

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MEETING MINUTES
July 17, 2018**

ROLL CALL

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

Members Absent: None

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

APPROVE PROPOSED AGENDA

Action Taken: Motion by Milem, supported by Spillane to approve the proposed agenda and move new business before old business in order to hold the public hearing first.

MOTION CARRIED.

APPROVAL OF MINUTES: JUNE 19, 2018

Action Taken: Motion by McCartney, supported by Sippert, to approve the minutes of the June 19, 2018 regular Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

None.

NEW BUSINESS/DISCUSSIONS

1. Public Hearing: Rezoning Corunna and Elms Road Parcel

Mr. DePottey opened the public hearing at 6:02 p.m.

Mr. Eric Stamm, real estate agent, said the parcel in question was mistakenly "spot-zoned." It is currently zoned residential, while surrounded on all sides by commercial. Mr. Stamm said they are asking to comply with the standard the township has set.

Mr. Spillane asked how long ago the house was removed from the property. Mrs. Barker, property owner, answered five years.

Mr. Milem said the township has looked at it for some time and possibly the board may fix it to make it more contiguous rather than charge the fee to have it rezoned. He said the township has some responsibility to help with spot zoning. He added that the request has to go before the board and then will be sent to the Genesee County Metropolitan Planning Commission. They only have to review the request.

Sally Wake, 2054 Elms Road, lives next door to Ms. Barker, said she just found out her house is zoned commercial. She assumed it was residential when she purchased it. She asked if the zoning change will change her taxes. Mr. Milem said, no. Ms. Wake asked what potential businesses could go on the corner. Mr. Milem said there are variety of things that can go in there, but in his 10 years, he has never been approached by anyone wanting to buy the corner. Mr. Henry added its' restricted by the size of the parcel.

Mr. Henry said there are setback rules and anything would have to be built at least 50 feet away from Ms. Wake's property. She would be notified before anything was built and has the right to input.

Mr. DePottey closed the public hearing at 6:15 p.m.

Action Taken: Motion by Suski, supported by Spillane, to recommend to the township board, rezoning the Corunna and Elms Road parcel to general commercial; to be consistent with the rest of the properties; in line with the future zoning map; matching the master plan and land use maps.

ROLL CALL VOTE:

McCartney - yes
Milem - yes
Sippert - yes
Spillane - yes
Suski - yes
DePottey - yes

MOTION CARRIED.

OLD BUSINESS/DISCUSSIONS

1. Political Sign Ordinance

Mr. Tucker said you cannot regulate signs by content-base. He said they should define the temporary signs ordinance clearly and base everything off that.

Mr. Henry said blight can be addressed in the property maintenance law. He asked if they can do something about signs that appear on vacant parcels. Mr. Tucker said they cannot remove signs at all unless they don't have permission of the property owner. Mr. Henry said they would have to call the land owner. Mr. Tucker said they would have to ask the land owner for permission to remove the sign.

Mr. Suski asked about a procedure to put a 30-day sticker on a sign that can trigger it to be removed after a certain date. Mr. Tucker asked what would trigger them to sticker the sign in the first place.

Mr. DePottey said they need to define what is a temporary sign and how long can they be up. Mr. Tucker said they cannot regulate political signs.

Mr. Tucker referred to the Supreme Court opinion from 2015; the township can have a say in materials, location, right of ways, size, how often a billboard can change, etc. All temporary signs are content neutral and they need to carefully define what is a temporary sign.

Mr. Suski said if the sign doesn't have a foundation or is not installed on a structure, then it is temporary.

Mr. Sippert said if they placed a time limitation on temporary signs, such as 60 days, and a resident has a sign for 59 days, takes it down, and puts it back up two days later.

Mr. Tucker said no one has gotten it right yet. He has spoken to colleagues at Flint Township and Montrose Township and everyone has "back-burnered" the issue.

Mr. Henry said it's a blight issue.

Mr. Tucker said that signs in the right of way or on a telephone pole can still be taken down. He said the whole sign ordinance is not invalid, just portions of it.

Mr. Milem said they should get through an election cycle and see what happens.

DM wouldn't mind going thru an election cycle & seeing what happens.

Action Taken: Motion by Spillane, supported by Sippert, to table the political sign ordinance until after the election cycle and look at after the first of the year.

MOTION CARRIED.

ADDITIONAL ITEMS

Mr. DePottey said the Planning Commission website says the meetings are still at 7:00 p.m. even though they changed their meetings to 6:00 p.m. Mr. Milem said it's correct on the main page, but he will make sure it's corrected elsewhere.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

Action Taken: Motion by Milem, supported by Sippert, to adjourn the Planning Commission meeting at 7:02 p.m.

MOTION CARRIED.

Respectfully submitted,

Deanna Turner, Stenographer

MINUTES APPROVED BY:

Kevin DePottey, Chairperson

Dennis Milem, Secretary