

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING HELD NOVEMBER 28, 2007 IN THE CLAY  
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,  
CLAY TOWNSHIP, MICHIGAN 48001**

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

2. **ROLL CALL:**

PRESENT: Chairperson Dorothy DeBoyer, Vice-Chair Anthony Antkowiak, Treasurer Kathy Schweikart, Whitey Simon, Earl Lines, George Lyle, Edward Keller, II, Thomas Krueger, and Edward Sharrow

Also present: Patrick Meagher, Community Planning & Management; Michael Kras, Building/Zoning Department

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

**Motion by Antkowiak, supported by Simon to approve the minutes of November 14, 2007 with corrections:**

Page 5, 8<sup>th</sup> paragraph, change second sentence "From his cursory study..." to "And, he felt only a cursory study of the points on the mainland and the points on the Island where the traffic will, in fact, be stacking up, and the impact of that traffic on neighboring homes and businesses was done, and he wondered why attention wasn't given to these issues".

Page 6, add "Lines" to AYES at bottom of page.

**Chairperson DeBoyer restated motion by Antkowiak, supported by Simon to approve minutes of November 14, 2007 with corrections.**

**AYES: All            NAYS: None**

**MOTION CARRIED.**

5. **OLD BUSINESS:**

**Re-Zoning – 2669 Columbine Road (RS-1 to C-2) – Bane Properties, LLC – Anthony & Kristin Bane**

Sharrow: Questioned applicants as to how much room for handicap parking would be available?

Kristin Bane: There is adequate parking at the school and the basketball court could also be utilized for parking. There will definitely be designated handicap parking and the building will have a handicap entrance.

Chairperson DeBoyer: The Planning Commission's consideration is on a request for re-zoning from RS-1 to C-2 and not on a Site Plan. As mentioned at the last meeting, once this property is re-zoned, anything that is allowed in the C-2 zoning can be done on that property. An applicant cannot be held to actually do whatever they are proposing to do with the property. This must be kept in mind.

Lines: Questioned whether there is room in the C-2 area in downtown San Souci to put in the needed septic system and if the septic system at the school property capable of handling the requirements for their intended use.

Kras: Stated that nowhere on the Island can there be a septic system installed for commercial use because of the fact that the commercial septic system would have to be a certain height above the flood plain and it would actually be out of the ground approximately 5 feet. That was a problem at the first location these applicants were trying to re-zone.

Simon: Questioned Mr. Kras that since there will have to be extensive renovations to the school building to transform it for their use, would they be required to meet the new septic system requirements which would require the new septic system to be five feet above the ground level?

Kras: Stated that it would not unless they created more than 50% renovation to the building. They would almost have to tear the building down to have to start over. If they did more than 50% renovation to the building, it would then have to be submitted to the County for approval.

Antkowiak: Stated he feels that we're back to dealing with an issue on the Island as the previous issue with these same applicants where we were trying to get a commercial piece between residential pieces. We now have an area that is totally residential with single family residences, and vacant farmland. It is not consistent with our Master Plan. The residential zoning is more consistent with the Plan. Feels that this is not an appropriate place for a commercial piece of property.

Krueger: Stated he has looked at the zoning map on Harsens Island and there are little smatterings of commercial C-2, C-3 around the whole Island and not just focused in San Souci. There are outlying party stores, marinas, bars, restaurants nestled between residential property on the Island. He feels that the school property is different because for many years it was used as a school house. Although it wasn't zoned commercial, he feels it still had some of the aspects of commercial property. There were comings and goings of a lot of children, a lot of cars, a lot of vehicles, they had a full service kitchen, and the aspect of the building seems to be more commercial than residential. There is a Michigan state highway in front of the building.

Across the street is a farm that at some point in time could be developed. The south side has a piece of property that over the years has been used as a staging area for commercial construction projects on the Island. And, in back of the property is a drain. He doesn't feel that all of this makes this property conducive for a residential building. He understands there is a downtown commercial area but feels that some of the things the Commission has been talking about such as putting commercial areas in other places on the Island might be conducive. We had talked about areas along M-154 because it seems that would be a logical area for that kind of development. This building has water, commercial septic system, gas, and electric. He cannot see a residential use for the building. Also, he feels that this is a historic site on the Island and has been there since 1934 and feels that a lot of people would like to see that building and area preserved. He understands that this doesn't change the fact that this requested re-zoning is against the Master Plan which is a big consideration. He feels that because of where it is and because of what it is, the situation is a little different than the re-zoning that was denied adjacent to downtown San Souci. His opinion is that since we're going to the Board to ask them to approve funding for reviewing and updating the Master Plan, he feels if we recommended re-zoning of this project it could dovetail with that process rather than having to go through a separate process for this re-zoning.

**Motion by Krueger, supported by Lines, to recommend to Clay Township Board to approve the re-zoning of 2669 Columbine Road from RS-1 to C-2.**

Simon: Questioned how long it would take for Planning Commission, rather than to anticipate a Master Plan change, to change the Master Plan and start considering something like that? Would it be too long a period of delay?

Chairperson DeBoyer: Questioned Mr. Simon as to whether he was referring to an amendment to the Master Plan for just this application?

Simon: Not just for this request.

Chairperson DeBoyer: Estimated approximately six months.

Simon: Questioned whether that would be too long a period for re-zoning?

Chairperson DeBoyer: Stated that the motion was to recommend approval of this re-zoning. In updating the Master Plan, we will want to have meetings with our citizens to get their input. It is not a quick process. We're recommending one way or the other and if we recommend something against our Master Plan, we certainly should attach reasons for considering that.

Krueger: Questioned Township Planner Meagher whether the Planning Commission would be way out of bounds with this proposal?

Meagher: Stated that he would never critique a decision made by the Planning Commission. You have to weigh the intent of the Master Plan and how it works on this particular piece of property and all of the other criteria he has given the Planning Commission in the previous reviews. The concern he would share with the Commissioners on this particular piece of

property is that if the Commission were creating another commercial spot whereby there may be more intense development that may disturb the long terms goals for that area. His reviews are 100% based on the Master Plan. Whether the Planning Commission feels this particular area warrants special consideration due to the building and its historic value, he felt some of the points brought up were excellent. From a professional standpoint, it in no way follows the Master Plan. He strongly feels that if the Commission approves this re-zoning, the Master Plan needs to be amended to prevent haphazard growth on the Island.

Lines: Questioned whether the Commission could present this issue to the Township Engineer?

Chairperson DeBoyer: Reminded the Commissioners that we cannot look at a Site Plan to determine the re-zoning. You have to consider everything that can be placed on the property under the requested re-zoning and its affect on the surrounding property.

Lines: Stated that in looking at the area and at the zoning map and the availability of the C-2 small business district, the C-2 area is very small on the Island. He was looking also at the areas on the map designated RS-1 and R-1 and trying to make a decision based on those areas. He has been to downtown San Souci and feels the businesses are stacked on top of one another and feels that somewhere along the line things have got to bust open. Feels the question is whether we see a crack in it now or do we hold on and wait?

Chairperson DeBoyer: Stated that it is a tough situation and agrees that there is not much room on Harsens Island, particularly in the San Souci area, for expansion of business.

Antkowiak: Feels that changing the zoning for this property from RS-1 to C-2, would be doing it on a whim. Feels that we're looking at a possible Site Plan and business that we would want to have, which would in turn make our Master Plan weaker. He feels the suggestion to amend the Master Plan first and then look at this request would be more appropriate than to try and change it right now.

Schweikart: Stated that she has listened to comments on both sides. She feels the comments Mr. Krueger gave make sense because downtown San Souci doesn't have a lot of options. She realizes the Master Plan doesn't fit with this right now, but the reasons Mr. Krueger stated on the record make a lot of sense to not postpone this request until after a Master Plan is reviewed and updated.

Chairperson DeBoyer: Stated the recommendation is to amend the Master Plan, which is a standard procedure when you are going to re-zone something that goes against the Master Plan, to amend the Master Plan beforehand.

Krueger: Feels that one of the biggest aspects he looked at of the re-zoning request was the building. He feels it's best use would be some kind of commercial-type establishment. It has a large open room in the downstairs with a full service commercial kitchen. The upstairs has two rooms on either side. He feels the property lends itself better to being commercial than it does to residential.

Simon: Stated then, again, they are making houses out of churches these days. If this property and building were used as a residence, you could probably move in and not have to do much to it and it wouldn't require any action on the Commission's part.

Keller: Stated that he has been on Harsens Island and looked at the area. The more he thinks about the request, the more he feels he concurs with Mr. Krueger's feelings on the issue. He also personally feels it is more conducive to a commercial setting.

Lines: Noted that we are looking at updating our Master Plan in the near future and feels that this issue just kind of jumps the gun on what needs to be considered.

Antkowiak: Questioned Chairperson DeBoyer as to what would be needed to amend the Master Plan to allow this re-zoning and whether it would still take six months to accomplish?

Chairperson DeBoyer: Stated that if we are going to amend the Master Plan, we will need to have a public hearing on it.

Antkowiak: His problem is that he feels that they would be putting the cart before the horse. He personally feels it would weaken the Commission's position when it comes to other projects that the Commission would have to look to the Master Plan for reference or insight.

Keller: Questioned whether Mr. Antkowiak was suggesting to amend the Master Plan first?

Antkowiak: Stated that is what he meant. He is not particularly opposed to the re-zoning, he just feels the process is wrong at this point.

Keller: Clarified that he also felt that the Master Plan be amended first before addressing this re-zoning request.

**Chairperson DeBoyer: Restated motion by Krueger, supported by Lines, to recommend to Clay Township Board to approve the re-zoning of 2669 Columbine Road from RS-1 to C-2 and requested a Roll Call Vote be taken.**

**R/C VOTE:**

**AYES: Lines, Schweikart, Krueger, Lyle, Sharrow**

**NAYS: Antkowiak, Simon, Keller, Chairperson DeBoyer**

**MOTION CARRIED.**

Chairperson DeBoyer: Requested giving an explanation as to her nay vote by stating that she is not against the requested re-zoning, but feels that the Master Plan needs to be amended before we approve re-zoning.

Krueger: Questioned whether process for amending Master Plan including publishing of notice of public hearing, holding the hearing, and passing an amendment to the Master Plan would take six months?

Chairperson DeBoyer: Stated that they will have to do all of the noticing no less than 14 days before the hearing, hold the public hearing, and then it has to go to the County.

Meagher: Stated he believes the County has to review for a period of no less than 60 days.

Simon: Questioned whether the public hearing could be held at the first meeting in January?

Chairperson DeBoyer: Stated that she did not know.

Meagher: Stated that he felt the Commission should not jump the gun on a Master Plan change. You have to prepare it in such a way that it forms a legal foundation for the decisions you are making. You would want to re-examine the economic needs study and take a look at reallocating some commercial areas or redefining a marina district. He doesn't feel the Commission would want to do this haphazardly to get it done quickly, but rather take their time and get it done properly. He believes it would take anywhere from six months to a year to accomplish.

Chairperson DeBoyer: Stated that as the Commission looks at the Master Plan, she agrees that the Commission needs to look at areas on Harsens Island since there is no expansion room in San Souci for business or parking. The citizens of Harsens Island will need to be thinking about what they feel would be beneficial so that when we have our meetings they can present constructive things to recommend to us. We want this to be beneficial to our entire community. The law tells us that we have to review our Master Plan every five years, and she feels that we need to, at the minimum, make some updates to the Master Plan.

Lines: Commented that has begun reading the Master Plan and feels that changes need to be made to the Master Plan.

Chairperson DeBoyer: Stated that change is sometimes very difficult. Our Master Plan was initially written 25 years ago. And, while our population hasn't change dramatically, other things in our community have and they're going to, and we need to look at that and be ready for it.

Lyle: Stated that he understood that we have a problem with the Master Plan, but it seems unfair that these people are caught in the middle of our problem, and the Township Board won't give us the money we need to change it.

Chairperson DeBoyer: Stated that she is preparing a letter to the Township Board spelling out why the Board needs to reconsider their decision.

Lyle: Stated that these people come along and want to do something, and we state that we all agree with what they want to do but we can't do it right now, and it could take a year to accomplish.

Chairperson DeBoyer: Stated that this Master Plan has been here for 25 years and it is what we have to work with and all of us took an oath to uphold it. This is a tough decision because we all feel it would be a great asset to the Island, but we must do things as required. As far as amending the Master Plan, next Monday is a Township Board meeting and she is hoping to have a letter ready to go to the Board and would hope that the Board would reconsider and allow us to get started on amending our Master Plan immediately. We need to look at our Master Plan, our community, what we think is going to happen in the future, what we need to have happen in the future, what needs to stay the same, and talk with our citizens and see what their visions are for the future. Sometimes we all like things to stay as they are, but the fact is they never do, everything changes.

Simon: Questioned whether we have a reasonable record of the applications of the last 2-5 years where zoning changes were requested and/or denied due to the Master Plan?

Chairperson DeBoyer: Stated she is sure that we have them but doesn't believe that they would be on record as just re-zonings that were approved or denied.

Kras: Advised that we have that record but we would have to go into the minutes to see why they were approved or denied.

Chairperson DeBoyer: Stated that they are not filed according to requests approved or denied.

Simon: Stated he is just referring to being able to look at the need that petitioners have expressed to get a change in the Master Plan. And, if the request was approved, then we can look at whether it lends itself to continued spacing or not. And, as to the requests that were denied, we can look at why they were denied and where the changes could be put into effect.

Chairperson DeBoyer: Questioned whether Mr. Simon was suggesting having this information available to the Commission so that when the work began on amending the Master Plan it would be available?

Simon: That is correct.

Chairperson DeBoyer: Felt that with some time, that information could be obtained from the files and available to us. Feels that having that information available to the Commission is a good idea.

Simon: Feels that the Commission would be able to see what people are thinking about when they come to the Planning Commission and either get approval or denial, and how it fits into both areas.

Chairperson DeBoyer: Stated that when we look at this information, we will have to determine how we see it, how the residents see it, and whether the residents want it to remain as it is or do they see some beneficial changes that need to be made to the Island for the future.

Krueger: Stated that he felt the feeling on the Island of a lot of things are very subjective and not objective. Basically, he thinks that Harsens Island doesn't want any more commercial or a any industrial development. But, when it comes to individual projects in individual areas, it is sometimes acceptable to the Island residents.

Chairperson DeBoyer: Stated that we need to be looking at the future land use and what was proposed back when the Master Plan was written. Also, there is a difference between the zoning map and the Master Plan map.

Anthony Bane: Questioned the Planning Commission as to where this leaves them now?

Chairperson DeBoyer: Explained that the Planning Commission's recommendation will go to the County Planning Commission who have 30 days to respond. They will respond to the Township Board. The Township Board will then make the final decision.

**6. WORKSHOP: The Planning Commission's Job:**

Chairperson DeBoyer: Stated she has included information on what a Planning Commissioner's job is in the Commissioner's packets that she found very interesting. She further stated that this is a subject at every conference or seminar she attends. It is something that is looked upon very favorably throughout the country. She also provided this information so that everyone understands what our responsibilities are as far as some applications that have come before us. We have to keep in mind that all of us took an oath of office to uphold the laws of this country, this State, and this Township. We always have to keep that in mind. We have the obligation to look out for the health, welfare, and safety of the entire Township. Our citizens and our property owners have a right to request to use their property and other citizens have a right to express their thoughts and opinions at a public hearing. We cannot allow one person's rights and disallow another person's rights. We have had a lot of discussion about cluster housing and PUDs in Clay Township in the past 1-1/2 years. She feels that in some instances people don't understand what cluster housing and PUDs are all about. She referred the Commissioners to the Zoning Enabling Act amended July 1, 2006, Section 506 under Open Space Preservation and read from same. We must have this in our Zoning Ordinance as it is State law. There is a formula that every community had to go through to determine the percentage of space and the percentage we had was not enough, it was only 12% and not 50%, so that had to change. This section also gives the landowner the right to come to us and request this. Our Zoning Ordinance does allow for cluster housing, PUDs, and they do require preserved open space. Also, this open space has to remain open space for perpetuity. She further stated, the amendment to our Master Plan also addresses this issue on page 49, and she read same. Again, this is not something that just came to us and something we shouldn't consider, it is there and it is required, we must look at it.

Krueger: Stated that in reading the draft of the open space preservation zoning provision, it stated cluster housing has to be a permitted use rather than a special land use or conditional use.

Chairperson DeBoyer: Stated upon further research, what she is finding is that the Michigan Association of Planning is saying that this is based upon six or seven lawsuits that have gone forward since Zoning Enabling, and it is a question which has not been totally decided as to whether it should be a special land use in the ordinance or should it be an allowed use in the ordinance. She feels we need our government to give us more direction.

Meagher: Feels that we need to take a careful look at the cluster or open space provision and determine whether it meets the intent and the requirement of this law. The section in the law specifically spells out that the ordinance is to have a section and it is to specifically be called "Open Space Preservation". This is something that we're going to want to address rather quickly. We are going to want to make sure we are meeting 100% of the intent of this law and working with the Township Attorney to do so as quickly as possible. We need to change the title of the section as specified. He has interpreted this as being a permitted use, which doesn't mean you can't have a separate "cluster" provision that is a special land use. In his opinion, the cluster provision does not satisfy the State requirement for an open space development in the Zoning Ordinance. He also feels this should all be discussed with Mr. McNamee as soon as possible.

Chairperson DeBoyer: Stated that our Ordinance, as far as special land uses and cluster housing, does spell out what standards have to be met for approval. It is the obligation of the Planning Commission to look at those standards and see if what we have in front of us meets the nine standards. Some of the questions we may have are not things that we need to decide on but will be decided by another entity. We were also given guidelines by our Planner. We should look at all of these things to make sure that we are doing things properly. Some of the Articles in our Zoning Ordinance that are applicable to this is are Article III, General Provisions; Section 3.09, Greenbelts; Section 3.14 which refers to lighting; Article V, Rural Subdivision; and One Family Residential; Section 18.13, which speaks directly to cluster housing; the Special Land Use Article, which tells us what we need to look at for approval or denial. All of these Articles, Sections and any references contained therein need to be looked at and considered in determining whether the requirements are being met. When we look at the Site Plan, we need to determine whether it meets with the requirements of our Ordinance. In reference to Section 19.05 – Standards for Approval, it delineates the nine items the Site Plan must meet, and she then read same. We need to take each of these nine items individually and ask ourselves those questions to determine whether this will be in accordance with the general objectives, intent, and purpose of this Ordinance, and then as a Commission discuss them. This is what we need to do as a Planning Commission. It is our responsibility. In reference to the Township Guide to Planning and Zoning, she referred the Commissioners to Chapters 15 and 16, which deal with public hearings and how they are to be conducted, how Planning Commissioners are to conduct themselves, and in making the decision. She requested the Commissioners read both of these chapters carefully. She stated her whole point tonight was that these are important things and these are the things we need to be looking at, which are the responsibility of the Planning Commission. The last thing we want to look at is the Site Plan Review Procedures and review this and find what applies and is required, what we must do, and

does it meet the requirements of our law. We have to be prepared for whatever comes before us and we have to have a mindset as to how we are going to deal with these things. The only way we are going to do it is to be prepared beforehand. She felt this was something that we needed to go over and talk about to insure that we are all on the same page.

Simon: Questioned Mr. Meagher regarding the “open space requirement” provision, in looking at the 50% requirement, it specifies “undisturbed state”. What does “undisturbed state” mean?

Chairperson DeBoyer: Stated you have to think about it when it’s finished.

Meagher: Stated the intent is to keep it in its natural state. He feels that generally the interpretation would be an undeveloped state.

Simon: Questioned whether undeveloped meant undisturbed?

Meagher: He feels largely that is what is the intent of the law.

Simon: Stated he also ran across an application for a marina and looked up the meaning of marinas in our book, which require a C-3 zoning. Does that mean when we look at the Site Plan, there is no re-zoning we have to ask for a re-zoning for a marina if it’s being applied for?

Chairperson DeBoyer: Responded that we look at the Site Plan in front of us. We would have to ask ourselves if we have a request for a marina.

Schweikart: Questioned whether the word “traffic” pertains to just vehicles or does it apply to boat traffic, etc.?

Meagher: Stated that it definitely is an issue to consider. He also stated that Special Land Use is discretionary. You have to determine what implications it has on development. Also, any motion made should state reasons for approval or denial in them.

Simon: Stated that it is difficult to state reasons when they are based on assumptions that studies are correct. He cautioned that facts need to be researched or found before motions are made. He has a problem with “assuming” studies are completed and correct.

Meagher: Cautioned the Commissioners that when they make their motions that they don’t set precedence for higher expectations for one application versus another. Also, cautioned the Commissioners that no matter what their decision, they need to substantiate their reasons as to exactly why they have made the decision.

Simon: Questioned how we can, in a reasonable time, insure that the citizen who does come in here gets a response to his request without litigation?

Meagher: Stated Commissioners have to use some of their own discretion and what is going too far is what becomes the question. He would consider requiring a full engineering plan on a preliminary Site Plan to be going too far. Is a traffic study going too far? Not typically.

Simon: Stated that we have to be careful that we satisfy both sides of the issue in a way that we hopefully are on safe legal grounds.

Meagher: Stated that the earlier motion by Mr. Krueger is a good example. He did a good job of preserving the rationale behind his motion.

Lines: Questioned whether if you had 100 acres of land that is all open space and you flood 25 acres of that land, do you still work off the 100 acres or do you work off of the 75 acres?

Meagher: Stated that in some cases it may say the open space would be any open areas used for recreation, which then becomes whether the water is part of a recreation area.

Chairperson DeBoyer: Requested the Commissioners go through the two chapters in the Township Guide to Planning and Zoning part of which states: “The Planning Commission’s decision must not be arbitrary and capricious, perhaps the words most feared by Township attorneys defending their boards and commission in zoning actions. Courts in zoning cases have had little sympathy for townships that bend to the dictates of a vocal audience at a public hearing or take actions without sound reasoning. Using the zoning ordinance standards insures that every decision is reviewed against the same criteria”.

Meagher: Feels that is why it is sometimes good to delay decisions for 30 days so that you have time to consider all aspects without any pressure from the public. You have the public hearing and then have the time to digest the public comments and make your decision.

Keller: Stated that he felt that some of the issues Mr. Meagher touched on tonight were some of the issues that clouded his thinking at the last hearing. He feels Mr. Meagher helped to clear up some of those issues this evening.

**7. PLANNING CONSULTANT’S REPORT:**

None.

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

Antkowiak: The things we are talking about here is what we deal with in ZBA, and we’ve learned the hard way that it’s important to do this, to have standards, to find fact, and use those in your motions.

**9. CHAIRPERSON’S REPORT:**

Chairperson DeBoyer: No report other than to state that for those of us who know Ron Nelson, he has submitted a letter that he is not seeking reappointment to the ZBA. She did a little research and found that Mr. Nelson was first appointed to the ZBA Board 28 years ago. This gentleman really gave a lot of service to this community and will surely be missed.

**10. PLANNING COMMISSIONER’S COMMENTS:**

Simon: Wanted to clarify that we have to work on amending our Zoning Ordinance and bring the open space preservation into compliance with all the other acts that dictate that we have that open space in there.

**11. PUBLIC COMMENTS:**

Charles Miller, 5178 Green Drive, Harsens Island

Has a number of items he wants to talk about. He spoke with David Dorfman at DEQ about the question of the word “marina” put on the web site. He can clarify the earlier question as to what Mr. Dorfman said that it was a semantic thing by the DNR and it has no bearing on anything. He did tell him that as far as the DEQ is concerned, anybody with a couple of docks who lets anybody else use them, whether it’s commercial or not, is deemed a marina by the DEQ. They don’t enforce it, but he just wanted to mention it. Wants to talk about community involvement, public hearings, and the future and the business of the planning process. His is a member of a neighborhood in Clay Township that seems for the last 6 months to 1 year has been the focus of an awful lot of activity and goings on. It has raised the awareness of himself and his neighborhood. They have gotten passionate and have gotten involved. They are really attentive now as citizens and feels it has brought them together. He thinks if you could harness the passion and the energy that his neighbors have got from other neighborhoods within the local unit of government called Clay Township, you wouldn’t have any problems such as being careful about how much weight you put in the responses of the people during a public hearing because they might not be a good representation of public sentiment. He is concerned about honoring the rules of order of the meetings. He listens to the deliberations of the parties on various issues and realizes that there are discussions being held, and statements being made, and issues of fact being discussed that are not consistent with the facts and the issues that were raised in the actual public hearing that he attended. He sees differences and changes going on. He sees new materials being submitted such as consultant’s reports, engineering reports, discussions, recommendations, all sorts of things. What he doesn’t see is an opportunity for the public to participate meaningfully and relevantly in the dialogue going on with our elected and appointed officials. Feels the public has been “reprimanded”. Questioned whether one of these days the public will be allowed back in to the deliberations to participate and communicate with the Commission on issues? In regards to the planning process, his neighborhood is very excited about the opportunity to actively participate in the planning process. They’ve got their passion, they’ve got their interest, and the Commission has got their attention and they’re willing to start yesterday. Doesn’t feel they need to wait until the Commission gets the money they are asking for from the Board so that you can put a consultant between the Commission and the public. He wants the Commission to come and get with the public, get their sleeves rolled up, get out from behind their elevated dais and come on out and visit and get productive. He is not against productive development of Harsens Island or Clay Township but he wants it to be reasonable and he wants it to be thought out. He doesn’t want it to be reactionary. He doesn’t want to have to go and change his plan to accommodate a specific request. He wants the plan to anticipate those requests, and that’s not an easy thing to do or a simple, quick

solution. The planning document is not a simple piece of paper, it's a living thing especially to the people in a neighborhood that live there, so don't take it lightly. He feels that recent events have pointed out the fact that the Master Plan is flawed, and he wants to work to help to be part of the solution rather than part of the problem. He requested the Commission to come visit with the people and get at it. He also feels the Zoning Ordinance is flawed. And, in general, referred the Commission to Section 18.13 and Section 5.01 regarding RS-1, and reads same. He stated that Random House Unabridged Dictionary defines "land" as any part of the earth's surface not covered by a body water. He questioned what "open land" was in the zoning and what is "open space". He feels the Commission is missing the point and needs to get back to the word "land". If you get rid of land, you get rid of gross acreage. He then referred the Commission to Section 21.03, Site Plan. He still has not figured out the difference between a Preliminary Site Plan and a Final Site Plan. He also read from the general section under Final Site Plan Approval Criteria and finds two interesting words mentioned, "clearance" and "required" and questioned where this fits in the scheme of decision making and questioned whether it was a condition precedent to making a decision or is it a subsequent decision issue. He is ready to get started on working on the Master Plan and suggested bringing in a consultant after we've done our homework. He requested everyone roll up their sleeves and figure out what we really can and can't do. He feels he and his neighbors are capable of being rational and reasonable. He stated there is an interested group of people ready to get started.

Chairperson DeBoyer: Stated that unfortunately, it takes money to do things and that's the way it is. There are laws that say what we can and can't do, and we have to follow them.

Norman Rhodes, 3206 South Channel Drive, Harsens Island

In regard to the Enabling Act and some definitions contained therein, he refers to "undeveloped state", which he reads a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or similar use conditions". To him, this includes trees and wooded areas. It also states for Site Plan, it includes the documents, drawings, required by the Zoning Ordinance, to insure that a proposed land use or activity is in compliance with local ordinances and State and federal statutes. His interpretation of this is that you've got to get the State and federal permits, if permits are required, for anything that someone wanted before they put it on their Site Plan in order for the Site Plan to be approved. He believes there is a difference between preliminary site plan approval and site plan approval. He believes that if someone wants site plan approval, they do not want any conditions placed on same, they want it approved. He believes that site plan approval would be specific, which means that all State and local ordinances and laws must be accommodated prior to the local unit of government approving a site plan with that request on it. In regard to the Master Plan and the commercial district, his comment is that the current Master Plan defines the commercial district as not just the downtown San Souci area but also down LaCroix, which comes from M-154 down to the South Channel. He further feels this does address the fact that they were originally looking at M-154. Also, in regards to the Workshop – the Planning Commission's Job, he was expecting to hear a lot about the procedures involved with the Planning Commissioners' jobs and feels it went more into specific items about a specific project that we're not supposed to talk about. He referred to Section 19.01 and read the following: "The following use permit review procedures are instituted to provide an

opportunity to use a lot or a parcel subject to conditions acceptable to the community”, which the Planner also brought up. He feels that some decisions are discretionary by this Board based on things like public opinion.

**12. ADJOURNMENT:**

**Motion by Simon, supported by Line to adjourn the meeting at 9:40 p.m.**

**AYES: All                      NAYS: None**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary