

CLAYTON TOWNSHIP PLANNING COMMISSION

May 16, 2017

Clayton Township Hall

CALL TO ORDER

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

ROLL CALL

Present: Ryan Bower, Kevin DePottley, Susan Hyde, Dennis Milem, Andy Suski, Robert Widigan

Absent: Ed McCartney

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

APPROVE PROPOSED AGENDA

Motion by Widigan, supported by Milem to approve the agenda of the May 16, 2017, Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES: APRIL 18, 2017

Motion by Widigan, supported by Suski to approve April 18, 2017, planning commission minutes, as submitted.

MOTION CARRIED.

COMMUNICATION

Mr. Henry stated there is a proposed bar & grill that may come before the Zoning Board of Appeals (ZBA), or will end up before the Planning Commission. He said it is in the Swart Creek Plaza.

Mr. DePottley asked what variance do they need?

Mr. Milem said he doesn't think they need a variance of any kind.

Mr. Tucker stated they came before the Board of Trustees the previous Thursday.

Mr. Milem said it is really vague. They want to take up two units. The landlords are in New York and there is no agreement at that time.

Mr. Henry stated there has been a new law passed regarding gas stations to sell beer & wine. The new proposed Clayton Market will want beer & wine. Mr. Tuckers said they already own license for that. They have a different class of liquor license.

Mr. Tucker said regarding the Clayton Market lawsuit, the park owner said they would sign off after the taxes had been squared away. Now, they won't sign off. Mr. Tucker said they may sue the township to force a land split or sue the park.

Mr. Milem said something that may be coming to the board is regarding parking between 2 a.m. and 6 a.m. He said they have always been a complaint-driven ordinance community. He said they may want to make some changes to parking restrictions only during a snow emergency.

Mr. Tucker said he has done some research. The township ordinance says you cannot park on any road year-round from 2 a.m.-6 a.m. He looked at surrounding communities and their ordinances. One that may fit Clayton Township for them to consider is restricting the parking from November-March. Mr. Tucker said he cautions the township getting involved in neighborhood disputes.

REPORT OF OFFICERS & COMMITTEES

None.

PUBLIC COMMENT

None.

NEW BUSINESS/DISCUSSIONS

FENCE ORDINANCE

Mr. DePottley said everything looked okay to him.

Motion by Milem, supported by Widigan to set a public hearing for Fence Ordinance 2017-476 on June 20, 2017.

MOTION CARRIED.

MASTER PLAN

Mr. DePottley asked if there were any problems with the recommendation to the board. Mr. Milem said it has not been an agenda item yet and he will add it to their agenda next month.

REVISIT WATER ENGINEERING STUDY DISCUSSION

Mr. Henry said he had a conversation with a couple of people at the Department of Public Works, (DPW), City of Swartz Creek and the Genesee County Drain Commission about opening the 16- inch line down Miller Road to Shiawassee County and to open the water tower. They may need to build an additional water tower to maintain the pressure. The issue was put on the back burner. Mr. Henry said in the future, he thinks that is something to look at.

Mr. DePottley said they can make a recommendation to the board and request an engineering study. They would like to have plans ready for a shovel-ready project in the event funding becomes available.

A discussion ensued.

Motion by Widigan, supported by Milem to make a recommendation to the Clayton Township Board of Trustees to procure a water engineering study within the township from M21-M13-Miller road corridors by beginning with a consultation with the Genesee County Drain Commission/Waste and Water Division for the engineering study and cost opinion, then move forward with a consulting firm.

MOTION CARRIED.

POLITICAL SIGN ORDINANCE

Mr. Tucker said that all the surrounding communities in Michigan in some form have to redesign or start over on their political sign ordinance. The political sign debate has gone all the way up to the U.S. Supreme Court and that decision has filtered down to the state level. The township needs a content-neutral ordinance. They cannot regulate a message or where it can go. It is considered unconstitutional to put a limit on the political signs. Mr. Tucker said the township can regulate safety features of a sign, how large, lighted or digital, brightness, changing messages, location, size, shape, materials, etc. The ordinance cannot specify political signs.

Mr. Milem said it is more of a blight issue for certain signs to remain up constantly. Mr. Tucker said political signs or garage sale signs are temporary signs which they can regulate, however, they cannot regulate the specific type of message. He said he would have to look into temporary signs deeper.

A discussion ensued.

Mr. Tucker said he would start looking at the overall sign ordinance and the maintenance of such signs.

ADDITIONAL ITEMS

Mr. Henry asked where they are with the medical marijuana ordinance. Mr. Tucker said it was taken care of at the board level. They repealed all ordinances and defers to the state statute.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Motion by Widigan, supported by Hyde to adjourn the Planning Commission meeting at 8:05 p.m.

MOTION CARRIED.