

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

CALL TO ORDER

Mr. DePottey called the Planning Commission meeting to order at 6:00 p.m.

ROLL CALL

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

Others Present: Ken Tucker, Attorney; Deanna Turner, Stenographer

APPROVAL OF AGENDA

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

MOTION CARRIED.

APPROVAL OF MINUTES

Action Taken: Motion by Widigan, supported by McCartney, to approve the corrected minutes of the February 20, 2018 Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

None.

PUBLIC HEARING: CASE# SCU18-01 6:00 P.M.

Chairperson DePottey opened the public hearing at 6:04 p.m.

Attorney Kyle Riem spoke on behalf of his client, Tom Case, who lives at 1202 Van Vleet Road. They are applying for a special conditional use permit to hold wedding ceremonies on the property, which is currently zoned RSF. Drawings were distributed to the Planning Commission and public. Mr. Case would like to have weddings no more

than five days per month, Fridays and Saturdays, from 11:00 a.m.-6:00 p.m. This would allow two hours for arrival and departure of guests. It would not include a reception or any alcohol and they will provide security. Mr. Riem said there would be minimal intrusions to neighbors.

Dorothy Mclachlan, 1190 Van Vleet Road, said she lives next door to Mr. Case and her pond is only 50 feet from the lot line. They have a garden, trails, hunters, people who cut dead trees; her grandchildren use the trails. They mow down the back grass when the Cases have family functions to keep mosquitoes down. She doesn't want to have to be quiet at her own home five Saturdays per month.

Mr. Riem said Mr. Case would be willing to put up a privacy berm if that would make things helpful.

Mr. and Mrs. Ron and Pat Case wrote a letter and spoke. Ron is brother to Tom Case:

"Reasons for denial of request: Tom & Berta Case - Weddings at the Pond

My wife, Patty and I have lived at our home in Clayton Township or more than 30 years. We love living in the country, with farmland and many other things that are enjoyable.

Our home sets off the road more than 900 feet, three football fields. Right now, we feel very safe, secure and private. We love it!

Here are the reasons we are against weddings at the pond:

1. Tom & Berta and Patty & I share the same driveway the first 300 feet.
2. Tom & Berta stated that their goal is to book every available week-end (sic) for weddings. That could be 24 week-ends (sic). It would involve approximately 5000 people and 2500 cars. If they booked just half of that, it still means hundreds of people and hundreds of cars.

Last summer there were three weddings at the pond. One was our Grandsons and two were weddings at the pond. Using these as reference, this is how the property is used the week-end (sic) of the weddings:

1. Friday: rental chairs delivered
Wedding rehearsal performed
2. Saturday: Set-up for chairs
Sound system for music & voice set-up
Flowers delivered
Early arrival for bridal & groom parties
Pictures taken before and after the wedding ceremony
Wedding ceremony
3. Sunday: Take down and clean up
4. Monday: Rental chairs picked up

Porta Potties will be delivered before and picked up after the weddings or they must be maintained and cleaned weekly.

This is not a calm and quiet week-end (sic) for my wife and I.

Our home is only 150 feet from the pond and weddings are performed on the island. Every person at the wedding has full view of our backyard, side yard, front yard and our home. That means our privacy will be gone and we will not feel safe and secure at our home anymore! Hundreds of people will be viewing everything.

We love Tom & Berta and their family, and what they want to do is a pleasant thing but not for us or the neighbors.

For these reasons, my wife and I ask that you not grant this request of Tom & Berta Case.

Thank You

Ron & Patty Case"

Janet Carey, 1256 Van Vleet Road, said she lives three houses south of the Case's driveway. Her house sits very close to the road. She doesn't want 200 cars going by her house every weekend. The dirt road is a mess and because of the dust, she cannot open her windows.

Bonnie Petee, 1197 Van Vleet Road, lives across the road from the Case property. She is against the request and read a letter about break-ins, the noise ordinance, weddings at the pond, etc. She said a letter was delivered to neighbors regarding a wedding the prior July. The Cases were told to not hold a wedding on September 29 and they did so anyway. She said neighbors found out about the pond weddings via a Facebook and website page. She said she believes the township recently took the Cases to court for operating a business without a permit.

Ken Petee, Bonnie's husband, 1197 Van Vleet Road, said they have lived there for 45 years. He has watched the neighborhood grow up. He said they try to get along with everyone who moves in and get to know them right away. In summertime when the road is dusty, and if it is not treated with chloride, extra cars going up and down the road will cause extra dust and they cannot open their windows. He said he hopes to get along with Tom and Berta in the future.

Mark Smith, 1298 Van Vleet Road, said he lives on the same side of the road as the Cases, five houses south. He has concerns and feelings about the request. He feels it will open a can of worms as far as allowing one enterprise, then another neighbor will want to open their own business. If denied it will open up for a lawsuit. If the permit is granted, can it be rescinded if major issues arise according to rules and regulations? If the permit is granted, he hopes that maybe it could be on an almost trial basis, perhaps limited to two weddings per month in the first year.

Dorothy Mclachlan, 1190 Van Vleet Road, said seven acres is not enough to have a business for parking all over the lawn. They are taking away their privacy. Their road cannot take the traffic. They have had a couple of break-ins on the road as well. She said of the 31 homes, 22 of them have been there 18-50 years.

Ron (?), 1313 Van Vleet Road, said he has been broken into. He also has a pond on the road. He was robbed in the middle of the day and nothing has been recovered. He has been twice working in his pole bar and have had a stranger pull in front of his barn and ask what time is the wedding. You can see his pond from the road. He is not crazy about having people drive up and down the road and the Road Commission will not be able to keep up with the road grading.

Amber Highlen, 1187 Van Vleet Road, said she is opposed to the permit. She moved into her home a year ago and has three small children who play in the front yard. People use her driveways as turn-around. She doesn't want her children to get hit and doesn't want strangers around. She moved from city and the cops have been out there three times already. She is concerned for her children's safety.

Rebecca Natzel, 1240 Van Vleet, said she lives at the front of their property and has lived there her whole life. She is against doing the weddings there. Her main concern is safety; she has grandkids who come over and doesn't want people up and down the road looking at everyone's property.

Janet Carey, 1256 Van Vleet Road, asked if there are any regulations for that kind of business. Her daughter wanted to board a horse and there were driveway restrictions.

Liz Hall, 1419 Van Vleet Road, said she has young children who visit. She lives at the very beginning of the road, close to Corunna Road. She already has vehicles going fast by the time they hit her house and she doesn't see the road kept up that well. There are pot holes, cars in the ditch, and there is a big ditch at her end. She said there has been advertising on the Knot, which is highly advertised.

Dorothy Mclachlan, 1190 Van Vleet Road, said her daughter saw wedding advertisements on Facebook that prior May. She said it would have been neighborly had Tom and Berta Case approached the neighbors first, before it was all over Facebook.

Mr. Riem said there have been a lot of viable, important things said. He said they wouldn't object to weddings twice a month and have it reviewed down the road.

Janet Carey, 1256 Van Vleet Road, said she is opposed to even a trial period. It is a residential area. There should not be a commercial venue in a residential area.

Mark Smith, 1298 Van Vleet Road, said he wanted to clarify that even if temporary, they are opposed to it. He was just trying to make a point in case the township votes against the majority, that maybe that could be an option.

Ken Petee, 1197 Van Vleet Road, said he wonders if that is a foot in the door, if they start compromising with wedding planning, will it open the neighborhood to other businesses, like a bump shop. He said they do not need businesses in their neighborhood.

Ralph Lupu, said he has 10 acres, and has lots of room for lots of cars.

Bonnie Petee, 1197 Van Vleet Road, said she heard directly from a member of the township board that the Cases had a permit for a small business in their home that would have little or no impact on the neighborhood. She wrote it down as the board member told her. She did not like the letter distributed by the Cases to the neighbors because it was implied that the township board was in favor of their permit request.

Dorothy Mclachlan, 1190 Van Vleet Road, said she spoke to Ted Henry and Chris Gehringer and was told the Cases do not have a permit for weddings. They were allowed the first wedding, but not going to allow the second one.

Joel Hall, said he sympathizes with the residents and though not directly impacted, said there will be some impact to everyone in the long one whether it is taxes for road maintenance, police presence, etc. He said the mall has security and there are incidents there all the time. Security doesn't have the authority do much. He is concerned about rainy days for weddings. Mr. Hall said he is the pastor of Corunna Road Baptist Church and they always have a back-up plan for outdoor weddings.

John (?), 1130 Van Vleet Road, said doesn't have an issue for family member wedding or neighbor, or Labor Day or 4th of July party. He is opposed to a business on their road.

Resident said she lives north of Calkins Road and cars turn around in her driveway when there are parties. She has a granddaughter who plays in driveway; the road is terrible and she is deeply opposed.

Jenny Dunnings, 1016 Van Vleet Road, said she is opposed and brought up the issue of littering.

Ann Hall, 1454 Van Vleet Road, said she has lived there since 1970. She lives on the west side of road. There is so much dust and with that many cars coming through, they will never be able to keep dust away. She has people drive up into her yard to turn around.

