

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MINUTES
May 8, 2018**

CALL TO ORDER

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

ROLL CALL

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

Members Absent: Kevin DePottey

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

APPROVAL OF AGENDA

Action Taken: Motion by Suski, supported by McCartney, to approve the agenda of the May 8, 2018 Planning Commission meeting.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

Bob Fairbanks, 1284 Van Vleet Rd. wrote a letter to the commission previously and was going to write another one. doesn't anything has changed since then. The letter Mr. Fairbanks read:

Dear Commission Members:

I have lived at 1284 S. Van Vleet Road since 1967 and wish to express my thoughts about the special use permit sought for 1202 S. Van Vleet Road. Case SCU18-01

I oppose the establishment of a commercial venture at this location for several reasons, some emotional, others practical.

Many years ago we bought the ten acres behind us for the sole purpose keeping it farmland and preserving the view of pristine woods beyond. We were not excited

when two houses were built far back from the road by Cases and consequently we view mercury vapor lights shining through trees.

We were pleased when Grandfather Dale Case developed a park-like setting for the enjoyment of his family, friends and occasional church gatherings. We understand there is a dissension in the family now that some members want to ignore his dream and turn this development into a money-making venture. It certainly impacts negatively the neighbors where this is, literally, in their backyards. I find it ironic that Cases were quick to complain when my son built a barn in the far corner of our property to serve as a back stop to use to improve his hunting skills. He accomodatingly (sic) limited his shooting times and durations. Incidentally, this love of hunting resulted in his career as a professional hunting guide in Alaska.

Coincidentally, I remember fondly Case teenagers as students at Swartz Creek High School but I question the motivation of those family members who are now endeavoring to change what was started as a nursery into a manufacturing facility near the intersection of Van Vleet and Corunna Roads.

A very practical concern about the proposed wedding site is that of traffic on a country road on which I can recall being able to recognize just about every car that passed by the house. The proposed location on this dirt road is 3/4 mile from Corunna Road, the nearest paved road and over a mile from two others, Seymour and Beecher Roads. Money is scarce to maintain this road for local residential traffic, let alone for commercial trucks delivering supplies, porta-potties, etc., as well as the cars of possibly 300 guests up to four times a week and five times a month. Many time a year we are forced to endure mud and wash-board potholes or powdery cement-like dust as it is.

Weddings are happy times where guests are expected to laugh and be loud. Lights and music add to the festive occasion. These things cannot be controlled so as not to adversely affect those trying to carry on an ordinary day in the sanctuaries of their near-by homes, patios, side yards, backyards. This seven acre location cannot be touted as a beautiful natural setting surrounded by trees and water when it is, in fact flanked on three sides by private homes.

Advertising has gone out to Lansing and Detroit, "have your wedding here at private and serene Case Pond." Where will the reception be held? Where will guests be housed? Will any refreshments be served? If so, where will they be prepared and served? What provisions are there to deal with unforeseen occurrences such as accidents or health issues or guests who become unruly? What about the advent of inclement weather? With so many questions that can be raised it is easy to assess this money-making adventure as ill-conceived and doomed to failure, even without any regard to the impositions it places on those living in proximity.

Please consider these facts as you discuss the granting of this special use permit.

Thank you,

Robert D. Fairbanks

Mr. Milem reiterated that the Planning Commission is a recommending body that only makes recommendations to the board. On March 20, they made a recommendation to deny the special conditional use permit. He said they moved up a special meeting to accommodate everyone involved because the Board of Trustees meets the following Thursday. Mr. Milem said he heard a lot of the comments the first time around when they made their decision. He said if anyone has anything to add, Attorney Riem may say it all again. He said that's why they are there.

Mr. Widigan said in the board packet are the minutes from March and April Planning Commission meetings, as well as the Board of Trustees meeting minutes, which include verbatim for all to read.

Mr. Widigan opened the Public Hearing at 6:10 p.m.

Attorney Riem, representing Tom Case, stated they are requesting wedding ceremonies limited to five days per month on Fridays and Saturdays from 11:00 a.m.-6:00 p.m. He said the wedding ceremonies will not include a reception and no alcohol will be served. He said he made a compelling argument to the township board and they could not accept the Planning Commission recommendation. Mr. Riem said Shelly Thompson made a motion to approve 10 weddings and Mr. Childers supported that motion. He said they then voted to send it back to the Planning Commission. He then proceeded to read through evidence.

Mr. Widigan said it was the second time they had heard the information. Mr. Riem said if they already know it he won't repeat the information.

Mr. Tucker said the arguments are what they are dealing with in court at that time and are not for litigation that night. He said they are there to hear the comments from the residents. The only application that has been applied for is a Home Business Occupancy Permit. Mr. Milem said it clearly says application only and is not a permit. Mr. Riem said he does not dispute that; they never received any paperwork. He said Mr. Case thought he had a permit and was acting on that. He was never told it was not approved. Mr. Riem said it is not a burden to the neighborhood and they will provide security.

Jeff Dennings, 1118 Van Vleet Rd., said when a vote takes place, it opens it up for discussion; it doesn't necessarily mean you have a "yes" vote. He said board members can change their mind. Mr. Dennings said he did not speak at the last meeting, but it was stated that Mr. Case wanted to be a good neighbor, yet all of the neighbors there don't want this and he still went back and is still persuading this again. He said that is not his definition of a good neighbor. He said it is a business and Mr. Case is trying to do business there, not live there. Mr. Dennings said they have no problems with him living there. He believes it is a relative who wants to do the weddings and be in that business. Sometimes a parent needs to tell their children no.

Dwight Dennings, 1016 Van Vleet Rd., said thank you for the decision at last meeting on dealing with the issue. He said it came to the point that it was determined that they did

not own the property in a manner that would allow them to draw a permit. The permit and the function does not fit with the zoning. All of those lists the attorney brought up was battle. That is exactly what it was for 45 minutes. He said the function being asked for does not fall into the zoning ordinance. Mr. Dennings said the residents don't want it. He said the lawyer lives in Grand Blanc; does he really care what happens over here? The township board member doesn't live on their road. We live on our road and we are the ones who are going to put up with it. He said they understand all the traffic and it won't be just Saturday. There will be prep in and prep out. Mr. Dennings said they have lived there a long time and want to live in a residential farming area. He said he hopes they send it back to the board with the same decision.

Joe Hall, 1419 Van Vleet Rd., said he spent 24 years in the Navy and went to war to fight for "we the people." Since he retired, America has seemingly turned into seemingly "we the minority." He said the minority gets the say as opposed to the majority. He said it's unfortunate that he finds them in that kind of position. Mr. Hall said certainly they heard all of the arguments that were made last time. The majority said they would not like this in their neighborhood. The needs of the many outweigh the needs of the few or the one. Mr. Hall said that is the America that he was raised in and that's what he fights for. "We the people" do not want this in our neighborhood.

Mr. Milem interjected that it is important for everyone who came there who have same emotions and same feelings they had before to listen to what Mr. Riem said regarding a concession made as to the number of weddings and days per month. He said when thinking about how you feel, if it is an all or nothing proposition.

Dorothy Mclachlan, 1190 Van Vleet Rd., lives next door to the Cases. Her home is 50 feet from the lot line. She said if they give them two weddings, the board will have to come up with money to fix the road. She said the Road Commission told her that the more traffic you have the more potholes and dust there will be. She said she challenges someone to put in an airport on seven acres and it's her understanding that you have to have 10 acres to be considered a farm. She said even if someone has a daycare or assisted living facility, there are not 300 people there every weekend. Ms. Mclachlan said she understands there won't be alcohol, however, how do you stop someone who comes to a wedding drunk or with a bottle in their pocket. It is a matter of when it will happen.

Liz Hall, 1419 Van Vleet Rd., said one thing not addressed is what happens when someone unscrupulous does something not at the event, but later down the road. She said if they open the road to this business it will open up for other businesses. There is a safety issue for children; the road was just graded and it is already bumpy.

Dave Green, 1255 Van Vleet Rd. said he spent 40 years in law enforcement and has lived in his home since 1981. He said there is a concern with the people who attend the weddings. They may be good people, but it is what happens down the road. He said people bring other people and are exposed to an area they are not normally exposed to. Mr. Green said he is personally a good neighbor. When his neighbor's home alarm went off, he and another neighbor went over to investigate and make sure the neighbor was okay. He said another time he was coming home from dinner and

caught two kids/men breaking into homes. He looks out for the neighborhood. Mr. Green said he has followed a suspicious vehicle and took down the plate to find out later that person had been involved in a number of B&E's.

Ron Case, 1210 Van Vleet Rd., said there was a question brought up that Tom Case did not have ownership at the time he applied for the permit. He did not own the property. He knew that and the township has a record of that. He said two diff lawyers told him he didn't own the property and couldn't help him until he owned it. Mr. Ron Case said Tom didn't own the property until October, 2017. He said a sister sent an email back in April that said, Tom, you're renting from the siblings; you don't own the property. Don't do anything until you own it. Also, the siblings asked him, if you are going to push weddings are we not libel because we own it and you are just renting? He said he afraid his brother disregarded any information they pushed because he wanted the weddings. Mr. Ron Case said the township put a sticker on the door that said he is not to hold weddings until they have a permit. He said it is not easy because he loves his brother, but he doesn't love what he is trying to do. And it is not fair for a lot of reasons.

He said that he believes that Mr. Riem is also employed by one of the trustees who supported the motion and has a question about that. For the same reasons he said, security, way too many people looking in his house and walking around. He doesn't want it.

Bonnie Petee, 1197 Van Vleet Rd., said she lives right across the road from the Case property. She is against the business in her neighborhood. She said she made her concerns known at the March meeting. She said she did not call Mr. Case any names. She is still against the weddings and does not even want only two a month. She said at one of the church outings at Case Pond, a vehicle was broken into. If you allow 300 people every Saturday or two, it is asking for more crime in their neighborhood. Mrs. Petee said there are staffing issues at the police department and who will take care of the potential crime in their neighborhood. She distributed pictures she took of Van Vleet Road to members of the Planning Commission. She questioned how emergency vehicles can get down the narrow road, especially if vehicles are parked all over the place for a wedding. Mrs. Petee said she sat outside between 3:00 p.m. and 6:00 p.m. for about an hour and witnessed 11 vehicles: three of them were school buses and one was a UPS truck. She said she hopes they consider the residents' thoughts and feelings and comments on the matter.

Janet Carey, 1256 Van Vleet Rd., spoke before. Their house is 59 1/2 feet from the center of the road and when a school bus goes by or UPS goes by it shakes the house. There is dust and pot holes, and it's what she signed up for to live on a dirt road, but not for that many cars going by every weekend. She didn't sign up for that. Mrs. Carey said she thinks it will disvalue her property. She has never had a problem with Mr. Case whom she has known since five-years-old. She said the problem is that they live in a rural setting and would like to keep it that way. Mrs. Carey said she wants to be able to leave her garage door open and not find her four-wheeler or motorcycle gone.

Ralph Lupu, 1313 Van Vleet Rd., said he spoke at the last meeting and repeated the story about working in his barn and being approached by people looking for the

wedding at the pond. He also has a pond on his property. He said he has been broken into and nothing was recovered.

Mrs. Carey added that she is concerned about garbage being pitched into the road and the clean up.

Mrs. Petee added that at a wedding at Case Pond on July 29, 2017, the cops were called by Case women who complained about noise because the neighbors were not being quiet enough for a wedding. She said they are entitled to enjoy their property as they see fit.

Jon Drum, 1130 Van Vleet Rd., said he knows at one point that tents are not allowed at the weddings. He questions what they will do in the event of inclement weather.

Mr. Widigan closed the public hearing at 7:00 p.m.

OLD BUSINESS/DISCUSSIONS

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

Mr. Milem said he had a couple of issues with timelines floating around and he doesn't want to address the he said/she said. He said that Mr. Henry realized the application does not fit a home business occupation. There was only an application and never a permit issued. It only becomes a permit when Mr. Henry signs off on it and that never happened.

Mr. Widigan said that Mr. Riem mentioned change is progress and he supports change and progress, however, he has not heard a single resident come forward in support of it. He said no one spoke ill of Mr. Case, but no one wants it in their backyard. It is rural, but still kind of close.

Action Taken: Motion by Mr. Widigan, supported by Mr. Milem, 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 performed, flower delivery, pictures); lack of way to keep guests contained to property; lack of adequate county road maintenance; added neighborhood exposure; additional litter problems; and continued lack of support for the second time in a row from residents.

ROLL CALL VOTE:

Yeas: McCartney, Milem, Sippert, Spillane, Suski, Widigan

Nays: None.

Absent: DePottety

MOTION CARRIED UNANIMOUSLY.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

Mr. Widigan suggested they cancel next week's meeting and reconvene in June.

Action Taken: Motion by Widigan, supported by Milem, to cancel the May 15, 2018 meeting and reconvene at the June 19, 2018 meeting.

MOTION CARRIED.

ADJOURNMENT

Action Taken: Motion by Sippert, supported by McCartney, to adjourn the Planning Commission meeting at 7:12 p.m.

MOTION CARRIED.

Respectfully submitted:

Deanna Turner, Stenographer

MINUTES APPROVED BY:

Kevin DePottay, Chairperson

Dennis Milem, Secretary