

**CHARTER TOWNSHIP OF CLAYTON  
PLANNING COMMISSION MINUTES  
JUNE 16, 2020**

**ROLL CALL**

**Members Present:** Kevin DePottey, George Sippert, Dennis Milem, Dwight Dennings, Richard Derby, Andy Suski

**Members Absent:** Ed McCartney

**Others Present:** Ted Henry, Building Official/Code Enforcer; Ken Tucker, Attorney; Sheryllynn Russo, Stenographer

**APPROVAL OF PROPOSED AGENDA**

**Action Taken:** Motion by Milem, supported by Derby, to approve the proposed agenda for the June 16, 2020, Clayton Township Planning Commission meeting.

**MOTION CARRIED.**

**APPROVAL OF MINUTES: February 18, 2020**

**Action Taken:** Motion by Suski, supported by Milem, to approve the minutes of February 18, 2020 Clayton Township Planning Commission meeting.

**MOTION CARRIED.**

**COMMUNICATIONS**

NONE.

**REPORT OF OFFICERS & COMMITTEES:**

NONE.

**PUBLIC COMMENT:**

NONE.

**NEW BUSINESS**

**CASE #SCU-19-02 KARCORA 22, LLC**

**Public Hearing opened @ 6:03**

Amy DeNise (Attorney for Karcora) introduced herself and offered to answer any questions that may be posed.

### **Public Hearing closed 6:05**

Opened for Board discussion. Doug Piggott (Rowe PSC) advised the Board that based on his review nothing was outstanding on their report. He advised Board that there were a few items which might be considered "grey" areas, but should fall into the category of judgement by the Board.

Specifically:

- Lighting intensity at property line may be an issue for neighboring properties (Amy DeNise brought lighting plan which includes method to modify cascading).
- May want to modify existing screening
  - o Residential existing trees
  - o 6' fence which should comply with existing ordinance requirements

Mr. Henry made a comment relative to the need for a 45 degree angle so fence may need to be pulled back so as not to restrict traffic visibility. Discussion ensued that since fence technically exists, a variance may not be required to pull fence back.

### **REOPEN Public Hearing (due to late arrivals)**

Cliff Doutht (attorney for Swartz Creek Meadows) stated his concerns to the Board, first and foremost that there had been no communication with the owner and he had numerous questions regarding lighting, hours of operation, risk due to traffic, screening requirements (perhaps raise 6' fence to 8'), safety concern for residents, driveway easement due to higher volume of traffic, has a separate entrance been considered, impact on wells with installation of gas tanks, has drainage been addressed and are setbacks in accordance with ordinances.

Amy DeNise responded that site plan was sent registered to owner on 5/11/2020, State of Michigan has done a study on the location of wells and have approved site plan as being a "non" hazard, set back was addressed at earlier meetings, Marathon has a signed agreement with the owner of Swartz Creek Meadows regarding drive and access. MDOT has approved all construction and right of way as presented in the site plan.

Gordon Gross (manager of Swartz Creek Meadows) asked the Board if there were any plans for installation of a traffic light for M-13. He was advised by the Board that that is handled by MDOT and not the Township. Mr. Gross also stated his concern regarding traffic restrictions to Swartz Creek Meadows when refill tanks are present.

### **Public Hearing closed @6:40**

Board discussed items brought to their attention during the Public Hearing. Mr. Derby questioned the distance between the fuel tanks and nearest well and was advised that the nearest well in the community was over 200'. Mr. Gross challenged this location, but was advised that the State reviewed the site plan and approved the measurements as well as the distance requirements.

Mr. Milem advised those present that the sole purpose of this Board was to ensure the safety of Clayton Township residents. He asked the attorney for Swartz Creek / Neptune, if they had any expert documentation disputing what had been presented relative to well location and tank leakage? They had none.

**Action Taken:** Motion by Suski, seconded by Sippert to approve application and site plan as presented by Marathon and submit to the Clayton Township Board for review and approval with the following open issues for Township Board's decision: (1) Set or restrict hours of operation; (2) guarantee that landscaping on site plan is adhered to; (3) Lighting is not intrusive to nearby residents; and (4) Plan in place for site maintenance including but not limited to daily trash disposal.

### **MOTION CARRIED**

Public was advised that this body (Planning Commission) does not have final approval. The Clayton Township Board will make the final decision, at which time another Public Hearing will be held and their comments will be heard. Mr. Milem advised that this will be on the Agenda for July 9 at 7 pm.

### **CASE #SCU-20-01 FCC RENTALS, LLC**

#### **Public Hearing opened @ 6:44**

Mason Gillett (applicant) spoke to the Board advising plans for property. Primary purpose of which will be to sell collector and/or classic vehicles 25 years or older. These vehicles will be delivered to this premises, cleaned and detailed only. Any repairs of any kind will be done at locally contracted businesses (i.e., painting, upholstery, body work, etc.) 95% of this business is expected to be digital (online). Due to investment, cars will not be stored outside of building.

Mr. Milem asked what about outdoor maintenance and hours of operation? Mr. Gillett responded that in order to maintain his Used Automotive Sales license (Class B) he must have an office, bathroom and contracts with outside maintenance facilities. Again, he reiterated that his license is strictly enforced by the Federal and State governments. He anticipates being open Mon thru Sat 5/6 hours per day (30 hours also required by his license).

Mr. Gillett was asked how many vehicles are currently stored inside the building. Currently 7 in the back room and 5 in the front. His current goal is 30 vehicle sales per year but, of course, would like to build that number. Currently anticipates deliveries once every two months.

#### **Public Hearing opened 7:00**

Barbara Young (9312 Corunna Road) spoke, her back yard backs up to this building. She advised the Board that there have been numerous business at this location over the past 28 years. So she questioned the need for a special use permit and fears it

becoming a used car lot permanently. She was advised that this special use permit is for this applicant only and that the current zoning of "Local Commercial" holds for all future use.

Gina Gillis (1505 S. Seymour) stated that her understanding of how the property is currently zoned, it could be many other types of entities. Her concern was regarding late nights and noise.

Matthew Sanders (1248 S. Morrish) wanted to comment and applaud this young man on his creativity and feels this type of initiative should be encouraged.

### **Public Hearing closed 7:10**

Discussion by Board. Mr. Suski asked about proposed signage. Mr. Gillett advised that, by law, some signage is required and must be visible by the road. He envisions a sign on the building. It was noted that this would require a permit and would be subject to Township ordinances.

Mr. Sippert asked if there were any future plans to convert this location into a "museum" and/or charge for admission. Mr. Gillett advised that this had never been considered nor would it be covered by their insurance. Their primary focus is online business similar to Japanese Classics and Top Rank.

**Action Taken:** Motion by Sippert supported by Suski to approve application and submit to Clayton Township Board for review and approval with restrictions as to number of vehicles stored outside (maximum of five) and any fuel storage both of which must adhere to current Building Codes. Hours of operation be limited to 7 am to 7 pm.

Mr. Derby asked to abstain from voting as he lives within 300 feet of this premises. Approved.

### **MOTION CARRIED**

Mr. Milem advised that this will be on the Agenda for July 9 at 7 pm.

Mr. Gillett was advised to look into a Fire Department review which would include fire extinguishers, detection and/or suppression systems possibly tied into alarm system. He should bring this information to the Township Board Meeting.

### **OLD BUSINESS**

#### **Master Plan Update Process**

Due to COVID-19 restrictions, Mr. DePottey has been unable to meet with Derek Bradshaw. He will continue to pursue and have information at the next meeting.

### **ADDITIONAL ITEMS**

NONE.

**ADDITIONAL COMMENTS**

NONE.

**ADJOURNMENT:**

**Action Taken:** Motion by Suski, supported by Derby, to adjourn the Planning Commission meeting at 7:28 p.m.

**MOTION CARRIED**

Respectfully submitted,

Sheryllynn Russo, Stenographer

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Kevin DePottey, Chairperson

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Dennis Milem, Secretary