanding, it is not available and that is part of the requirements for the permit application and the application has to be proper in order to set up a public hearing. If the monies are not paid and the specific information is not provided, then a public hearing cannot be set. He does not believe that that information has been provided. Mr. Lines is right. There’s a whole lot of data that you have to look at in order to make the decision that a public hearing is to be done in order to look at this, which is the application procedure. He does not believe that it was met. He would like to see this information of the data is specifically required by Section 19.03 of the old one, the new one is basically the same thing.

Larry Rhea, 165 Bruce Street, Marine City

He is a property owner on Harsens Island fronting on Harris Road which will be affected by the Grande Point development. He feels that the Township, as far as he understands it, trashed the Metropolitan Planning Commission's assessment of the land usage on Harsens Island several years ago when Gordon Ruttan presented it to the Township. He would like to know, if at all, this Planning Commission will ever consider reviewing that Metropolitan Planning Commission Report on land usage on Harsens Island. Also, would like to know if he writes a letter under public comments for your public comment review, would it be read publicly at that meeting?

Chairperson DeBoyer: Yes, it would.

Rhea: When you make the public hearing available, you make it available on Harsens Island and also here under a number of different venues and allow plenty of time. He feels there's going to be very many people interested in speaking their minds, as you all are, that have a lot of concern here. This is a ponderous project, and he believes the ramifications are very extensive.

Chairperson DeBoyer: As far as the Metropolitan Planning Commission having any plans for addressing anything on Harsens Island right now, she sits on the Metropolitan Planning Commission and there is nothing in the works at this time being discussed.

Nick Sarzynski, 7482 Venice, Harsens Island

Owns a small business on Harsens Island. Stated that right now we have several people starting to close up their cottages for the season. It will be quite difficult to try to keep people informed on what's going on if these meetings are set up when the people are in the process of leaving for the winter season. Questioned what could be done to keep these people informed, especially the people that are in the area of what is called the Boys Club development. Questioned whether there was a possibility that some type of a notice could be sent out directly to the property owners' winter addresses and let them know what's going on and suggest strongly that they communicate in some form to protect their rights? There is a whole lot of concern out there and a lot of the people are a little bit older and sometimes communications become quite difficult, even sitting down and writing a letter. At least if there is an avenue of communication to the Board in time to get here when the meetings are scheduled, he feels it would be very beneficial to everybody. Requested that an extra effort be somehow made to take into consideration the people that own property from St. Paul's Church to the South Channel, the North Channel, to San Souci, that particular area is going to be very heavily affected, all along the North Channel to the ferry. One of the big problems is that he feels some of the surrounding communities should be invited to participate even as just observers. There are concerns from surrounding communities about the amount of traffic that will be going through their community and the affect on their lifestyle.

Chairperson DeBoyer: It will be published when the public hearing is being held. Anyone who desires can be here.

Chris Wludyka, 3220 South Channel Drive, Harsens Island

Questioned whether the public will have any input on the updating of the Master Plan?

Chairperson DeBoyer: There will be some meetings that the public will be able to make comments on the Master Plan and what their thoughts are for whatever areas of Clay Township.

Wludyka: We certainly would like to be informed.

Chairperson DeBoyer: Again, it will be publicized.

12. ADJOURNMENT:

Motion by Lines, supported by Simon, to adjourn the meeting at 8:50 p.m.

AYES: All NAYS: None.

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary