

**CHARTER TOWNSHIP OF CLAYTON  
PLANNING COMMISSION MINUTES**  
February 20, 2018

**CALL TO ORDER**

Mr. DePottey called the Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

**Members Present:** Kevin DePottey, Ed McCartney, Dennis Milem, George Sippert, Tom Spillane, Andy Suski, Rob Widigan

**Others Present:** Ted Henry, Zoning and Building Administrator; Ken Tucker, Attorney; Deanna Turner, Stenographer

**APPROVAL OF AGENDA**

**Action Taken:** Motion by Milem, supported by McCartney, to approve the agenda of the February 20, 2018 Planning Commission agenda.

**MOTION CARRIED.**

**APPROVAL OF MINUTES 12.19.17 AND 01.16.18**

**Action Taken:** Motion by Widigan, supported by Suski, to approve the minutes of the December 19, 2017 and January 16, 2018 regular Planning Commission meetings.

**MOTION CARRIED.**

**COMMUNICATION**

Mr. DePottey said communication will be held until the public hearing.

**REPORT OF OFFICERS AND COMMITTEES**

None.

**PUBLIC COMMENT**

None.

**OLD BUSINESS/DISCUSSIONS**

**1. Public Hearing Case #SCU18-02 Swimcraft 6:00 p.m.**

Mr. DePottey opened the public hearing at 6:03 p.m.

Mr. Mike Case said he bought a company that makes acrylic pool walls. The former owners are also present to help explain the manufacturing process.

Mr. Henry asked how long is the longest panel made. Mr. Case said 10-feet.

Mr. DePottey asked who the resin is applied. Mr. Case said brush and rolled.

The previous owner stated Swimcraft was formed in 1969.

Mr. Case said they are all liner-less pools. The former owner said the form has a curve to it and they are custom by the installer based on what the homeowner wants. Mr. Case said they use only electrical, no gas or flame.

Mr. McCartney asked about resin waste. The previous owner said it currently goes into the dumpster, however, companies are being formed that hope to recycle acrylic and plastics.

Mr. Spillane asked how long does it take to make one panel. The previous owner sated it takes 20 minutes. Mr. Milem asked how many panels does an average pool take. The previous owner answered, thirteen.

Mr. Suski asked if they are strictly wholesale or retail. The previous owner said they sell to a dealer networker of installers. Mr. Suski asked how many employees do they expect to have. Mr. Case said 4-5 employees at this time with growth, an upwards of 10-12 employees.

Mr. McCartney asked how is the pain applied. Mr. Case said it is all hand-appliated. It's a simplistic process; they are made to order. The installer calls with what the homeowner wants and they make them according to the specs. They pick up or Swimcraft will deliver.

Mr. Spillane asked if they ship outside of Michigan. The previous owner said they are currently installed at seven army bases in Korea. Mr. Case said they currently work with installers in Missouri, Tennessee, and Indiana.

Mr. Milem said the Department of Environmental Quality questionnaire doesn't require any permits. He asked if there are any liquids that need to be disposed of. The previous owner said everything goes out in solid form. Mr. Milem asked how they get rid of the resin fumes. The previous owner said there are a little bit of fumes in one room but they are contained inside the building. They have a fan to air it out.

Mr. Milem said they received two letters from residents that he wants entered into the minutes.

### Letter One

Dear Planning Commission: RE: Pool Manufacturing request, Corunna Road

Not being directly in contact with this property being addressed, but only a couple of houses east of it, I wish to make my concerns known to this board. I understand the

building is M1 and the adjacent property is commercial. This has been a problem for our neighborhood for years. This is truly a mistake of great consequence from years ago with spot zoning. All this property is part of Ace Gardens, a platted subdivision. We as neighbors have had to be very vigilant in the businesses that want to go in these properties because they are on Corunna Road. That does not mean that anything should be allowed as it is where we live and have lived for many years. It is all homes surrounding the property.

I understand that this business would be a pool manufacturing concern. My worries are the chemicals needed and any waste products and noise and air quality issues that may arise. We have wells for water and are concerned of any runoff that might contaminate our drinking water. What about storage and truck traffic? I understand there will be another business in the back barn as well. Would that mean twice as much traffic out of that land area? How about after five o'clock? Is the business 24 hours?

As a neighbor, I would not support a manufacturing concern being placed in this platted subdivision. I believe the zoning is wrong and that it does not work with the future vision of the community.

Penny Messer  
10037 Corunna Road  
810-644-2372

#### LETTER TWO

February 20, 2018

Clayton Township Planning Commission  
2011 S. Morrish Rd  
Swartz Creek, MI 48473

To whom it may concern,

This letter is to address the meeting tonight regarding the rezoning of 10111 Corunna Rd. I am against rezoning this property to an M1 status. This has been addressed twice before and been turned down both times and I feel this time should not be any different. The same reasons as before apply to why I feel this way. This type of zoning is not good for our immediate neighborhood. I feel this would negatively impact my property value as the property in question backs up against my property.

Thank you,

Bert Cox  
2086 Van Vleet Rd  
Swartz Creek, MI 48473

Mr. DePottey asked if any of the equipment would generate noise. The previous owner said the noise is similar to that of an air compressor or generator. They keep the doors

down. Mr. DePottey asked what are the anticipated hours of operation. Mr. Case said standard, 8 a.m.-5 p.m. He doesn't see a r

KD anticipated hours of operation. swim -- 8-5 standard. doesn't see reason to take on 2nd shift.

Mr. Widigan asked if there will be outdoor storage. Mr. Case said not outside. There is a barn in the back of the property for storage. Everything will be cleaned up, continued more than what they have already done.

Mr. Milem asked how big of a dumpster will they use. The previous owner said three-cubic-yards.

Mr. Henry said the dumpster has to be fenced in with a gate.

Mr. Milem said the recommendation will be to the township board who meets in early March. They make the ultimate decision to give the special use permit. They do not have to accept the Planning Commission's recommendation.

Mr. Milem said, to the new board members, the property is zoned M1. There are 22,000 acres in the township, 108 are commercial, 10 are M1/industrial. They don't have much room to put in that kind of business. The corner of M21 has been designated for commercial use since 1998 or 1999. There are some homes; it is a four-lane state highway that is made for trucks.

Mr. DePottey asked if there is any public comment.

Mr. DePottey closed the public hearing at 6:21 p.m.

Mr. Milem asked if they should have any caveat if there is an odor problem. They can always review the special use permit.

Mr. Tucker said they should be as specific as possible with public parking, hours of operation, odor, for example.

Mr. Henry said odor is subject to the nuisance ordinance. Mr. DePottey said same with noise. Mr. Tucker said odor is very hard to litigate because you cannot measure it. It is difficult to mitigate or control.

Mr. Spillane asked if fire suppression is needed. Mr. Case said the equipment is a glorified toaster with a heat element on top.

Mr. Henry asked about exterior lighting. Mr. Case asked what the township wants them to do. Mr. Henry said they just don't want to protrude onto the neighbors. Mr. Case said he would personally follow-up with neighbors to make sure the lighting is acceptable.

Mr. Suski asked how close are the homes. Mr. Henry said the closest house to the west has a natural buffer zone with foliage and trees. The previous owner said the closest house is about 75-feet away. Mr. Milem said there is a lot of room to the east.

Mr. Milem asked how many cars will be on site. Mr. Case said probably three-four cars. The installer has two-three trucks.

Mr. Suski asked how long he has owned the property. Mr. Case said he bought it a month ago. Mr. Suski asked if all the neighbors were notified. Mr. Milem said everyone within 300 feet of the property have been notified.

Mr. Milem said he has since spoken to Mr. Cox (author of letter two). He didn't really understand that it is not a rezoning issue.

Mr. Sippert asked when was the last time the building was occupied. Mr. Henry said a lawn care business about a year ago.

**Action Taken:** Motion by Widigan, supported by McCartney, to approve Special Condition Use Permit Case#SCU18-02 Swimcraft; with stipulations that they abide by all existing ordinances; that the Zoning Board Administrator and Code Enforcer can enter the site to do an inspection if needed; hours of operation are 7 a.m.-7 p.m., Monday-Saturday; lighting should not intrude on residents; dust control; the building meets all building codes, including ADA codes, local, state, federal codes and statutes; the dumpster is fenced in.

**MOTION CARRIED.**

## **2. Planning Commission Bylaws**

Mr. Widigan said the bylaws they had been following were not officially adopted by the board. They looked them over to decide what to bring to the board for adoption. They made changes to section 1A that says, "the first regular meeting each year in January they will elect officers," changing to "shall be done within the first quarter of every year."

Mr. Widigan said the next page is to section 2E, which used to require the secretary to prepare the agenda and packet. The change they are proposing is to give items to the chairperson and co-chairperson to prepare a tentative agenda and packet. The agenda can be changed by action of the commission.

Mr. Widigan said the bylaws said the meetings shall be at 7 p.m. They would like to change that to set the meetings at 6 p.m.

**Action Taken:** Motion by Suski, supported by McCartney, to adopt the proposed bylaws as presented with date correction to February 20, 2018.

**MOTION CARRIED.**

## **NEW BUSINESS/DISCUSSION**

### **1. Review of Meeting with Township Administration (Discussion)**

Mr. Widigan said he, Mr. DePottey, Mr. Milem, and Ted Henry met with Chris Gehringer, Supervisor and Rick Caruso, Treasurer about the Planning Commission and how they are looking at moving forward throughout the year. The notes Mr. Widigan took are in the back of agenda packet. Mr. Widigan said Dr. Shaw was the unofficial planning coordinator. The planning commission discussed doing a water study in the past, but don't want to waste the time with research if it is not something the township board wants. He said they wanted to update the bylaws; spend time updating and cleaning up ordinances; review policies and procedures. He said whoever is the chair and co-chair will send the proposed agenda to the Planning Commission two weeks before a meeting asking for input. Mr. Widigan said if there are no items, they will cancel the meeting.

Mr. Milem interjected to say when they had meetings on zoning through MSU Extension, they were big on constantly tweaking ordinances, which sounds easy but is expensive. He said you have to rewrite the ordinance, get it published, codified, send to legal, etc. He recommended to the supervisor they put ordinances into a line item.

Mr. Henry said they talked about a moratorium on solar fields, which are running faster than they are. Mr. Suski said he has received three letters. Mr. McCartney has received three and a friend has received five.

Mr. Henry said someone from Consumers Energy should speak on their standpoint.

A discussion ensued.

Mr. Widigan said they have five-eight items on the list to review the zoning map when it's slow; clean up split zoning; look at business licenses; rental and light ordinances. He said also on the list is any unfinished business from 2017 that they should bring back up and finish.

Mr. Widigan said they need to make a resolution to change all of the meeting times to 6 p.m. Mr. Milem said the calendar has already been published for the year. Mr. Tucker said they can update the calendar. Mr. Widigan said they can put it on the next agenda.

**Action Taken:** Motion by Widigan, supported by Spillane, to change the March meeting to 6 p.m.

**MOTION CARRIED.**

### **2. Correcting/Amending Zoning (Discussion)**

Mr. DePottey said they discussed this earlier.

**ADDITIONAL ITEMS**

None.

**ADDITIONAL COMMENTS**

None.

**ADJOURNMENT**

**Action Taken:** Motion by Widigan, supported by McCartney, to adjourn the Planning Commission meeting at 7:06 p.m.

**MOTION CARRIED.**

MINUTES APPROVED BY:

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Kevin DePottey, Chairperson

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Dennis Milem, Secretary