

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING HELD APRIL 23, 2008 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: George Lyle, Vice-Chairman Anthony Antkowiak, Edward Sharrow, Edward Keller, II, Thomas Krueger, Secretary Kathy Schweikart, Whitey Simon, Chairperson Dorothy DeBoyer

ABSENT: Earl Lines (Excused)

ALSO PRESENT: Patrick Meagher, Community Planning & Management; Jeff Horner, Project Control Engineering

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES OF APRIL 9, 2008:**

**Motion by Vice-Chairman Antkowiak, supported by Simon to approve the Minutes of the Clay Township Planning Commission meeting of April 9, 2008.**

Chairperson DeBoyer: Requested the following correction:

Page 4, last paragraph, change:

“Chairperson DeBoyer: Feels that it is, but there was one piece in particular that they didn’t have an option on and when we held the public hearing on all the pieces, the owner of that property spoke in favor of rezoning everything around him and then spoke against rezoning their property.” to “Chairperson DeBoyer: Feels that it is, but there was one piece in particular that they didn’t have an option on and when we held the public hearing on all the pieces, the owner of that property spoke in favor of rezoning their property and spoke against rezoning everything around him.”

Chairperson DeBoyer: Also, she received a telephone call from Earl Lines requesting the following correction:

Page 7, 12<sup>th</sup> paragraph: Change “Lyle: Banks are repossessing and dropping prices \$80,000 to \$90,000 in some places. It is unbelievable what is out there to be had.” to “Lines: Banks are repossessing and dropping prices \$80,000 to \$90,000 in some places. It is unbelievable what is out there to be had. “

**Chairperson DeBoyer restated Motion by Vice-Chairman Antkowiak, supported by Simon to approve the Minutes of the Clay Township Planning Commission meeting of April 9, 2008 with requested corrections.**

**AYES: All                      NAYS: None**

**MOTION CARRIED.**

**5. SITE PLAN CONSIDERATION:**

**Clay Township Municipal Parking Lot, 4710 Pte. Tremble Road**

Chairperson DeBoyer: We have before us tonight a Site Plan for the municipal parking lot on the property next door that the Township has acquired. The Township Board and the DDA would like to get this parking lot in place. The Site Plan, our Planner's Comments and comments from Chief Drake have also been submitted. One of Chief Drake's concerns is the concrete walk between the Township Hall and the Police Department due to the nearby location of the radio tower and generator. He feels there should be an 8 ft. fence around the tower and generator to alleviate access for tampering with the generator or possibly climbing the tower. He also requests that when the digging and pouring of concrete for the sidewalk is being done, the contractor should make sure no underground wiring from the generator to the Township Offices is disturbed. The Chief also mentions cameras, but that is something that will come later and is not really under the direction of the Planning Commission. The Chief also questions the purpose of a 5 ft. concrete walk going to the back of the existing garage of the Police Department since no door is located there.

Horner: Stated that the Police Department had requested the sidewalk at the garage be placed on the Site Plan for future use. He will verify whether or not they still want the sidewalk where indicated and, if not, will have same removed from the Site Plan.

Chairperson DeBoyer: Stated that the Township Planner has requested additional landscaping on the Taft Road side of the parking lot. The Planner also questioned whether the Commission feels that 9 ft. parking spaces will be adequate.

Simon: An additional ½ foot would add about 7-1/2 feet to the end of the parking lot. Stated he feels it would not be excessive to provide a little wider spaces.

Chairperson DeBoyer: Nine feet meets the requirements, but the question is whether we feel it is adequate?

Simon: We have a lot heavy duty trucks (i.e., SUVs, pickups) being driven in the neighborhood, so it's probably a valid point to be made.

Krueger: Questioned the existing widths of the parking spaces in the current Township parking lot?

Chairperson DeBoyer: Stated she is not sure of the width of the spaces on the old parking lot, and the new parking lot has never been striped.

Horner: Although they are not striped they were drawn at 9 ft. width to meet the Ordinance.

Simon: Questioned whether all the parking spaces could be striped at 9-1/2 feet?

Chairperson DeBoyer: Stated it would depend on how much room we have.

Vice-Chairman Antkowiak: Feels that SUVs and large trucks are on their way out with the increase in the price of gasoline. He feels that 9 ft. spaces would be adequate.

Simon: Questions if, in fact, there is a 5 ft. concrete walk against a blind building, should the handicap parking spot be located at such a distance away from either egress?

Horner: Stated that it is located on the drawing to have access to some door. They could be relocated to where No. 16 is on the Site Plan or over by No. 31 by the Police Department.

Vice-Chairman Antkowiak: Questioned why they couldn't be located in both places?

Horner: Stated one could be added on each end.

Lyle: Stated if you put one handicap space on each end, it will eliminate one parking space on that side, so there might then be room to make the spaces 9-1/2 ft. wide.

Horner: Questioned the Commission as to whether they would like him to redraw the parking spaces on the Site Plan at 9-1/2 feet?

Simon: Questioned what the cost factor would be to conceivably adding a few feet of concrete?

