

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MEETING MINUTES
August 21, 2018**

ROLL CALL

Members Present: Ed McCartney, Dennis Milem, George Sippert, Tom Spillane
Members Absent: Kevin DePottey, Andy Suski
Other Present: Ted Henry, Building and Zoning Administrator; Ken Tucker, Attorney;
Deanna Turner, Stenographer

APPROVE PROPOSED AGENDA

Action Taken: Motion by McCartney, supported by Spillane, to approve the proposed agenda of the August 21, 2018 Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES: JULY 17, 2018

Action Taken: Motion by Sippert, supported by McCartney, to approve the minutes of the July 17, 2018 Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

Mr. Henry said the Alberta Motel was sold, pending title work. It will be demolished by the end of the month. He said building permits have increased, including for a lot of accessory buildings. Mr. Henry said the Draft Bar in Swartz Creek will be open in a couple of weeks and supposedly a baseball related strike zone will be open near Foutches, though he has not been approached yet. There has been a lot of activity in Swartz Creek Meadows, newer homes building decks. Mr. Henry said the police department asked him to review developing a rental ordinance on residential housing.

PUBLIC COMMENT

None.

NEW BUSINESS/DISCUSSIONS

1. Public Hearing for Rezoning of 04-31-400-020 Robert Beahlen 18-0821-01

Mr. Milem opened the Public Hearing at 6:03 p.m.

Mr. Beahlen stated he wants to change the zoning from office to residential. He said office is not as useful and he would like to sell the property.

Mr. Milem asked what is the total acreage there. Mr. Beahlen said there are two separate parcels on a total of 80 acres. The piece he wants to rezone is 6.19 total acreage. There is also 20 acres that is landlocked in the back that borders the highway. The part zoned office has a house on it that he would like to sell.

Mr. Spillane asked if there was a church on the property. Mr. Beahlen said that portion is zoned light commercial.

Mr. Milem asked how many acres is the light commercial. Mr. Beahlen said approximately eight acres. Mr. Milem asked if he would be willing to change the entire zoning to all residential. Mr. Beahlen said he wants to hang onto the light commercial piece because he feels that there could be use for it in the future.

Mr. Milem said that changing part of the zoning still perpetuates the spot zoning they are trying to do away with. Mr. Beahlen said they are getting closer though.

Mr. Milem said Mr. Beahlen couldn't sell the property without having it surveyed. He asked what is the frontage of the light commercial. Mr. Beahlen said there is about 800 feet on Miller Road.

Mr. Henry said if it is changed to residential, the light commercial will have to meet setback rules.

Mr. Milem asked if it has well and septic. Mr. Beahlen said yes; it was certified when the church went in. Mr. Milem asked if he has had a survey yet. Mr. Beahlen said not yet.

Mr. Beahlen said the end goal is to combine what is leftover.

Mr. Ken Washburn, resident of Duffield Road, said he bought his property a couple of years ago. His property backs up to the landlocked land. He heard through the grapevine that the land was going to be sold and split for a subdivision. He said there is a real estate sign up.

Mr. Beahlen said that any sale is pending zoning and other stuff.

Mr. Washburn said he personally doesn't want a subdivision back there. He likes the land and wildlife. He said he was curious why he saw it and thought the zoning board made a deal already. He said when he lived in Gaines Township he was on the Zoning Board of Appeals.

Mr. Spillane said that is a discussion for another day. Today all applicant is asking for is a change in the zoning from office to residential.

A discussion ensued.

Mr. Tucker said they are perpetuating the same problems they have had with spot zoning. Whether they combine is up to them. It is legally zoned one parcel. They are only creating an additional spot zone. Mr. Tucker said it is technically not illegal, however, they are trying to clean up the spot zoning.

Mr. Sippert said he is selling part of the parcel. Mr. Tucker asked how they will do that. Mr. Beahlen said he will get it surveyed and separated.

Mr. Milem asked what is the frontage of the house. Mr. Beahlen said 450 feet. The house sits in the back part of it.

Mr. Spillane asked if he sells that section, how does one get access to the rest of the property.

Mr. Tucker said any recommendation will be sent to the Board of Trustees, who can deny it, or do what they want. He said he understands the request and it seems logical.

He said permitted legal use is grandfathered for non-conforming use; it is a state statute. If you make a change to the property, it has to conform with the current ordinance.

Mr. Spillane suggested he has it surveyed and bring back so they know exactly what they are looking at. Mr. Henry said they didn't want to spend the money on a survey yet.

Mr. Milem said the quickest answer is to rezone it all residential. Mr. Henry asked Mr. Beahlen if he feels the light commercial is worth more than residential. Mr. Beahlen said, yes he does, mainly because of the frontage and a few more uses for it.

Mr. Milem closed the Public Hearing at 6:43 p.m.

Mr. Sippert said he is not comfortable making a decision that night and would like to have more information from Mr. Tucker and give him an opportunity to look at it a little more closely. He said he wants to be sensitive to the financial aspect of it. He said they need to due diligence and make sure they are crossing t's & dotting i's.

Mr. Spillane said they may have to do things in steps, allow Mr. Beahlen to rezone the one part and then separate the light commercial into another parcel, bringing three zoning down to two.

Mr. Henry read the list of light commercial permitted use.

Mr. Milem said he would not be adverse to taking it on as long as Mr. Beahlen combines the two properties and does a survey.

Mr. Milem said the light commercial is going to be defined. Mr. Henry when the land division comes in, a survey will be required; when he sells the house, he will have to come up with a defined parcel he is going to sell.

Action Taken: Motion by Spillane, supported by Milem, to make a recommendation to the board allowing 6.19 acres of zoned office to rezone back to residential; combine parcels 020 and 021 together; contingent on a survey; and create a new separate light commercial parcel.

ROLL CALL VOTE:

Yeas: Milem, Sippert, Spillane, McCartney

Nays: None.

MOTION CARRIED UNANIMOUSLY.

2. Nominations for Co-Chair

Mr. Milem said there is an opening for a co-chair. Mr. Widigan left for another position.

Action Taken: Motion by Milem, supported by Sippert, to nominate Tom Spillane as co-chair.

ROLL CALL VOTE:

Yeas: Sippert, Spillane, McCartney, Milem

Nay: None.

MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS/DISCUSSIONS

None.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Action Taken: Motion by Milem, supported by Spillane, to adjourn the Planning Commission meeting at 7:20 p.m.

MOTION CARRIED.

Respectfully submitted,

Deanna Turner, Stenographer

MINUTES APPROVED BY:

Kevin DePottey, Chairperson

Dennis Milem, Secretary