

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MINUTES
April 17, 2018**

CALL TO ORDER

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

ROLL CALL

Members Present: Kevin DePottey, Dennis Milem, George Sippert, Tom Spillane, Andy Suski

Members Absent: Ed McCartney, Rob Widigan

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

APPROVAL OF AGENDA

Action Taken: Motion by Milem, supported by Suski, to approve the agenda of the April 17, 2018 Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES

Action Taken: Motion by Sippert, supported by Spillane to approve the minutes of the March 20, 2018 Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

Resident David Green? wants to have his property rezoned. It is currently zoned residential and he has an old farmstead, 13 acres. He is buying the adjacent property of 12 acres and would like to do some organic farming. He would like to have it rezoned from residential to agricultural.

Mr. Henry said he had applied for a state grant. Mr. DePottey said the property may not need to be rezoned and may be permitted use within current zoning. He

suggested the resident bring his information into the township and they will take a look at it.

Jenny Dunnings, 1016 Van Vleet Road, said in regards to the wedding venue, she appreciated the Planning Commission's recommendation to turn it down and she hopes that they will follow what should happen and continue to do what is right for the residents.

Dorothy McLachlan, 1190 Van Vleet Road, said she attended the Board of Trustees meeting and she was not sure what was the new information. She said the Case's lawyer spoke for about 40 minutes and it was a gray area with stuff, not facts.

Janet Carey, 1256 Van Vleet Road, said she was not notified of the Board of Trustees meeting. Mr. Milem explained the process. He said they can add her to a list to be notified of upcoming board meetings.

Ron Case, 1210 Van Vleet Road, said future weddings will be nearly in his back yard. He is disappointed with how his brother's lawyer had so much time available to speak about it and it seemed at least two of the trustees had some feelings towards what the Planning Commission recommended. He said they didn't think the Planning Commission did their work. Mr. Case is pretty disappointed they didn't look at it through broader eyes. He is glad the issue was referred back to the Planning Commission.

OLD BUSINESS/DISCUSSIONS

1. REQUEST FROM TOWNSHIP BOARD TO RE-EVALUATE RECOMMENDATION FOR CASE# SCU18-01

Mr. Milem said he is a liaison to the board. The attorney for Mr. Case, Kyle Riem, was there and spoke for 45 minutes. He said things were brought up that may not have been brought up at the public hearing, either intentional or unintentional. He said the board decided that maybe something wasn't there or was there and sent the issue back to the Planning Commission.

Mr. Tucker said that Mr. Riem kept saying they got a home occupation permit, which does not fit under that definition. The ordinance defines a home occupation as a family-run business in the home, not outside, not in an auxiliary building, no excessive traffic, etc. He said the permit expires after a year and can be revoked at any time. Mr. Tucker said they have the permit application, however, it was never approved. He said that Mr. Case may have believed he had a permit but never received a permit. He said they are claiming new information that the board didn't know about the home occupation permit, which is irrelevant. Mr. Tucker gave the board some instructions that they can vote it down completely, have a limitless number of weddings, or limit the number of weddings with contingencies such as security, noise restrictions, etc. A board member suggested looking at 10 events with appropriate security. Mr. Henry would have to review what is appropriate security and possibly speak to the police department. He said the issue could have been taken up at the board level; they didn't have to send it back to the Planning Commission. Mr. Tucker said for today's

purpose, they can keep it directly as is, with no future public hearing, and send it back to the Board of Trustees. He said if they consider even 10 events, they have to have another public hearing. He said it is best to have another public hearing anyway, in case it ends up in litigation; they will have a track record with a stenographer. Mr. Tucker said the board does not have to accept any recommendation and can do what they want.

Mr. Henry said when the Cases applied for the permit, they paid \$125, but didn't have ownership of the property and it was sent back to them.

Mr. Tucker said they spent three hours going through records and there is no permit. He said that hasn't changed and they can basically send the same recommendation back to the board. If there are any modifications, they have to have another public hearing. He added that Mr. Riem was not there with his client and he said they can be extra cautious and hold another public hearing.

Mr. Milem said they are also two board members short than the first meeting. Mr. Tucker said they can still vet it out and not make a decision that day. They need 15 days notice for a public hearing. He said if they schedule another public hearing for the next month, it will give the other board members a chance to be there too.

Mr. Sippert thanked Mr. Tucker for the explanation and after hearing all of the information, he fully understands what they are talking about and doesn't see the need to change the position on it. He said to schedule another public hearing is spinning their wheels and doesn't see the need for it.

Mr. Suski said it would assist them in the vent there is a lawsuit.

Mr. Milem said he agrees with Mr. Sippert, but the co-chair and another member who voted are not present. He said they are looking at it because of the vigor that was presented by Mr. Riem and Mr. Case at the Board of Trustees meeting.

Mr. Tucker said there is no liability; they have a quorum.

Mr. Spillane asked Mr. Henry if because they didn't legally own the property, was both the permit and fee sent back. Mr. Henry said he thought so but would double check.

Mr. Milem said if you read the home business application ordinance, Mr. Case couldn't even apply for it. He said there were so many things that were inaccurate by Mr. Riem. He said the township board wasn't at the public hearing and didn't hear all of the public comment. The only criteria was whether or not there was a permit. There was an application permit that was never approved. Mr. Milem said it was originally proposed on a much smaller scale for family weddings. He said in late 2016, early 2017, they were already booking weddings at approximately \$2,500 each. He said if they decided to do another public hearing, that wouldn't be until the May meeting, would go to the township board in June. It will be hard to book weddings for July and August.

Mr. Tucker said Mr. Riem is making an argument based on detrimental reliance, a contract argument, a damage argument, to recoup the \$25,000 spent in landscape costs.

Mr. Henry said they should have been told the process to go through before they spent the money.

Mr. Tucker said he went to the property when it first came up and he was sure the landscaping was completed before the permit was applied for.

Mr. Henry said he spoke with Terry at the County Health Department and the septic is not designed for that kind of traffic. Mr. Tucker said a commercial operation requires a significant site plan, bathrooms, ADA compliance, which alone is extensive.

Mr. Henry said a home business operation is not open to the public.

Mr. Milem said they will not charge Mr. Case for another public hearing.

Action Taken: Motion by Suski, supported by Spillane, to hold a public hearing in May for SCU #18-01

MOTION CARRIED, Sippert opposes.

2. TIME OF FUTURE PC MEETINGS (DISCUSSION - CAN WE CHANGE FOR WHOLE YEAR)?

Mr. Tucker said he can write a resolution for meeting time change for the remainder of the calendar year.

Action Taken: Motion by Milem, supported by Spillane, to change the Planning Commission meeting time to 6:00 p.m. from 7:00 p.m. for the rest of the year.

ROLL CALL VOTE:

Milem	Aye
Sippert	Aye
Spillane	Aye
Suski	Aye
DePottay	Aye

ALL AYES, MOTION CARRIED.

3. POLITICAL SIGN ORDINANCE (QUICK DISCUSSION/REFRESH)

Mr. Milem said they need to get it done by June or July for the election in August.

Mr. Sippert asked who enforces the ordinance. Mr. Henry does.

Mr. Tucker said you cannot regulate content.

Mr. Milem said the ordinance was created for blight and trash.

Mr. DePottey said the ordinance applies to all signs, portable or temporary.

Mr. Tucker said they can look at the whole ordinance.

Mr. Henry asked Mr. Tucker if governmental units have to abide by the sign ordinance. Mr. Tucker said yes. Mr. Henry asked about message boards. Mr. Tucker said he is not sure why they would be exempt from their own rule.

A discussion ensued.

Action Taken: Motion by Milem, supported by Suski, to table the Political Sign Ordinance until Mr. Tucker is ready to address it.

MOTION CARRIED.

NEW BUSINESS / DISCUSSIONS

1. NOMINATION OF CHAIR AND CO-CHAIR FOR 2018

Mr. DePottey opened it up for chairperson nominations.

Action Taken: Motion by Milem, supported by Suski, to nominate Kevin DePottey as Planning Commission Chairperson.

MOTION CARRIED.

Mr. DePottey accepts the nomination.

Mr. DePottey opened it up for co-chairperson nominations.

Action Taken: Motion by DePottey, supported by Milem, to nominate Rob Widigan as Planning Commission Co-Chairperson.

MOTION CARRIED.

Mr. Widigan can accept or not accept at the May meeting.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Action Taken: Motion by Milem, supported by Sippert, to adjourn the Planning Commission meeting at 6:51 p.m.

MOTION CARRIED.

Respectfully submitted:

Deanna Turner, Stenographer

MINUTES APPROVED BY:

Kevin DePottey, Chairperson

Dennis Milem, Secretary