Horner: On pages 15 and 16, you will see that it lines up parallel or perpendicular, whichever way you want to go, with the building we are currently in, and they have asked us to stop it there. There was no requirement for the amount of spaces needed back there, but that is as far as they asked us to draw them in at this point.

Chairperson DeBoyer: Seeing that they asked that it stop there, maybe we should leave the spaces at 9 feet.

Lyle: Stated you will lose one space by putting in two handicap spaces, so you could make the spaces 9-1/2 feet on that side and you will have 1/2 a space left over.

Simon: You would have 4 to 5 ft. to play with.

Vice-Chairman Antkowiak: Questioned whether the fence should be added around the generator?

Chairperson DeBoyer: Feels it is a safety factor.

Sharrow: Feels it is the valid thing to do for the safety factor.

Meagher: Stated that the Commission may want to suggest something other than just a chain link fence. It is such a small area that you may want to do a 6 ft. decorative aluminum-type fence.

Chairperson DeBoyer: Stated that a chain link fence could still be climbed. If the fence is some type of a decorative fence, it would not be quite so easy for them to climb.

Sharrow: Stated that it might be good to have it high enough to put a top on it so it would be completely sealed because if the generator was damaged and there's a power loss, there would be no power to the Police Department.

Vice-Chairman Antkowiak: Stated that Chief Drake's concern was not children or people going back there, it was more of a concern toward the people that would be walking by. He doesn't feel the Chief's concern was about children getting into there.

Chairperson DeBoyer: The Chief's concern was also for someone having access to climb the tower. There will be more people traversing the area than previously and the access would present itself.

Simon: Feels that the light pole would certainly help illuminate that area and hopefully deter any attempts.

Lyle: Feels that a solid fence would limit visibility into the generator area in the event of vandalism. A chain link fence would allow the visibility in that area.

Meagher: Stated he was referring to an aluminum bar-type fencing such as a simulated wrought iron fencing, which would provide open visibility. He just felt it would be more decorative than a chain link fence.

Horner: He will also have to allow for clearance between the sidewalk and the generator and allow for accessibility for repairs. They might have to narrow the sidewalk to 5 ft. to allow for the clearance between the fence and the generator.

Chairperson DeBoyer: Feels there is room on the Police Department side for access.

Simon: Stated that a generator may possibly need work on all four sides, so you would need to have access for all the sides.

Horner: They will try to do that within reason.

Simon: He assumes that all required grading and appropriate drainage will be done

**Motion by Simon, supported by Vice-Chairman Antkowiak to approve the Site Plan with the modifications discussed including relocating the 2 handicap parking spaces to one on each end of the parking lot and allow for evenly spaced parking spaces in the parking lot**

**closest to the Police Department, additional landscaping at either end, assurance that fencing around the tower and generator allow accessibility for maintenance, and removal of the 5 ft. concrete walkway leading to the police garage.**

**R/C VOTE:**

**AYES: Vice-Chairman Antkowiak, Secretary Schweikart, Simon, Sharrow, Lyle, Keller, Krueger, Chairperson DeBoyer**

**NAYS: None.**

**ABSENT: Lines (excused)**

**MOTION CARRIED.**

**6. AMENDMENTS TO ZONING ORDINANCE #126:**

Chairperson DeBoyer: The Township Planner has provided us with the proposed Amendments to Zoning Ordinance No. 126. These have all been to the Amendment Committee for discussion and review. The Open Space Preservation amendment is required by the Zoning Enabling Act. Also, we have gone from Municipal Planning Act to Township Planning Act and that must also be amended.

Meagher: The suggested changes are a follow up on the Board's actions of a few months ago when the enabling basis changed for this Planning Commission. The second one deals with the previous debate concerning the proposed ferry landing and the associated accessory parking. This would treat those as a Special Land Use, which gives the Commission a little bit of review authority and discretion. The Open Space Preservation section is required by the Zoning Enabling Act. The Zoning Ordinance Committee has tried to make it stricter than what the law requires but at the same time minimize the use to the limitations of where the law says it has to be permitted.

Simon: Questioned whether an accessory building being permitted such as a rest area and restrooms as mentioned in the last sentence of paragraph 7 could lead to quite a large structure and whether this is what is generally permitted under those conditions?

Meagher: It is his thought that they be called accessory since they will be accessory to the rest of the use and not some type of central community meeting space that would allow large numbers of people to congregate, but rather whatever the limits are that would facilitate the restrooms and possibly a shelter area. Each Special Land Use will have to be looked at on its own merits. At that time, we would have to make sure that it would not dominate the use but is accessory to the use. His recollection is that the accessory structure change is one that was accepted when the Ordinance was adopted.

Chairperson DeBoyer: This is what the committee had recommended be included in the Ordinance and somehow it was omitted.

Meagher: Suggested the Commissions review the Michigan Zoning Enabling Act, specifically the regulations governing open space developments, and compare it to the Ordinance to insure that they correlate. He feels the first paragraph will be the key paragraph. We do not want to open this up as a permitted use to any area that we do not have to by law.

Chairperson DeBoyer: The public hearing on the Amendments to Zoning Ordinance No. 126 is scheduled for May 14, 2008.

**7. PLANNING CONSULTANT’S REPORT:**

Meagher: He attended a learning session on Harsens Island a few weeks ago regarding the Master Plan process and feels it was beneficial. He suggested possibly having a similar brief follow up at a future Planning Commission meeting.

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

None.

Sharrow: Requested that the Planning Commission send some type of condolence letter to Ron Nelson’s family.

**7. CHAIRPERSON’S REPORT:**

Chairperson DeBoyer: The Amendment Committee received notes from the Planner including how the whole process will go and who we will be meeting with. All Planning Commissioners will be involved in all the meetings with the public and different entities. The Amendment Committee will be meeting with different entities in the community to obtain their thoughts and ideas for the community. This is a difficult time for the community due to the state of the economy with businesses closing or downsizing. Hopefully, things will turn around in the future. In the past, a Master Plan was always a vision of approximately the next 20 years. The State has now mandated that we look at it every 5 years. Questioned the Planner as to whether we want to look at 20 years and update it every 5 years, or do we want to focus more on the next 5 years?

Meagher: He feels they should do both. He would like them to take an overall view of a 20 year picture and also look at 5 year increments as to how to get there. At the end of each five years you will discover whether changes will be necessary and whether or not things went as anticipated. He feels it’s important to keep your eye on the big picture but also focus on some of incremental decisions.

Lyle: Questioned when printing the map whether you would print the 20 year map or the 5 year map?

Meagher: He feels they would probably print 5, 10, and 20 year maps. What can be expected over 5 years will be different than what would be expected over 20. The Planning Commission will make those decisions as we go along and get more visioning sessions and public input.

Chairperson DeBoyer: Stated we may not see things going the way we would like in the next 5 years, but hopefully within 10 years it will turn around and start going the way we would like it to go. Also, the Township Board approved attendance for a workshop in Clinton Township on May 28, 2008 regarding the Zoning Enabling Act Amendments and new Planning Act. If Commissioners are interested in attending, she requested they fill out the registration forms and return them to her. The deadline for registration is May 18, 2008.

**10. PLANNING COMMISSION MEMBERS COMMENTS:**

None.

**11. PUBLIC COMMENTS:**

**Chuck Miller, 5178 Green Drive, Harsens Island**

Miller: He received the notice of the public hearing in the newspaper and is specifically interested in the ferry landing issue. They have been tinkering with the problem of the Island emergencies. As he read the notice regarding the ferry landing he feels it would apply to temporary conditions that might relate to moving people off of Harsens Island in emergencies. He stated it applies to islanders, but does not mention which Islands, but assumes that Harsens Island would be one of them. He questioned whether the Commission sees any conflicts or synergistic benefits because they have been trying to figure out ways of facilitating access points for Islanders and feels this may help them?

Chairperson DeBoyer: It possibly could, but it would be up to whoever is running the business to develop the place and bring it before the Planning Commission for approval. They would need to have the property to place it on and meet the requirements.

Miller: Stated that they may, but don't know for sure.

Chairperson DeBoyer: This will apply to any ferry landing in the future.

Miller: Reads from the notice that it would be viewed as something subsequent or secondary to actual ferry service. He further stated that it really triggered it with him because it sounds like it was written for Harsens Island more than Russell Island.

Chairperson DeBoyer: It really was Russell Island that was the impetus behind this.

Miller: The meeting regarding the Master Plan process was a wonderful meeting for all people concerned, and thanked Mr. Meagher for his participation. He then read from Section 125.3405, Conditional Zoning. He questions whether there is anything in any Ordinance that he can find that even begins to address this?

Chairperson DeBoyer: Stated there is not. This was the Planning Commission's choice. When conditional zoning first began to be discussed here, the Planning Commission questioned the Township Attorney regarding the issue. The Township Attorney's opinion was that because it was so new, he recommended they hold off on any conditional re-zoning until they see if any of

these issues end up in Court and what rulings are issued. The Planning Commission then corresponded with the Township Board passing on the recommendation of not allowing conditional re-zoning.

Miller: Feels an example of conditional re-zoning would have been the previous request to re-zone the Harsens Island Schoolhouse to a restaurant.

Chairperson DeBoyer: We cannot say to them that we will do conditional re-zoning if you do a certain thing. They have to come to us and suggest it. That is what the law states.

Miller: Agrees that it's in the law, but states it also says you can negotiate it and if they accept it, they have to take it back to you and ask for it.

Chairperson DeBoyer: And, if they don't follow through on the conditions, then it reverts back to the old zoning.

Miller: Questions whether it provides some flexibility in a Master Plan scheme and in a zoning scheme to allow you to bridge a gap between a problem like the schoolhouse?

Chairperson DeBoyer: Not in her opinion because the re-zoning of that property went against the Master Plan. To do it properly, we should have amended the Master Plan and then re-zoned it. The ferry landing was where the issue of conditional re-zoning arose. It may be an issue to consider for the future.

**11. ADJOURNMENT:**

**Motion by Lyle, supported by Sharrow to adjourn the meeting at 8:20 p.m.**

**AYES: All                      NAYS: None**

**ABSENT: Lines (excused)**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary