

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD
WEDNESDAY, AUGUST 26, 2009 IN THE CLAY TOWNSHIP MEETING HALL,
4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001**

1. CALL TO ORDER:

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

2. ROLL CALL:

PRESENT: Whitey Simon; Edward Sharrow; Anthony Antkowiak; Thomas Krueger; George Lyle; Kathie Schweikart; John Blair; Edward Keller, II; Chairperson Dorothy DeBoyer

A quorum was established.

Also Present: Patrick Meagher, Community Planning and Management

3. AMENDMENTS TO AGENDA:

None.

4. APPROVAL OF MINUTES OF JULY 22, 2009:

Motion by Antkowiak, supported by Lyle to approve the Minutes of July 22, 2009 as presented.

AYES: All NAYS: None

MOTION CARRIED.

5. PUBLIC HEARINGS:

**Rezoning – 2425 Pte. Tremble Rd. (R-1 to RM) – Lawrence Mislinski/Representative
Michael & Cheri Whelan/Owners**

**Rezoning – 2431 Pte. Tremble Rd. (R-1 to RM) – Lawrence Mislinski/Representative
Charles/Pamela Michel/Owners**

**Rezoning – Vacant Pte. Tremble Rd./Parcel ID#'s 74-14-442-0138-000 and
74-14-442-0139-000 (R-1 and C-3 to RM) - Lawrence Mislinski/Representative
M-29 LLC/Owner**

Chairperson DeBoyer: Read from the Township Zoning Ordinance as to what is allowed in an R-1 and RM.

**Rezoning – 2425 Pte. Tremble Rd. (R-1 to RM) – Lawrence Mislinski/Representative
Michael & Cheri Whelan/Owners**

Chairperson DeBoyer opened the public hearing at 7:35 p.m.

Chairperson DeBoyer welcomed the Applicant or their representative to come forward and speak.

Lawrence Mislinski: Stated that he is the representative of the current owners of the property. They had previously come to the Planning Commission with a proposal to re-zone this property approximately two years ago. He requested being able to speak as to all three properties as they are tied together. They had previously proposed this property to be re-zoned for a marina by taking the three pieces of property and splitting them up into a marina and partially RM. The intent was to develop part of the property into a parking lot and a ferry landing for Russell Island. At that time, the re-zoning request was denied. They are now requesting that this property be rezoned to RM. They understand the current downturn in the real estate market. However, this is a time-consuming process which may take up to 4 or 5 months to obtain approval for the re-zoning. They want to come up with a plan for development realizing that it may take 2 to 3 years for all the approvals of the agencies involved. At that particular time, hopefully the economy will be different.

**Rezoning – 2431 Pte. Tremble Rd. (R-1 to RM) – Lawrence Mislinski/Representative
Charles/Pamela Michel/Owners**

**Rezoning – Vacant Pte. Tremble Rd./Parcel ID#'s 74-14-442-0138-000 and
74-14-442-0139-000 (R-1 and C-3 to RM) - Lawrence Mislinski/Representative
M-29 LLC/Owner**

Chairperson DeBoyer stated that the second piece of property known as 2431 Pte. Tremble Rd. (R-1 to RM) – Charles and Pamela Michel, Owners, is a request for a re-zoning from R-1 to RM.; the third piece of property, Vacant Pte. Tremble Rd./Parcel ID#'s 74-14-442-0138-000 and 74-14-442-0139-000 (R-1 and C-3 to RM) – M-29 LLC, Owner, is a request to re-zone from R-1 and C-3 to RM. Since Mr. Mislinski is the Representative for all three properties and has spoken as to all three properties at once, she requested any public wishing to speak in favor or opposition to come forward.

Charles Michel, 2431 Pte. Tremble Rd.: Stated that he had opposed the previously requested zoning because it was commercial. He happened to be the hole in the donut and would have been surrounded. He is not opposed to the re-zoning to RM and feels it would be good for the area and would be beneficial to the Township. He again stated he was in favor of the re-zoning to RM.

Dan Barley, 2237 Pte. Tremble: He is not opposed to the re-zoning but is wondering what the Applicants are planning on building?

Chairperson DeBoyer: Stated that RM would allow multiple housing. However, they are not discussing site plans tonight, merely the request for the re-zoning.

Joe Stephenson, 8283 Morrow Road: Stated that he also owns property abutting the three parcels that are being considered for re-zoning. He stated that he has a legal easement that cuts through two of the parcels and wants everyone to be aware of the easement. He doesn't have a problem with re-zoning to RM but doesn't want the easement being taken advantage of.

Chairperson DeBoyer: Stated that a recorded easement will not go away just because a property is re-zoned.

Chairperson DeBoyer inquired as to whether any of the Planning Commissioners had questions for the Applicant.

Chairperson DeBoyer closed the public hearing at 7:44 p.m.

Chairperson DeBoyer then requested the Planning Commissioners discuss the requested re-zonings.

Lyle: Stated that he felt that whatever was done with one parcel would have to be done to the other two parcels.

Schweikart: Stated she personally doesn't have a problem with the requested re-zoning on all three pieces of property.

Antkowiak: Stated that one question they need to consider is whether the request is contrary to the Master Plan. According to their information, the Master Plan indicates it is R-1 property. However, looking at the properties and their location, it seems to him that RM would be much more suitable to the location. He further stated that he is not opposed to the requested re-zonings.

Sharrow: Stated that he feels the re-zoning would make it more useable than what it is now.

Chairperson DeBoyer: Stated that she agreed it would be a good area for multiple housing in the future and that it would blend in with the area around it.

Simon: Stated that he also felt that multiple housing would fit in well with the area.

Chairperson DeBoyer: Reminded the Planning Commissioners that if they recommended approval of the re-zoning it would go to the County for their review and recommendation and would then come back to the Township Board for a final decision.

Motion by Lyle supported by Simon to recommend to the Township Board that 2425 Pte. Tremble Rd., 2431 Pte. Tremble Rd., and Vacant Pte. Tremble Rd. – Parcel ID#'s 74-14-442-0138-000 and 74-14-442-0139-000 be re-zoned to RM.

Meagher: Suggested adding the rationale as to the reasoning for the recommendation to the motion since it is a decision that is inconsistent with the Master Plan map.

Lyle re-stated motion, supported by Simon to recommend to the Township Board that 2425 Pte. Tremble Rd., 2431 Pte. Tremble Rd., and Vacant Pte. Tremble Rd. – Parcel ID#'s 74-14-442-0138-000 and 74-14-442-0139-000 be re-zoned to RM for the reasons that it is compatible with surrounding uses, fits into the area, the lots are irregular in shape

and together they are much more appropriate, and that there could be no better use than to re-zone same to RM.

R/C VOTE:

AYES: Sharrow; Antkowiak; Simon; Blair; Keller; Krueger; Schweikart; Lyle; Chairperson DeBoyer

MOTION CARRIED.

Mislinski: Thanked the Commissioners for their recommendation.

Chairperson DeBoyer: Informed Mr. Mislinski that he would be notified as to when the matter would come back to the Township Board for consideration. She further stated the County has 30 days to comment on the recommendation. As soon as it is received back at the Township, it will be scheduled for the next Township Board meeting, which would be in approximately 5-6 weeks.

6. PLANNING CONSULTANT'S REPORT:

Meagher: Questioned whether the Master Plan Committee meeting was still scheduled for August 27, 2009? He further suggested canceling same since the Visioning Session is scheduled for September 23, 2009.

Master Plan Committee members Schweikart, DeBoyer, Lyle, and Simon were all in agreement with canceling the August 27, 2009 Master Plan Committee meeting.

A discussion then occurred regarding the advertisement of the September 23, 2009 Visioning Session.

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

Antkowiak: Stated that the Flamingo fence issue is before the ZBA. A public hearing on the issue was held on August 20, 2009. There were a lot of comments and issue presented relative to the pros and cons on the issue. The ZBA will render its decision at its next meeting on September 17, 2009.

8. CHAIRPERSON'S REPORT:

Chairperson DeBoyer: Stated the Township Board had approved any Township Board member, ZBA member, or Planning Commission member interested in attending the MTA seminars on Land Use - Defining Your Township's Future or At Your Service - Meeting Township Needs in Saginaw on September 19, 2009. She further stated that if anyone was interested in attending, to please fill out the applications and submit same as soon as possible. The early bird deadline is September 4, 2009.

A discussion occurred amongst Commissioners regarding same.

9. **PLANNING COMMISSION MEMBER'S COMMENTS:**

Lyle: Congratulated John Blair on being the only person in the Algonac area to make the President's List at St. Clair County Community College and shared an article from the newspaper regarding same with the Commissioners.

Several Planning Commissioners congratulated Commissioner Blair on his accomplishment.

10. **PUBLIC COMMENTS:**

None.

11. **ADJOURNMENT:**

Motion by Simon, supported by Antkowiak to adjourn the meeting at 7:58 p.m.

AYES: All NAYS: None

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary