

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD OCTOBER 10, 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, Whitey Simon, Earl Lines, George Lyle, Edward Keller, II, Thomas Krueger, and Edward Sharrow

ABSENT & EXCUSED: Kathy Schweikart

Also present: Patrick Meagher, Community Planning & Management; Jeff Horner, Project Control Engineering; John McNamee, Township Attorney

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

Motion by Lines, supported by Lyle to approve the minutes of October 10, 2007 with the following corrections:

Page 5, 2nd paragraph from bottom, change “Maher” to “Meagher”.

Motion restated to approve minutes of September 26, 2007 with stated correction.

AYES: All NAYS: None ABSENT: Schweikart

MOTION CARRIED.

5. **SITE PLAN CONSIDERATION: Drive-Thru Window – 5460 Pointe Tremble Road, Nawshwan Haan**

Applicant not present.

Chairperson DeBoyer: This is an application that had to come to us originally in 2004 to have a drive-thru window at the BP gas station. It had been approved and nothing was ever done so the approval had expired. They came back to the Planning Commission almost a year ago and to the Site Review Committee who went over it with them and recommended items that needed to be completed before approval. They are now coming back and asking for approval for the drive-thru window. We have a list of items that the Site Review Committee has submitted in order for approval to be granted.

Lines: Questioned whether they were supposed to currently be using the drive-thru window.

Chairperson DeBoyer: They have not received approval from the Planning Commission yet.

Krueger: Questioned whether the 8 items submitted by the Site Plan Review Committee are the conditions upon which the Planning Commission will make a conditional approval or denial?

Chairperson DeBoyer: Yes, along with a few more that the Planning Consultant has requested.

Krueger: So, recommendation will be based on the 8 items of the Site Plan Review Committee and the Planning Consultant.

Motion by Krueger, supported by Lyle to recommend Site Plan approval of the drive-thru window for Nawshwan Haan at 5460 Pointe Tremble Road contingent upon the 8 items as detailed by the Site Plan Review Committee.

Vice-Chair Antkowiak: We are not recommending approval, we are approving.

Motion amended by Krueger, supported by Lyle to approval Site Plan of the drive-thru window for Nawshwan Haan at 5460 Pointe Tremble Road contingent upon the 8 items as detailed by the Site Plan Review Committee.

R/C Vote: AYES: Keller, Krueger, Lines, Sharrow, Simon, Lyle, Vice-Chair Antkowiak, Chairperson DeBoyer.

NAYS: None.

ABSENT: Kathy Schweikart

MOTION CARRIED.

6. PUBLIC HEARING: Special Approval Land Use/Site Plan Consideration with Cluster Housing Option: 74-14-514-0034-000 Harris Drive; 74-14-618-0004-000 Little Road; 74-14-618-0031-000 Little Road; 74-14-618-0007-000 North Channel Drive; and 74-14-618-0008-000 North Channel Drive – Grande Pointe Development, LLC – Timothy Stoepker

Chairperson DeBoyer: This is a request for clustered housing on what was formerly the Boy's Club. The property is zoned R-1 and RS-1. R-1 zoning requires 12,000 square feet with sewer or water and a minimum lot width of 75 feet. The RS-1 zoning requires 1 acre with a minimum lot of width of 150 feet with or without sewer and water. Clay Township Zoning Ordinance allows for cluster housing in this zoning under a Special Approval Land Use. The applicant is also requesting a re-routing of North Channel Drive, dredging a lagoon, building a bridge over a canal within the project, and it will also require DEQ permits. The issues of the road, the dredging, the bridge, and the permits will be determined by other entities other than Clay Township. However, Clay Township would require that all approvals and/or permits be in place if the development were to be approved. The responsibility of the Clay Township Planning Commission, and eventually the Board of Trustees, is to determine if the development

meets all the requirements of our zoning ordinance. As some background information, cluster housing began receiving attention a while back as our population started to migrate away from the cities into the rural areas after World War II. As development has continued, we hear the comments that we don't want another Warren in our backyard. And, that comes about because development in Warren and other suburbs of Detroit are built as subdivisions, land divided into small parcels each having uniform road frontage, each house meeting the same setbacks from the road, and neighbors. Clustered subdivisions sometimes sites houses on smaller parcels while leaving the remaining land as open space, giving each homeowner access to the open space area and allowing for the preservation of ecological sensitive areas or other unique characteristics of the land. A subdivision of this property could potentially allow for approximately 500 homes. The cluster subdivision request is for 348 units. Tonight the Planning Commission will be listening for comments on the site plan. And, when the time comes for our discussion, it will also focus on the site plan to determine if it meets the requirements of a Special Land Use. The Planning Commission and the Township Board will make their determination based on the laws of Clay Township and the State of Michigan. Stated that rules for the public hearing are found on the back of your agenda and same were then read. Time limits will be set at 3 minutes per person for comments. The applicant is given the opportunity to speak first and then the public will be given their opportunity. After the public comments, the applicant will have an opportunity for rebuttal. After the public hearing is closed, the Planning Commission will have an opportunity for discussion and to ask questions. There will not be a decision made on this application tonight. It will be made some time in the future.

Chairperson DeBoyer opened the public hearing at 7:42 p.m. Asked applicant to make their presentation.

