

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR  
MEETING HELD ON MARCH 11, 2009 IN THE CLAY TOWNSHIP MEETING HALL,  
4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001**

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

PRESENT: Chairperson Dorothy DeBoyer, Vice Chair Anthony Antkowiak, Secretary Kathie Schweikart, Thomas Krueger, Whitey Simon, George Lyle, John Blair, & Edward Sharrow.

ABSENT: Edward Keller II (excused).

Also present: Clay Township Planner - Patrick Meagher.

Chairperson DeBoyer welcomed and introduced new Planning Commission member John Blair.

**3. AMENDMENTS TO THE AGENDA: None.**

**4. APPROVAL OF MINUTES:**

**Motion by Antkowiak, supported by Simon to approve the minutes of January 14, 2009 as presented.**

**AYES: All. NAYS: None. Absent: Keller. MOTION CARRIED.**

**5. SITE PLAN CONSIDERATION:**

**C J Trucking – 3820 Fruit Road**

**Jerry Green**

Chairperson DeBoyer: He is requesting to use the land for a resale yard for top soil, sand, and gravel, which means that the materials will be brought into the site and sold from there. This is in an I-1 zoning district and is an allowable use.

Lyle: I have a concern with the Planner recommending the piles be no higher than 6 feet. You can't store a lot of dirt with the piles being 5 or 6 feet high. I think that would be creating a hardship when you keep the piles at 6 feet and under.

Mr. Meagher: Just for clarification, what I wrote was just being quoted from the ordinance that the piles could not be any higher than the screening. If you've got natural tree vegetation there and you want to allow for higher piles, you can certainly do that.

Antkowiak: Do you have any concerns Mr. Green?

Mr. Green: The piles right now are 10 feet and that probably is the maximum I will go. I don't have the equipment to go any higher.

DeBoyer: Also Mr. Green, when we met with you at the Pre-Site meeting we discussed about the screening across the front and I see on the site plan you have proposed four evergreen trees and all materials were to be 20 feet off the lot line and I see that has been met on your site plan.

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**Motion by Krueger, supported by Simon to approve the Site Plan Consideration for C J Trucking at 3820 Fruit Road with piling of products to the height of 10 feet, place screening across the front of the property, maintain the screening between the industrial and residential property and meet the requirements for signage.**

Blair: Are there any concerns about the hours of operation being between 7:00am and 9:00pm?

DeBoyer: We did discuss at the Pre-Site meeting what the hours would be. It seems the ordinance states daylight hours. So it would be open during the times the ordinance states.

**ROLL CALL VOTE ON ABOVE STATED MOTION**

**AYES: Sharrow, Antkowiak, Krueger, Schweikart, Lyle, Blair, Simon, DeBoyer**

**NAYS: None.**

**ABSENT: Keller.**

**MOTION CARRIED.**

**6. SITE PLAN CONSIDERATION:**

**Clay Township Park**

**Clay Township**

Chairperson DeBoyer: The park is being developed adjacent to the Township Municipal Offices. This has been before the Clay Township Downtown Development Authority for quite a period of time and this is the plan they have developed. This is proposed to be done in two phases. One they hope to do this summer and for the other, the Township Board will be applying for a grant from the Michigan Trust Fund. We have the chairman of the DDA here tonight, Mark Thompson.

Mr. Thompson: Basically, Dorothy explained it very eloquently. We are going to develop the park in two phases. We are going to try and get it going for this summer with the picnic areas and bathrooms. We are here tonight to just get your blessing.

Sharrow: Are you going to have a rail around the paths as they are close to the roads and children could dart out?

Mr. Thompson: It is the first time anyone has suggested that. We will have the architectural firm look at it.

Blair: With reference to the paths that have been installed before winter, is there something in the plan to inspect those to see if there has been any damage to them since winter? It looks like in some places they are settling more than other places.

Mr. Thompson: Yes, we will be taking a look at that and as we go along with the project we will be raising the grade all the way around it.

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**Motion by Antkowiak, supported by Krueger to approve the Site Plan Consideration presented to us by the DDA for the Clay Township Park.**

**ROLL CALL VOTE:**

**AYES: Sharrow, Antkowiak, Krueger, Schweikart, Lyle, Blair, Simon, DeBoyer**

**NAYS: None.**

**ABSENT: Keller.**

**MOTION CARRIED.**

DeBoyer: On Monday the Township Board will be considering the resolution to apply for the grant and there will be a Public Hearing at 7:00pm to hear any comments from the citizens.

**7. PUBLIC HEARING:**

**Special Approval Land use/Site Plan Consideration:**

**Maple Leaf B & B – 3532 South Channel Drive**

**Virginia Terrien**

Chairperson DeBoyer: First I would like to bring to your attention that the proposed bed and breakfast is at 3532 South Channel Drive, not 3522 South Channel Drive. At a Public Hearing the applicant is always given the first opportunity to address the Planning Commission if they so choose. Then after that the public will have an opportunity to speak on it also.

Open Public Hearing – 7:50pm

Mrs. Terrien: I have conformed with everything that the Building Inspector wanted. I am sure you received a copy of the letter from the Board of Health. Cy Persyn has installed at least 12 smoke detectors that have a 10 year lithium battery in them, being we could not get through the walls.

In Favor Of:

Norman Rhodes – 3206 South Channel Drive

Rick Thornton – 5095 Green Drive

Scott Beedon – Blue Water Small Bus. Concierge

The island needs this type of use, very good

This fits the culture of the island

This is great to help the small businesses in the area. I try to promote the region from Clay Township to Lexington and this is a great thing.

Yvonne Mesick – 3556 South Channel Drive

Donna Halacoglu – 898 North Channel Drive

My husband and I approve

In favor of

Opposed:

Received letter from: Susan Fields – 123 Mackinac Opposed

DeBoyer: Of course what has been mentioned about the septic system, you all have before you a copy of a letter from the Health Department indicating at this time there are no problems and if

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there is a problem in the future the remedies have been spelled out.

Closed Public Hearing – 8:03pm.

Krueger: How many people does your house accommodate for this bed and breakfast?

Mrs. Terrien: I have up to 3 bedrooms, but I will probably only use 2.

**Motion by Lyle, supported by Schweikart to approve the Special Approval Land Use and Site Plan Consideration for the Maple Leaf B & B at 3532 South Channel Drive.**

**ROLL CALL VOTE:**

**AYES: Sharrow, Antkowiak, Krueger, Schweikart, Lyle, Blair, Simon, DeBoyer**

**NAYS: None.**

**ABSENT: Keller.**

**MOTION CARRIED.**

**8. PUBLIC HEARING:**

**Rezoning – 6541 Dyke Rd.**

**Leonard Kasperowicz**

Chairperson DeBoyer: This request is to rezone the property from C-2 to C-3. When there is a rezoning we do not discuss what is planned to be done there, because if it were to be rezoned, anything that is allowed in that zoning district could be done there. We have had this property before us once before requesting for a different rezoning and that request has been withdrawn. Let's review what is allowed in this zoning district.

Vice Chair Antkowiak read aloud from Zoning Ordinance #126 what are the permitted uses and special land uses for zoning district C-3.

Chairperson DeBoyer read aloud from Zoning Ordinance #126 what are the permitted uses and special land uses for zoning district C-2.

Opened Public Hearing – 8:15pm

Dr. Kasperowicz: I have owned this property for almost 30 years. I have always paid the taxes. I have always invested in my community. The property was always utilized as an automobile repair facility since its inception. I want to utilize and continue utilizing this property for that same purpose. (Dr. Kasperowicz submitted 5 photos in a panoramic view of his property and the surrounding properties to show how this property fits into the neighborhood.) Since I have owned this property I have never used it as a gasoline station. The building was never abandoned, taxes were always paid, and the water was never shut off. The grounds were always kept up by commercial landscapers and the snow was always removed. I just want to maintain

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this property and continue to use it as an automobile repair facility. In 1991, before I left for the Desert Storm Campaign, all the issues were addressed with that piece of property by the Planning Commission of that time. It was authorized to be utilized as an auto repair facility. (Dr. Kasperowicz submitted a copy of a site plan dated April 4, 1991 that was stamped, signed, and dated June 19, 1991 with conditions.) If you pull the old records, the review that was done at that time by the existing planner, the list is similar to the list that was presented by Mr. Meagher. (Dr. Kasperowicz submitted a copy of page 2 of Clay Township Planner’s review for rezoning request at 6541 Dyke Rd.)

DeBoyer: All the Commissioners have received this already.

Dr. Kasperowicz: That’s fine. I still want to submit it. In all the years that I have owned this property, there has never been a condition that would be detrimental to the health and welfare of the surrounding neighborhood. I had the tanks removed and the property cleaned up. The final groundwater closure sampling was done by Global Environmental Engineering, Inc. There is no contamination present on this piece of property. (Dr. Kasperowicz submitted a copy of “Summary of Remedial Actions and Groundwater Closure Sampling” for 6541 Dyke Rd – Global Environmental Engineering, Inc.) I don’t want to be denied the right to earn a living through that piece of property. (Dr. Kasperowicz submitted copies of 23 signed letters in favor of the rezoning.)

In Favor Of:

Jason Prior – 8870 Field	With the way the economy is, we need this business
Richard Szefer – 4757 Pte. Tremble Rd.	Had some questions, I approve of this rezoning
David Hess – 7287 Dyke Rd.	I agree with everything that Dr. Kasperowicz has said and I approve
Norman Rhodes – 3206 South Channel Dr.	In favor of, all for fruitful enterprise
Andrew Butterfield – 7267 Flamingo	Approve rezoning

Opposed:

None.

Closed Public Hearing – 8:30pm

Blair: When I look at the paper work dated 1991, is there a history of when the changes came into effect? I don’t see anything where it states it was ever C-3.

DeBoyer: Actually, from the inception of this site plan from 1991 there were a few things that needed to be done and I checked the minutes and they indicated the site plan never came back, but from the very first when that building was built there, close to 50 years ago, it never has been anything different. We have had 2 or 3 zoning ordinances from the time that was built until today.

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Antkowiak: I would just like to comment on the fact that although there are a number of uses in the C-3 zoning district that we would not particularly want to have on that piece of property, I think the size of that piece of property could prevent that from happening. For example, we are not going to have a motel, hotel, hospital, funeral home etc. Things like that will require more space. This is what we are supposed to be dealing with under the rezoning. So I think we really need to focus on what it is that we could allow on that piece of property under that zoning and whether or not it would be appropriate.

DeBoyer: If you look at the correspondence we received that it indicates to the north of this property it is zoned C-2, to the east it is zoned RS-1, to the south is C-2, and to the west is R-2 and also our master plan indicates that area to be residential. I personally don't see that piece of property as residential.

**Motion by Lyle, supported by Antkowiak to recommend approval of the rezoning request from C-2 to C-3 for 6541 Dyke Rd.**

**ROLL CALL VOTE:**

**AYES: Sharrow, Antkowiak, Krueger, Schweikart, Lyle, Blair, Simon, DeBoyer**

**NAYS: None.**

**ABSENT: Keller.**

**MOTION CARRIED.**

DeBoyer: Now the County has 30 days to comment on this rezoning once they receive it. The final decision is made by the Township Board and it probably won't go the Township Board until sometime late April.

**9. PLANNING CONSULTANT'S REPORT:**

Mr. Meagher: We did sit down with the Master Plan Committee and went through the natural features inventory section and I think for the next session we are going to look at transportation. We are slowly getting closer to a point where we will have our existing inventory completed and will be ready for some of our visioning sessions.

**10. Z.B.A. REPRESENTATIVE'S REPORT: None**

**11. CHAIRPERSON'S REPORT:**

Chairperson DeBoyer: I gave you the brochure tonight about the workshop that will be in Port Huron. The workshop request will be before the Township Board on Monday night. If they approve it, I can send you all an email and let you know and let me know if you want to be signed up. There is also a workshop in Frankenmuth for Introduction to Planning and Zoning that John will be going to.

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**12. PLANNING COMMISSION MEMBERS COMMENTS:** None

**13. PUBLIC COMMENTS:**

Richard Szefer – 4757 Pte. Tremble Rd – Commented on the great job that the Planning Commission is doing.

Norman Rhodes - 3206 South Channel – Commented that he was glad to hear the Master Plan was being worked on. Also concerned about what is happening with the appeal of Grande Pointe Development for its special approval land use. The Citizens for Responsible Development are having a meeting on Saturday at 12:30pm to continue on with the FEMA floodplain changes.

DeBoyer: As I understand it, the judge has been reviewing the Grande Pointe Development appeal and in April the township attorney will be submitting his brief and then we will wait after that to see what the judge decides. Also there will be another hearing on the floodplain changes at the High School on March 23<sup>rd</sup> at 7:00pm.

**14. ADJOURNMENT:**

**Motion by Blair, supported by Antkowiak to adjourn the meeting at 8:50 pm.**

**AYES: All. NAYS: None. Absent: Keller. MOTION CARRIED.**

Respectfully Submitted,

Patty Watson