Mr. DePottey closed the public hearing at 6:52 p.m.

Mr. Milem said he graduated with Ron and Tom Case and has known them both for a long time. He asked Tom Case where is the septic tank on his property. Mr. Case answered, the back yard.

Mr. Milem said the Planning Commission only makes a recommendation to the township board to approve the special use or not approve the special use and the township board has the final say. He added that RSF has other allowable uses such as a

childcare center or adult foster care and the township wouldn't be able to do anything about that. He said it is up to the board to look at something that isn't listed as a special conditional use and does it fit what else is there. Can you make it part of the neighborhood? Mr. Milem said letters are sent to whomever lives within 300 feet of the property line.

Mr. McCartney asked what happens with parking in the spring and fall.

Mr. Milem said he is not sticking up for board, but there is only one other township that spends more on roads than they do. He said he drove down Van Vleet that day and did not drive very fast.

Mr. Spillane asked if the driveway is gravel or asphalt. Mr. Ron Case answered, gravel. It is 10-15 feet wide. Mr. Spillane asked what happens with more than one car. Mr. Tom Case said the car would have to pull off to the side. He said there is a treed area to park.

Mr. Milem asked if anyone farms around there. Mr. McCartney answered, there used to be.

Mr. Spillane asked what happens to parking after a heavy rain. Mr. Riem said the area is quite sandy and there is good drainage.

Mr. Ron Case asked when the township board meets next.

A resident asked if there are specific regulations for the proposed venue. Mr. Milem said they can place stipulations on the permit. He added that residents who are new have just as many rights as someone who has lived there since 1965.

Mr. Milem said the Cases have lived at the property for a long time and it is a beautiful property. He has never heard from residents in the past. He understands the feedback and everything that has been said. He said a man has a piece of land and the question is he able to use it in a particular way that won't infringe on neighbors' lives.

Mr. Milem said if they approve, it will still need an ADA inspection; handicap accessible bathrooms; how far can security go; no signage allowed. He said there are several things that disturb him.

Resident said if she wants to sell her home she has to disclose the neighbor operates a business.

Mr. Tucker said there are three options: approve the request as it stands; make it contingent upon approval with stipulations; or deny the application as presented.

Mr. Spillane said doesn't see a trial period as a viable option.

Mr. Widigan said he initially couldn't understand the objections, and after listening to some of the issues raised, he is concerned about people being able to do what they want on their own property.

Action Taken: Motion by Widigan, supported by Sippert, to recommend to the township board to deny Special Conditional use permit Case #SCU18-01 based on the following reasons: high amount of traffic on the dirt road; lack of adequate neighborhood security and safety; lack of accommodations for emergency purposes (i.e. single lane driveway); houses in very close proximity to the premise; lack of noise barriers, noise concerns (i.e. issues in the past); dust; not just wedding ceremony (i.e. rental chairs delivered, wedding rehearsals preformed, flower delivery, pictures); lack of way to keep guests contained to property, lack of adequate county road maintenance, added neighborhood exposure, and additional litter problems.

ROLL CALL VOTE:

Yeas: DePottay, McCartney, Milem, Sippert, Spillane, Suski, Widigan
Nays: None.

MOTION CARRIED.

TIME OF FUTURE PC MEETINGS

Mr. Milem asked Mr. Tucker if they can just change the Planning Commission meeting times. Mr. Tucker said because the statute states the calendar is set at the first meeting of the year, they have to change the meeting time each meeting. The posting has to be done within three days of the change.

Action Taken: Motion by Milem, supported by McCartney, to change the April 17, 2018 Planning Commission meeting to 6:00 p.m.

MOTION CARRIED.

NEW BUSINESS / DISCUSSIONS

SOLAR MORATORIUM DISCUSSION

Mr. DePottay said large parcel owners have been receiving letters. Mr. Suski said he is concerned about companies walking away and leaving a mess to clean up. Mr. McCartney said he is concerned about noise pollution. Mr. DePottay said he is also concerned about potential pollutants.

Action Taken: Motion by Suski, supported by Milem, to recommend to the township board a one-year moratorium on commercial solar fields.

ROLL CALL VOTE:

Yeas: Milem, Sippert, Spillane, Suski, Widigan, DePottay, McCartney
Nays: None.

MOTION CARRIED.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Action Taken: Motion by Milem, supported by McCartney, to adjourn the Planning Commission meeting at 7:33 p.m.

MOTION CARRIED.

Respectfully submitted:

Deanna Turner, Stenographer

MINUTES APPROVED BY:

Kevin DePottay, Chairperson

Dennis Milem, Secretary