APPLICANT PRESENTATION:

Timothy Stoepker: Represents Grande Pointe Development in the application that has been described by the Chairperson to the residents of the community and the Planning Commission. Expressed appreciation to Planning Commission and to residents of the community who have been anticipating this project. They did have an opportunity to meet with residents of the Township and Harsens Island in the spring to introduce the project to them and has some preliminary meetings required by the rules of the Planning Commission prior to the point of this public hearing. At one time this property received approval for a 1,348 slip marina in location of this proposed development. After detailed analysis and study for 2-3 years, a new development plan was prepared and that is what is before the Planning Commission this evening. During the 2+ year process, there was detailed environmental studies, detailed traffic studies, economic analysis, planning and landscape design, detailed engineering analysis as well as meeting with the Army Corps of Engineers, the Michigan Department of Environmental Quality, studies with the Planning Commission as required, meetings with the Michigan Department of Transportation, meetings with the ferry service, and meetings with the County Road Commission. There were also detailed study and analysis of the underlying zoning on the property, as well as the Master Plan and the character of the area and the special relationship that the island has to the river that flows in and around Harsens Island. All those considerations were part of the evaluation process leading to the Plan that is before you this evening. If a

normal residential development was done, there could be significantly more residential homes and units built on this property than is being proposed. The reason for the selection of the cluster option was in recognition of the environmental characteristics of the property, the natural features that exist, the relationship to the water, and the characteristics of Harsens Island as a whole. The cluster option would allow them to reduce density on the property while maintaining a significant amount of open space. The site consists of 378 acres net. Currently it is an undeveloped parcel except for a few outbuildings that are associated with the Boy's Club at the property and has frontage on the North Channel of the St. Clair River and runs to the interior. The Ordinance that the Township has with regard to cluster housing, open space developments requires that a minimum of 189 acres be preserved as open space. That requirement is more than exceeded in this project based upon the ability to cluster and develop the housing in the manner that is proposed. The Site Plan submission shows that there is 245 acres of open space incorporated into the entire development including 141 acres of existing, improved or enhanced wetland, 65 acres of maintained and developed wetland that are highly treed, a minimum of 36 acres of open water incorporated into the open space planning in the form of the lagoons coming off the North Channel. The Plan also takes into consideration the historic cemetery which is located on the grounds which will be maintained and preserved and identified as part of the Plan itself. The development is not laid out in blocks, it follows topography. Based upon the layout and design, it permits 348 residential units on the property consisting of different types of residential units. There are approximately 172 single family homes, which they refer to as site condominiums located nearest to the North Channel of the development. The other portion of the development on the other side of the proposed bridge and relocated road consists of 4-plex units which are permitted within the zoning district. There would 176 of the 4-plex units based on distinct architectural design standards that the Township has in the Zoning Ordinance about staggering those units. Since this is an area surrounded by water, they wanted to take advantage of the water and incorporate it into their development. As a consequence of that, they have proposed a channel cut through the existing North Channel Road, and have proposed an alternate road in the interior of the development. The decision on the location of the new road was based on how many homes would be impacted in the change in the road configuration, what would the timing be by reason of the change, and what would be the impact relating to emergency vehicles accessing the homes. A detailed traffic study was commissioned and conducted over a significant period of time looking at the relocated road as a consequence of the removal of the road. Averaging time at 25 mph, the additional time added to a trip for approximately 114 homes is 3 to 5 minutes. There is no impact as it related to emergency vehicles because of the location of those vehicles within the Island itself. The road would be put in at the expense of the developer and not at the expense of any of the residents of the Township. All the infrastructure goes in at the expense of the developer. The option of doing a bridge on North Channel Drive was looked at an it can't be done because they could not do a bridge high enough to accommodate sailboats and it would have to be at a certain height for which they ran into grade issues on which would block visibility and other items. The area of the re-routed road was determined as the area that would have the least amount of impact on the natural features while allowing good access to all the residents. The project has a unique pod design which eliminates driveways coming out onto the road to prevent interference. The preservation of the open space areas will be the subject of conservation easements which will prevent any future development. They have also proposed a bicycle path that will circle the entire area separating pedestrians from road traffic and creating

a great amenity open for public use. They have come up with various types of designs of the homes and presented the different examples of the homes, the proposed park, and the club house for people within the community itself. The vast majority of the interior waterway is developed with what they call soft, rip rap, or environmentally-friendly materials as opposed to straight up seawall to allow animals and fish to be able to meet at the water's edge in a normal fashion, yet maintain the bank. Location of the Estate Lots, which would include a boat slip that comes to the back of the house, the Villa design, and the 4-plex designs were identified and explained. The street amenities and landscaping are highly detailed and meet all the requirements of the Ordinance, including the installation of a prairie wetland, which is a highly valued wetland through the DEQ. Since this is a proposed condominium development, the developer pays for the road that goes in and all infrastructure on the Plan is at the developer's cost. After the developer sells the units, the condominium association then becomes responsible for the maintenance of the areas within the development. A sanitary sewer is proposed for the development with a line coming from the Algonac plant bored underneath the North Channel and sized for this project only. This will be designed and paid for by the developer. They will use the public water system that is currently in place. All the utilities will also go in at the cost of the developer. Snow plowing of the development would be undertaken and agreed to. The project costs are borne by the developer, the maintenance thereafter becomes an obligation of the association and through the Special Land Use cluster process conditions may be imposed by the Township Board at the time of the approval to make sure that those amenities stay in place as a condition of ultimate approval for the project itself. Setback requirements, height requirements, density requirements, open space requirements, distance between building requirements pursuant to the Ordinance have been met in the proposed Plan. The project will be developed over a period of 12 years. An economic analysis was prepared by an independent market analysis economist in Lansing that has been submitted and is on file with the Township. The annual spending at the 12 year period, which assumes only 35 are homestead residents, is estimated to be \$6,145,000.00 per year. The study reveals that the impact of the direct spending doubles because it goes into the community and is then re-spent. In addition, the SEV of the property as developed is estimated to be \$101,290,000.00, slightly less than the entire SEV value of the City of Algonac. This would be what the initial tax would be based upon for all the properties at this location. Assuming the SEV of \$101,290,000.00 and applying today's tax rate to that, the annual property tax alone paid by the residents of the community to the county, Township, or the school district in total would be approximately \$4,491,000.00. Of that amount, \$1,650,000.00 would be to the Algonac school district operating budget, assuming property values don't increase over the 12 year period and everything stays constant. The other units would remain uncapped, so the economic benefit to the school district could be even larger. The construction of the infrastructure would be about a two year period, which would include all the roads, the bridge, the sanitary sewer, water, and utilities. The developer would be required to provide performance bonds to the Road Commission and to the community with regard to these things. In closing, he feels that the Plan meets all the technical requirements of the Ordinance and has been reviewed extensively by the Planning Consultant and the Township's outside engineer. He feels the Plan also meets the requirements of both zoning districts as to density, size of units, and location of units. Also, the Master Plan designates the property to be developed in a residential manner. 180 acres open space is required and they have provided 245 acres. Mature wood stands are being preserved, prairie wetland is being preserved and enhanced and created on the site. 100% of

the costs of the development will be borne by the developer. A detailed environmental impact study prepared by Wetland and Coastal Resources is on file with the Township. Stated that 71 permanent, non-seasonal jobs would be created along with seasonal jobs and 726 construction jobs that will be created as a consequence of this project within this community, as well as the benefit to the local businesses. He hopes that after review and comments, the Planning Commission will recommend approval to the Township Board.

Stu Cogey, Wetland and Coastal Resources: They did the environmental assessments of the subject property. Over the past 3 to 4 years, they have conducted the wetland delineations, the wetland functional assessments, botanical and animal surveys under the guidance of the MDNR and United Fish and Wildlife Service. They then provided the information to the engineers, to the Site Planners, the developer, and the owners identifying all the issues of the natural resources of the identified property. The Site Plan is a culmination of the process of taking into account the various natural resources that they identified on the property. There are approximately 148 acres of wetland on this property being set aside and not developed. There is a 90 acre portion that is being looked at as a management plan to make sure they establish and maintain the lake plain prairie wetland habitat located on that property. The project also includes the use of soft shoreline structures to protect the fish, wildlife, and insects and allows the exchange of groundwater movement. The overall plan will result in a net gain of wetland resources when the project is completed.

Mike Labadie: Completed a traffic impact study for the project based on the accepted practice throughout the State and consistent with what MDOT and the St. Clair County Road Commission would require. Once it was developed, they went to them and explained the study and they had some comments to which they responded. At this point, they have an approval from MDOT and from the St. Clair County Road Commission regarding the study that they had presented. Level of service is qualitative measure of how well a specific traffic facility processes the traffic based on delay, vehicle delay in this case. It has a grade scale between A to F, A being good and F being poor. All of the locations before and after the traffic from the site is added to the road network operate very similar to the way they operate today. The levels of service do not change. All in all for the most part, the development traffic is accommodated in the network and still provides very similar levels of service. They met with the ferry operator and the ferry has the ability to expand their operation to accommodate this traffic and they said when the time comes, if they need to, they will. They do not have control over the ferry operation, but the ferry can and does have the ability to provide the additional capacity to make this work. The difference in travel time using the new road is about 3.5 minutes at a consistent 25 mph. There are no direct residential driveways accessing the road. So, interference of the typical traffic flow is virtually unnoticed. The road network can accommodate the cars but there will be some added delay and some necessity to expand the operation of the service of the ferry system over the approximately 10 years of development of the project.

John Hennesey, Hennesey Engineers: Presented three main components of the Site Plan: the basis of design of the project from an engineering perspective, the construction sequencing and methodology, and the timing of the construction. The basis of the design was to provide that the design fit the land and not vice-versa. The ecological sensitivity to the development and the

development that Stu spoke of, but also engineering components referred to as basin flushing, which is really the water circulation within the development itself and how the development functions once it is up and running with boat traffic, vehicle traffic, pedestrian traffic and things along those lines. With regard to water circulation and the hydrology that's present within the area, the site runs from an elevation of approximately 579 to 577-1/2. It's a relatively flat piece of property at this time. The ground water is relatively shallow, anywhere from 18 inches to 20 inches. They looked at developing a waterfront community that would promote water circulation and basin flushing. The design that we have in front of you this evening has a number of natural features that promote basin flushing and supplemental engineering features that further enhance the basin flushing. The majority of the shoreline on the Site Plan is a soft shoreline. That soft shoreline is made of an exterior of a stone rip rap area, 1 x 3 stones, and the interior is sand that's through that which promotes what is known as a high hydraulic exchange within the basin water and the ground water. Ground water moves and its going to move through that soft shoreline and it also provides wave attenuation within the development itself and ecological habitat. The natural features that promote basin flushing is the very large surface area of the water itself that inherently promotes wind current, which actually promotes basin flushing. The water at the surface as opposed to the water at the bottom of the basin are actually traveling at different velocities. There is a natural occurrence of basin flushing here since we have the North Channel substantially deeper than the basin. The channel is actually pulling water out of the lower ends of the basin which is actually causing the basin flushing to occur which is enhanced by the soft shoreline. They also have basin flushing from the storm water system. The storm water system collects runoff from the road right-of-way. They have designed a bio-swale storm water treatment system. The water comes into a low point of the road and enters onto a bio-swale identified by the blue areas on the Site Plan throughout the development. The water will spread out over the bio-swale and will infiltrate through a media that has plant life in it and hydric soils that have a high take-up of water and it will filter the water before it gets into a collection pipe that's discharged into the basin, and that itself promotes basin flushing. In areas where they have hard surface they have water circulators which go underneath some of the docks in areas that have a lot of hard walled surface due to design components. The water circulators will circulate the water within the basin in one day. The EPA recommends basin flushing to within 10 days. With regard to the bridge, the impact that's necessary, when looking at the bridge from the water, goes approximately 400 feet to the right of their project to approximately 225 feet to the left. Those would be road right-of-ways that would have to be filled to support the bridge for the rise over the run which causes conflicts and visibility components for the neighbors that are impacted in those areas. The area that they have chosen for the bridge is outside of the area of the natural features of the wood stands and nestled in with some very tall oak trees that will dwarf the bridge. It's approximately 500 feet from the nearest structure and approximately 750 feet from the next nearest structure. With regard to construction sequencing and methodology, this has to be built out as one development at one time. The way it's constructed is that the basin will be constructed by dredging. The dredging material will be placed on the pods to create walk-out basements for the homes that are present on the pods. After the dredging is done, the shoreline construction will begin, a combination of both the seawalls and the soft shoreline. After the shoreline is in, fine grading of the site would be done followed by the utility installation (water, sewer, etc.) and then the road construction would begin. With regard to construction timing, the reason it takes 2 years to de-water within the basin than with typical construction activities.

Stoepker: It's not only how the Site Plan looks, but also what you don't see that counts as well. They appreciate the opportunity to present the application materials to everyone tonight and look forward to the comments from the public.

PUBLIC COMMENTS:

Drew Pessler, 1126 Circuit Drive, Harsens Island, MI: Complimented Mr. Stoepker on the quality of the presentation. The integrity of the engineering works appears to be fairly solid. Has questions regarding water circulation without flow when you have a huge river flow seems unusual. Back water issues are a difficult problem for the whole community and wouldn't like to seem them replicated. He doesn't understand how the basin flushing through ground water coming through will work. Questions whether it will turn the water over in a reasonable amount of time compatible with EPA guidelines. There will be a number of impacts on traffic regardless of how they've been minimized in the presentation not the least of which is the ferry. The ferry is under no obligation to do anything to accommodate an increase in road traffic and is concerned where the ferry stands on this issue. He is very concerned about cutting the road. This is a county road and is a primary artery on the Island. There are 114 houses affected, 300-400 tax paying residents who will be inconvenienced by the cutting of the road. He doesn't understand why that would even be remotely acceptable. The delay may be 3.5 minutes on paper but no neighborhood is without interruption. Feels the sewer is a good thing. Since they will be abandoning a county road for a private road, the issue of maintenance is not just limited to a snow plow. The issue is also related to the deterioration of the road. Questioned how they can assure there will be adequate funding available for the road and that the association will be capable of providing the funding? The quality of the road being proposed for this development is an issue and he would like someone to be concerned about it.

Chairperson DeBoyer: It will not be a private road. North Channel Drive will be a county road. The interior roads will be private roads.

Norman Rhodes, 3206 South Channel Drive, Harsens Island, MI: The Township residents include Harsens Island as well as the mainland and we have representation from both. The people want a voice in the regulation of their community. The Association for Responsible Development have had three meetings and requests that you do not approve the Special Land Use request or the Site Plan for the Grande Pointe Development. Believes most people who wrote letters were in opposition to the development. He turned over 403 petitions against this development because it is not right for the community. The developer is only one voice. He has not demonstrated any hardship associated with the ownership and development of these parcels under the current underlying zoning classification. The Special Use designation requested cannot be allowed absent a good reason, a hardship, or that which is of benefit to the public. The RS and the R-1 designations of this property already gives the applicant the right to develop the property under the existing criteria for single family residential use. Any consideration of granting Special Land Use to this parcel of land would not be in keeping with the spirit and the intent of the current Master Plan and would not enhance the quality of life of the citizens of Clay Township or be of any benefit to them. Your denial of this application is appropriate. Special Land Use designation for cluster housing is not in character with this

community. He does not want it. The people of Clay Township do not want cluster housing, they do not want PUDs. Good living, open space, no over-crowding is what they want. One house per lot, only one neighbor next door, one community without a special class of people creating a privileged situation. The Site Plan is not in conformance with the current established policy of the Township and should not be alluded to. The Site Plan violates multiple ordinances and laws of this community. Approval or consideration of such an outrageous scheme without first addressing these concerns with the proper jurisdiction like the DEQ and the Road Commission before applying them to this Site Plan is ludicrous. Your consideration and/or approval is wrong. Conditional of such a Site Plan gives a false impression to other agencies and jurisdictions such as the Road Commission and DEQ. You will be violating the people's trust and doing a disservice to this community and the laws currently in force if you allow this Site Plan.

Chairperson DeBoyer: Everyone in this room will agree that we're happy that we live in the United States of America, if we did not, if we lived in almost any other country in the world, we would not have the opportunities that we have here tonight, to speak publicly and also to make a presentation of something that you would like to have considered for your property, it's what our forefathers came here and fought for. Let's remember that we are in this country and that we all have rights.

Art Armstrong, 371 Grande Pointe Cut, Harsens Island, MI: He was on the Planning Commission when the Master Plan was developed. The R-1 and RS districts of this property already gives the applicant the right to develop the property under the existing criteria for single family residential use. Any consideration of granting the special use of this land is not in keeping with the spirit and intent of the Master Plan and would not enhance the quality of life of the citizens of Clay Township.

Robert Williams, 2007 Stewart Road, Harsens Island, MI: He is an architect and a professor of architecture at Lawrence Tech University and has been teaching building codes and zoning ordinances for 23 years. He is opposed to the request. The yield plan which shows how many units may be put on the property if the cluster option were not granted shows many of those lots as unusable with up to 80% wetland and probably not buildable. The required open land is not being provided under this plan. The yield plan was based on the property size before new waterways are created. They calculated how many units they could build according to the amount of land that now exists, then they're going to take away the land and put in water. The newly created open common water areas will remove about 25% of the buildable site area resulting in many sites, the largest of which being less than a third of an acre of actual land. In the RS-1 zoning district, the intent is to provide "open land area". The other residential zone districts do not use the term "open land area", they refer to "open space", which could include water but not in the RS-1 district. The proposed sewer is not in keeping with the RS-1 district intent or wording. RS-1 is intended for "areas that are presently without public sewage facilities are likely to remain without such services". By installing the sewer to accommodate the lack of sufficient area for septic systems, the written intent and purpose of the RS-1 district is being circumvented. The proposal does not maintain and preserve this area with a semi-rural character as called for in the Zoning Ordinance. The request from the developer to abandon and re-route North Channel Drive was based upon their contention that there is insufficient

distance to provide the bridge at the current North Channel Drive location. This is false. They originally said they needed 300 feet horizontal distance from the center of the bridge to provide a proper grade, and that space is available across their frontage. If they want an increased height of more than 15 feet that they're proposing on their current bridge, they could accommodate by re-routing North Channel to the south side of the properties adjacent to them, and he identifies the area on the proposed Site Plan. In that case, they could have up to 1,200 feet of slope, create up to a 55 foot clearance and it would result in only ¼ of a mile detour. He provided sketches of this to the Planning Commissioners. Adding 1.5 mile travel distance to every trip to and from the ferry for 114 residents is unnecessary. Over the decades ahead, this would add up to literally millions of miles of additional distance and thousands of hours of time, tens of thousands of gallons of wasted fuel and tons of additional pollution. The re-routing as suggested would place an unnecessary personal hardship and economic burden on the neighboring residents and would not be in the best interests of the health, safety, and welfare of the community. The Planning Commission should deny this Special Land Use request. Mr. Williams then provided a six page letter with all the details and drawings to the Planning Commission.

John Cameron, 2165 South Channel Drive, Harsens Island, MI: He is a past president of the Harsens Island Association and past president of a large condominium complex in Florida, and in charge of the maintenance of that complex for a number of years. In looking at the proposed Site Plan, he can see 8 to 10 years from now a mechanical disaster. People who live in condominiums don't like to pay for maintenance. He feels the way the proposed development is laid out is going to require a tremendous amount of pumping, water purification equipment and a lot of electrical equipment which will be very difficult to maintain and the cost will be high.

Charles Miller, 5178 Green Drive, Harsens Island, MI: He complimented and thanked the applicant on their presentation. Specifically regarding the March 2007 Economic Impact Review done by Michigan Consultants in Lansing, MI, the estimates and projections are based on census data from 1990 to 2000. There's references to 2006 data for things like who we are and what we are on Harsens Island. He wasn't aware that his median income as a member of the Harsens Island neighborhood was \$73,260.00 in 2006. He wasn't aware that he spent \$57,000.00 of that \$73,000.00 on discretionary things like gas, groceries, the show, the ferry, which left him with \$16,000.00 of otherwise discretionary income to pay his taxes, among other things. His point is 1990 to 2000 data is obsolete. Michigan is in a recession and is being led by real estate. The unemployment rate leads the nation. His question on the marketing study is how real are they? What about forecast for selling this development out in 12 years? How real is this realization of \$101,000,000.00 of State Equalized Value. What if it doesn't go? Your decision stands. The developer can change his. He can back out of the Site Plan and change it all sorts of ways. But, your precedent here tonight stands. Also questioned the Endangered Species Permit in the Environmental Impact Study and what it's status was? What about the spotted turtle survey that was to be completed in the Spring of 2007? Where are the endangered species listed? Regarding the road abandonment, the road goes along a navigable waterway, it's a free flowing waterway. This is denial of access for the public to the waterway. They're not only going to deny public access but part of the road has to be literally dredged and removed from the face of the earth. The abandonment procedures are pretty specific in the

statute and he believes they involve the DEQ. He would like to have some comment from the applicant as to where all these issues stand.

Roy Wroblewski, 3798 Middle Channel Drive, Harsens Island, MI: He opposes the project specifically in regards to flushing the basin. Questions how the ground is going to clean the water? What about the chemicals, the fertilizers? The pumps are going to flush out to the North Channel and it's going to come down the river. Fertilizers cause algae. They're basins will be nice and clean because they're going to be keeping them flushed and it will come down to the other residents. He's enjoyed the drive down North Channel and would hate to see the road changed.

Bernard Licata, 1825 South Channel Drive, Harsens Island, MI: Is opposed to the variance and feels a variance this large needs to be denied. He then presented additional petitions to the Planning Commission.

Larry Reha, 165 Bruce Street, Marine City, MI and property owner vacant lot on Harsens Island that abuts one of the property lines of the proposed development. He feels it directly impacts him. He stands directly opposed to any variances or special consideration for the property use. He would like the Planning Commission to consider that because the SEV for the area may increase based upon property values that are projected upon this development doesn't mean that all of the residents on Harsens Island would like to see that happen. His opinion is that increased taxes for an aging population on Harsens Island, which are a lot of retirees on fixed incomes and seniors, would be impacted by higher SEVs and doesn't feel it benefits everyone. It is his opinion that just because you can put a sewer in doesn't mean your using all your natural resources to the best of your ability. Believes we all have a fiduciary responsibility to preserve our natural resources. How the Planning Commission decides on this development has a lot to do with his decision to move back to the Island. Feels the Planning Commission needs to look at the impact such a development and the traffic patterns will also affect the traffic on the and the ferry landing on the Mainland side. He also presented a letter to the Planning Commission.

Beth Focht, 295 Bar Harbor, Harsens Island, MI: She feels the presentation was wonderful and is not opposed to development, but is opposed to this development. Her two biggest concerns are that the balance of the Island has not been provided with municipal water and she's already hearing about problems about that, and she thinks the current residents should be accommodated first. She is also concerned about the economics of the development that special privileges are going to be extended to them that are not already being extended to current residents. There are over 14 platted subdivisions on Harsens Island of which individuals have already bought lots, were granted building permits by Clay Township, and then denied being able to build on their lots by the Health Department because of the septic field problem. We need to make sure that we're all going to be given the same consideration.

Greg Stefanski, 351 Orchid, Harsens Island, MI: Opposes the development. Suggested that if anyone wants to get a first hand view of what a grand scheme like this is, go down to Metropolitan Beach where the same type of development was made and it's an environmental disaster today. The water isn't green, it isn't brown, it's black.

Vincent Rose, 873 North Channel Drive, Harsens Island, MI: His property abuts the development. He does not want cluster housing. He feels it is not good for the island. There will be too many households and it will diminish his property value. The Site Plan is bad and he will not allow them to stop the road in front of his house. Requested the Planning Commission do the will of the people and vote no.

Frank Schoonover, 3240 South Channel Drive, Harsens Island, MI: 50+ year property owner. His first home was on Benson Highway at the south end of the South Channel. He had a cul de sac behind his property. The property was the Benson Highway which flowed through the St. Clair River into Muscamoot Bay. Behind his house was a dead end cul de sac where they had a boathouse. During storms they got the full force and effect of the South Channel or Muscamoot Bay but it did not flush the rear canal. On the South Channel you have the full force and effect of wave action and wind action on the dead end canals where there are boat slips and boat houses and they are not being flushed. You can go in and see weeds and trash that accumulate in there because you get a jetty affect and it just circles and stays in there. The engineers gave a wonderful presentation, theoretically they were correct, but that's not the real world. Feels the basin in the development will basically be a cul de sac that will accumulate trash and will not flush as they've told us. Feels the engineers did a wonderful presentation of telling the owner of the project what he wanted to hear, that's what you pay them for and that's what you get.

Sharon Wojciechowski, 2171 Harris, Harsens Island, MI: She lives on the back side of the proposed project. She is definitely opposed to the project for two main reasons. They talk about the basin flushing and it circulating and going back out to the North Channel because the North Channel is lower. She knows they have done studies of elevation on the properties around them because she's had stakes all over her yard and pick stickers on the side of her house. She does not have the amenities such as public water. She has a shallow well and is concerned that when the basin flushing begins it is her opinion her well will go dry. Feels the proposed project will unravel her house. She doesn't feel it's right and doesn't want the Planning Commission to approve it. Also, questioned when they dredge the property, what is going to happen to the upland wildlife? Where are they going to go? This is the biggest land on the Island in this area where the wildlife live. She requested the Planning Commission vote no against the project.

Doug Winkworth, representing his parents, Edwin and Dorothy Winkworth, 1320 South Channel Drive, Harsens Island, MI and his grandson, Owen: He is very sympathetic to the challenge before the Planning Commission. He has enjoyed the privilege of being a member of the Planning Commission in Birmingham, MI. He has never seen such a complex petition from an engineering standpoint. And, that goes to the question of special approval and that's where the judgment call comes in. They can meet the ordinances. They are very talented people. But, what is necessary is to decide whether or not there is a special need created here that calls for the use of the cluster option. Feels there is nothing natural about that. Feels it is a completely manufactured environment sustained by fans under the water and artificial sewage systems and a host of possible mechanical problems. But, questions whether the extent that they've gone through constitute a special need. And, if so, what was that need? He feels the

need is that they had 374 acres that had very little water frontage, and they needed to change the value of the land. By this Site Plan they have very successfully created an admirable solution to that problem. But again questioned whether that constitutes a special need that parallels the best interests of the Township and the residents of Harsens Island? He also requested the Commissioners in stepping aside from the literal ordinance, to consider whether this is right for this community and this environment?

Meeting recessed at 9:18 p.m.

Meeting reconvened at 9:22 p.m.

Florence Loria Huzarski, 8360 Benson Highway, Harsens Island, MI: When she purchased her place in 1979, she was told that dredging wasn't going to be allowed and questions whether dredging is now allowed? Questions for how many sailboats are they going to inconvenience how many people? Questioned whether they couldn't park their sailboats somewhere else and drive to their homes? Feels that cluster housing doesn't sound good and wanted to vote no for the project.

Chuck Button, 371 Monroe, Harsens Island, MI: In regards to the process of taking the dirt out for the lagoon and being placed on the pods to raise the home so they could have walk-out basements, he questioned whether it is a FEMA requirement that you had to have your house a certain amount of feet above a certain flood plain and that the basement would also have to be above that flood plain? How much are the mounds going to stick up in the air? Questioned the height restrictions for homes? He believes these are issues that need to be considered.

Nancy Licata, 1825 South Channel Drive, Harsens Island, MI: She is a full-time resident and owner on Harsens Island. Questioned what happens in the future, 20, 30, 40 years down the line with some catastrophe of a break in the sewer pipe, who is responsible at that point? Who has to pay for that? Are the citizens of Clay Township and our tax dollars that will pay for that? Has concern regarding bringing any boat into the proposed complex. She has noticed that there's no water and understands that dredging can be done. But, she feels that there is no water to bring a boat into the beach that exists now, let alone to fill up the whole proposed basin. She is opposed to the development.

Kathy Novaczyk, 7348 Riverside Drive: She lives in the Sassy Marina area and noticed that there is only one way in and out of this area, M-29. Questions where will we put the 2,000+ cars on that road? The studies have covered the traffic on the Island, but what about the people that live on the Mainland that will have to deal with all the extra cars on the road. Feels that if this development goes through, there will be other developments that will want to have the same privilege of putting in a similar complex as the one proposed. Her concern as a Mainlander is where are you going to put the cars?

Fr. Sigmund Kowalczyk, 879 North Channel Drive, Harsens Island, MI: He lives adjacent to the property of the proposed development. He doesn't want to see the little people walked over by the big money. We want our Island as it is, and considers Harsens Island a little bit of heaven. He feels we should keep the Island as is and is opposed to all this junk going on. You

can't put a few shovels of dirt by your seawall, but you're going to do all this rearranging and it's okay. He feels this would contribute in creating a society consisting of rich and poor and eliminating the middle class. He feels that we support the government by paying our taxes and that the citizens need a fair shake in all this.

Paul Atkinson, 7354 South Channel Drive, Harsens Island, MI: Questioned whether this development is going to tap into the present water line on the Island or are they going to run their own water line?

Chairperson DeBoyer: There is a possibility that they will tap into the water line. There is also been discussion of another water line being run.

Paul Atkinson: He has been told that his residence is beyond the capacity of the water line. The engineering company said that there wasn't enough volume or capacity to run the water line any further than it is right now. His question is what affect will this development have on the water pressure and questioned whether any type of study will be done?

Chairperson DeBoyer: That would be an engineering study.

Nelson Templeton, 2590 South Channel Drive, Harsens Island, MI: His farm abuts the back end of the property being developed. He has a swale that runs through his property and that water just lays in there and stays stagnant. When they build this property and stack up the dirt, there is going to be runoff. That is one of the things that would directly affect his acreage. If he decided he wanted to increase his property value, could he do something like this? How many people can go broke doing that? In regard to the 3.5 minute inconvenience per person, when you add that up that's 5 minutes in the morning, 5 at night, 5 days, that's 50 minutes, 6 days that's an hour. That's an hour a week per person. Then you go on to a month. Pretty soon you're talking quite a bit of time wasted. He is opposed to this project.

Ann Merle, 266 Orchid, Harsens Island, MI: She objects to the special use cluster housing for the Grande Pointe Development. She has read that RS-1 is to promote and encourage suitable environment for low density family life and semi-rural character. As our representatives, you must protect our community and not grant special use cluster housing.

Jeannie Rhodes, 3206 South Channel Drive, Harsens Island, MI: Expressed her concern about this project. She requested the Planning Commission vote no on it. Feels it would be disastrous for the island and raise the taxes for both Mainlanders and Islanders. Feels there would be a need for a huge increase in police and fire protection services with this enormous influx of people.

Marlene Willems, 1402 South Channel Drive, Harsens Island, MI: We live on a little beach and have so much traffic that comes around the corner in the summertime that they are frightened for all the children. All these people will take the short way around to Sans Souci and increase the traffic. They will need a traffic light there. People fly around the corner. She is very concerned about more traffic on the Island.

Brian Collins, 6065 Green Drive, Harsens Island, MI: Feels the ferry does a great job, but he can't imagine adding 300 cars a day along with trucks and heavy equipment to the ferry load. He feels the heavy trucks and equipment will tear up the Island for 10 to 12 years. None of us want urban sprawl and that's what this is going to start. Feels the trucks and heavy equipment for 10 to 12 years will also tear up M-29 and create an ungodly mess. Questions what the purpose is other than greed. Feels Mr. Ilitch is not concerned with the people of Harsens Island and what this is going to do to us and just wants to make more millions. Questions what will happen when they can't sell this development and we're going to have dirt roads and torn up roads? He can picture nothing but a big mess.

Chairperson DeBoyer: As it is now 9:45 p.m., and we have heard the sentiments of everyone here, several items have been brought up, and asks the applicant if they would like to respond.

Stoepker: Appreciates the extensive comments made by the public. They have tried to be sensitive to these comments and listened to them and tried to be able to incorporate the concerns that have been registered with regard to the project itself and the houses and homes that will be built there for families to enjoy the Island just as these families have enjoyed the Island over the years and the changes that occurred when the Island used to be empty. From a zoning perspective, the cluster option remain within the ordinance. Mr. Stoepker reads from page 106 of the Amended Ordinance, Section 18.13 which relates to cluster housing. The intent under to cluster housing is to allow for and to encourage the development of single family residences through an open space process. Even if you were to take out the waterway itself, they would still well exceed the open space requirements of the Ordinance. It's not just through the water itself, but through the wetlands and the woodland areas. The intent was to preserve the best of the natural features and to enhance and preserve those into the future. This development also recognizes that this is a community that is attached to the surrounding waters that are integral to the use and enjoyment of the area. Regarding the question raised regarding RS-1 zoning, essentially that's a small piece of the property. The majority of the property is zoned R-1. From a sanitary sewer standpoint to the health of the water, clearly the sanitary sewer is the best option. It is being designed for this community and not to be extended beyond this community. It is being put in at the expense of the developer and will be maintained at the expense of the developer and ultimately at the expense of the association. Regarding the question raised on the data within the Economic Analysis submitted, the data regarding income expenditures were not created by the analyst or the market or the economist. They came directly from the census data. They looked at the preceding decade and the most recent data to confirm the patterns evolving in the community over the years. On the basis of that data, forecasts were able to be made. Regarding the issue of taxes as a neighboring property owner, under Headley, your taxes don't change because the property goes up in value next door. The value of your land can go up from a market standpoint, but the taxes are fixed under Headley. So, the fact that this property goes in and increases value overall will not result in a change of the property taxes based upon the limitations within the statute themselves. They recognize that the Planning Commission is one of the many bodies they have to go through to start this process. They did go to the Road Commission first, and they suggested that we come back to the Planning Commission first. They will go through the process of getting all the necessary approvals from the Army Corp, the DEQ, and Road Commission, and MDOT. The road in the development will be a public road. It's required to be a public road. It will be installed and

constructed and be maintained in accordance with all the County requirements. These are not gated communities. Maintenance of the roads within the development will be shouldered by the developer. There is a separate engineering analysis that is done by the Township in addition to their engineering analysis. From a planning standpoint, Mr. Meagher from Community Planning does a completely separate independent review and checks everything they submit to make sure it's complied with.

Hennessey: With regard to water distribution, that is a permit that is not granted by the Township. That is a permit application that's granted by the MDEQ, Michigan Department of Public Health. As part of that permit, there has to be demonstrated pressures throughout the system and analysis done. As far as the term "basin flushing", the EPA has established specific guidelines regarding boating areas and waterways. The areas in the township that are stagnant are not engineered to be flushed out. The flushing is a combination of a number of things including the depth of the basin, the access point to the adjacent waterway, the side slopes that are present, the permeability of the soils in the area and the normal movement within the basin area and the surface area of the basin. With regard to the flood plain, FEMA has a requirement that the building official has to adopt that all living levels are 12 inches above the flood plain elevation. What we are looking at as part of this construction sequencing, is to raise the perimeters of the pods up approximately 3 to 4 feet which will allow a gradual slope elevation back down to grade when it comes to the perimeter. The areas where the houses are located are approximately 115 to 140 feet from the property lines or right-of-ways that we're adjacent to. Regarding water runoff during construction, no runoff is going to be allowed to leave our site and go onto an adjacent property. There are number of agencies that will be involved with this. The Township is just one of the hands that are involved. The soil erosion component has to justify that. The way that his site is constructed is that the basin will be constructed and stabilized before it is open to any waterway at all. There is going to be no potential for erosion going into the waterway during construction at all. We cannot re-route North Channel Road until the basin is built because of this sequencing. The shore stabilization has to come first, then the fine grading, utility installation and road construction. Post construction, he would speculate that this is the only development that has bio-swales in the community to actually treat storm water before it reaches the receiving water in this community. This is a pre-emptive step that is not required, but it's actually promoted by MDEQ. This project is designed to promote water movement, water circulation, and as a very ecologically-sensitive project.

Chairperson DeBoyer: We received a great number of letters and they will not all be read in the interest of time. They are on file and have been provided to every Planning Commissioner who will have an opportunity to review them. We will read a few of these.

Vice-Chair Antkowiak: Reads a letter from Willis Hotchkiss of Harsens Island, Michigan to the Planning Commission opposing the proposed development.

Chairperson DeBoyer: Reads a letter from Karen Peterson, 2800 Cottage Lane, Harsens Island, Michigan to the Planning Commission opposing the proposed development.

Vice-Chair Antkowiak: Reads a letter from David and Geraldine Caruthers, 8784 South Channel Drive, Harsens Island, Michigan to the Planning Commission opposing the proposed development.

Chairperson DeBoyer: Reads a letter from Jean Nelson addressed to her opposing the proposed development.

Chairperson DeBoyer: Closed the public hearing at 10:04 p.m.

Chairperson DeBoyer: We have received an abundance of letters and time would never permit us to read all of the letters, but we should have a motion to accept the letters and to put them on file.

Motion by Simon, supported by Lines to put all the letters received on file.

AYES: All NAYS: None ABSENT: Schweikart

Chairperson DeBoyer: Questioned the Planner as to whether he would like to address anything for the Planning Commission.

Patrick Meagher: We have heard quite a few different comments tonight and a few areas that he thinks all of the professionals advising the community are going to need to look into a little bit deeper. The applicants might be able to revisit a couple of the issues brought up. At this point in time, he feels it would behoove the Township and the Commission to motion to table for the following month so that we can reassess our review and take a look at many of the issues the public has brought forth.

Motion by Vice-Chair Antokowiak, supported by Krueger to postpone the issue for a month.

Chairperson DeBoyer: One month would take us to our first meeting in November. I'm sure you would all agree we have a lot to digest.

AYES: All NAYS: None ABSENT: Schweikart

7. PLANNING CONSULTANT'S REPORT:

Meagher: None.

8. Z.B.A. REPRESENTATIVE'S REPORT:

None.

9. CHAIRPERSON’S REPORT:

You will see on the dais tonight there was a copy of the accumulation of all of the information that was on the survey that was sent out several months ago. It has finally been put together. You will see that for most questions there are a lot of comments. This is information that we will want to look at as we go forward with our Master Plan. Anyone on the Commission who is not aware of it at this time, our Township Board of Trustees did determine to change our Planning Act that we are under to the Township Planning Act. As our Planner indicated, it is the Act that was designed for townships. That will be effective as of November 9, 2007, and we will have to amend our Ordinance to reflect that.

10. PLANNING COMMISSION MEMBERS COMMENTS:

Lines: Hopes that the people from Harsens Island will come again next month to when we have our chance to digest all of this and then we can sit back and make our comments. Feels the air will be clear then and we will all be able to sit down and see how this system has to work. He hopes the people understand that we have to go through a big process. He hopes they come back to see the Commission at work.

Chairperson DeBoyer: This is the preliminary step. It is not the final, it’s just beginning.

Lyle: Questioned whether the applicants be here at our next meeting next month?

Stoepker: Absolutely.

11. PUBLIC COMMENTS:

Chairperson DeBoyer: Reminded the public that the public hearing is closed so public comments are not to be made relating to the public hearing.

Donna Halacoglu, 898 North Channel Drive, Harsens Island, MI: She presented an invitation to the Commissioners . She understands the Commission has a lot of decisions to make. There are a lot of people that live within the neighborhood that weren’t able to speak today.

Norman Rhodes, 3206 South Channel Drive, Harsens Island, MI: Understands the public hearing is closed, but this is public comments and on the agenda it does not specify what we can or can’t talk about. He chooses to exercise his right to use that. His main concern tonight is the due process violations that were evident here tonight by not allowing the rest of the people who were here to speak, speak. It was truncated and it was just not right. These people were requested to be here by the Planning Commission, it’s part of the law, it’s part of due process rights and for them not to be heard is a violation.

12. ADJOURNMENT:

Motion by Simon, supported by Lyle to adjourn the meeting at 10:13 p.m.

AYES: All

NAYS: None.

ABSENT: Schweikart

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary