



Township of Lapeer Planning Commission

Lapeer County, Michigan

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Members:

Tim Roodvoets, Chair
Ken Ewing, Vice-Chair
Deborah Cady, Secretary
John Rutzen
Phillip Thick
Daniel Gingell
Sandra Lackey-Jarvis

November 19, 2012

Chairman Roodvoets called the Planning Commission regular meeting to order at 7:13 p.m.

Attendance: Chairman Tim Roodvoets, Vice-Chair Kenneth Ewing, Secretary Deborah Cady and Commissioners John Rutzen, Phil Thick and Dan Gingell.

Absent: Absent: Commissioner Sandra Lackey-Jarvis.

Other attendees: Chris McLeod, Community Planning & Management, Planning Consultant
Melissa Sklar, 1054 Briar Hill Dr., Lapeer
Michael Mehig, 1054 Briar Hill Dr.
Ken and Karen Milito, 1298 Baldwin Road
Tom Kenny, 1090 Doris Rd., Auburn Hills
Tammie Geda, 1420 Baldwin Road
Peggy Warner, 203 Hawthorne Dr.
Linda Phillips, 1372 Baldwin Road
Jan Praefke-Geda, 1394 Baldwin
Ed Delange, 1461 Baldwin Road
Keith Atwood, 1419 Baldwin Road
Daniel LeClair, PE, Brighton
Dawn Walker, Lapeer Township Clerk, recording secretary (1286 Baldwin Road)

Everyone stood for the pledge of allegiance.
A roll call vote was taken, a quorum was present.

Public Time: Chairman Roodvoets opened the meeting for public time.
No one appeared wishing to address the Planning Commission during public time.
Public time was closed at 7:15 p.m.

Approval of Minutes: *Motion by Commissioner Ewing, support by Commissioner Thick to approve the regular meeting minutes of September 17, 2012. A vote was taken. All in favor (6). Motion carried.*

New Business: None.

Old Business: Windwater PUD, site plan review – NEW (revision) – 2012-004

The Windwater PUD, Planned Unit Development, Conceptual Plan Amendment, First review comments dated October 26, 2012 from Community Planning & Management, P.C. were entered into record and copies were distributed to those in attendance.

Daniel LeClair, representative for JPT Acquisition, LLC; spoke and gave a brief background history on the Windwater PUD development. He noted to those in attendance that the activity conducted over the past summer months was the completion of wetland mitigation required by the DEQ. He passed pictures around of a community in Vermont and a "Town Square" atmosphere that was really nice.

He stated that as a result of the downturn in the economy there is no longer a market in Lapeer County for residential building. As such, they envision an area where persons can

live, shop and possibly work in a “town square” development. The northern end (I-69) and the eastern area (M-24) are essentially the same as the previous conceptual plan dated from 2009.

Mr. LeClair also spoke in regards to sewer capacity. Commercial development uses much more capacity than residential so as commercial development goes up, more capacity is utilized. Where capacity is maximized, there would be a potential to develop green belt areas.

Mr. LeClair also stated that he has received comments back from developers in regards to the previous monument sign on I-69 not being sufficient. “In order to make this development successful we need to get people there.” We need flexibility.

Commissioner Ewing asked for the developers’ definition of “flexibility”.

Tom Kenny stated that when the economy fell, it left no demand for residential housing in Lapeer. There are 480 approved residential units in the PUD as it is approved now; with no housing demand. We want to be able to do what the market wants within the scope of the Township’s ordinances. Windwater is unique as it requires two levels of approval; the first at the Township and the later at the City of Lapeer.

Commissioner Thick stated that the Windwater Development has been given a lot of flexibility in the current approved site plan and now you do not want it. Commercial development around the lake is not going to happen. Our original intent was protection for the current residents in the area and Poss Lake. Commercial development on the south end of the PUD does not do that. Not on the lake front. My intent will still be to protect our residents.

Commissioner Gingell stated that an open site plan is what the proposed plan reflects. In almost every area of the site plan it reflects:

Retail, Commercial, restaurants, bank, pharmacy, neighborhood service, single family residential, multi-family residential, assisted living, etc.

Our residents have to look across the street at whatever is developed and it leaves a lot of concerns. Every labeled development area; Area A, B, C and D are labeled “Commercial”.

Commissioner Rutzen asked where the natural development areas will be located.

Dan LeClair spoke again in regards to sewer capacity. Larger developments and/or restaurants for the same footprint of residential development will use three times the capacity. Because of any lack of capacity; greenbelt, walking, beachfront areas could be developed.

Commissioner Rutzen asked how the planning commission could possibly approve a plan without any guarantee of what is being approved and if the residents are protected. With a PUD (planned unit development) we need to know what it will look like. Not what it may or may not look like.

Chairman Roodvoets stated that there is no need for him to rehash what is already discussed but the previous plan called for some 800,000 square feet of commercial versus the proposed 2,000,000 square feet of commercial. This planning commission is not amenable to approving, there is nothing here for us to approve.

Tom Kenny stated that with the economy downturn; they are still around because they are fiscally conservative. The process for site plan approval takes up to one year or more and they are trying to make the best use of the property to market it for sale.

Chairman Roodvoets asked if they envisioned selling the PUD as one large parcel or in individual smaller parcels.

Tom Kenny stated that the Lapeer area of Michigan has held up rather well as compared to other areas in the state. They are looking for flexibility to market. It is hard for us to get input on development from Townships and Cities. Up until two months ago we had no sewer in the area. I have to market; you only have to approve.

Commissioner Rutzen stated that the planning commission does not create the plans; we approve them. We have concerns for residents on Baldwin Road and around Poss Lake. You need to find a way to do this that is more acceptable.

The public hearing was opened by Chairman Roodvoets at 8:00 p.m.

Peggy Warner stated that she lives in Stoneycroft subdivision. How can you sell off four separate parcels and guarantee how and what will develop.

Karen Milito stated that she is a thirty year resident of her home on Baldwin road. She agrees with the planning commission that an open check book is not going to work. Commercial development is shown on all areas of the proposed site plan and she could be looking at a gas station across the street from her home. Concern is also how much lighting from the developments will shine across the street into our yards? Baldwin road is a two lane highway with dangerous curves. There have already been fatal accidents on this stretch of road, and many accidents. No trucks should be allowed to travel Baldwin. We need greenbelt areas. We need to be careful of what is allowed.

Melissa Sklar of Briarwood spoke with concerns in regards to the pristine Poss Lake. What will commercial development do to the lake and the fishing. The eco system is at risk. Salt, and runoff could leach into the lake and do harm .

Ed Delange stated that he is a physician and like changes he sees impacting his profession; everyone must prepare and change even if we don't like the changes. He understands the unknown that developers must plan for and in some ways understands why they have proposed the site plan tonight. It is an element of uncertainty. He stated that if all 480 residential units will have access to the lake he would rather have one restaurant.

Ken Milito stated that he supports the planning commission in regards to concerns over the residents and the Lake.

Karen Milito stated that the pictures were really nice; but that free reign doesn't translate vision. Continuity needs to move through the development. I want it to look nice. Not like a strip store was put there just because a site plan said it could go there; with no regard to the use of size or dimension. The shops in front of Kohl's look awful and I would not want that appearance for this area.

Linda Phillips stated that she is against it. The heavy traffic is already killing her chickens. The only thing missing is a roller rink and a cinema. The access road is directly across from my house. I want to enjoy the country. Since the PUD was clear cut I can see the lights on M-24 from my house.

Keith Atwood asked what the association of Bob Gilling is with the property owners. He has been contemplating the digging of a pond on his property; how will it affect this?

Jan Praefke-Geda spoke with concerns of Baldwin Road having commercial development right along the road with no buffer or concern for the residents along Baldwin Road.

Dawn Walker spoke both as Township Clerk and as a resident living on Baldwin Road directly across the street from the area designated as commercial; big box... She stated to Mr. Kenny that as to his comment in regards to not getting input from Township's he is

mistaken. We as a board have called special meetings to discuss this development with Bob Gilling (who is a partner in JPT Acquisition). At this meeting (refer to Board of Trustees meeting minutes of April 25, 2012), I told Mr. Gilling what I envisioned. I have also taken time to sit with Dan LeClair in regards to the PUD and had numerous telephone conversations with Mr. LeClair as well. The Lapeer Township board has used taxpayer money to pay for water and sewer studies to try and work with JPT Acquisition in getting the services to develop this property; but you chose to file for annexation with the State of Michigan Boundary Commission. I am tired of hearing what you don't have in regards to water and sewer; when you got what you asked for! You say that you are concerned for our residents. Your actions speak louder than your words. We have fifteen foot piles of logs and debris along the Baldwin Road border of your property. Brush has grown up all around this. You clear cut the land and left the rubble for us to look at. Skunks, raccoons and possums invaded our neighborhood all summer as these piles are now their homes. You have not shown any concern for our neighborhood so our planning commission has to.

Michael Mehigh spoke saying that he wants to preserve the environment for our future. He likes the area and is concerned.

The public hearing was closed at 8:33 p.m.

Commissioner Cady stated that in looking at the site plan she can't conceptualize what they want to do.

Commissioner Rutzen stated that a town square theme could work. Just vacate some of the residential.

Commissioner Thick stated that a PUD is supposed to work together as a complete whole development.

Chairman Roodvoets stated that this may lock them in as once it leaves the Township the City will make them adhere to the approve Township plan.

Commissioner Ewing stated that there is no reason why we can't have something more concrete to submit and market.

Planner Chris McLeod asked what the allocated sewer capacity is from the City of Lapeer; and, has any discussion with MDOT taken place in regards to traffic flow changes?

Dan LeClair stated that the intent is not to load the southern end of the property with commercial development.

Motion by Gingell, support by Ewing to table the site plan; 2012-004, for up to six months. A roll call vote was taken. Gingell; yes, Ewing; yes, Cady; yes, Rutzen; yes, Thick; yes, Roodvoets; yes. All in favor; six (6). Absent; one (1). Motion carried.

Chairman Roodvoets called an intermission at 9:00 p.m.
All residents departed.

Session resumed at 9:08 p.m.

Other Business:

Zoning Ordinance Text Amendments

Zoning Ordinance
Public Hearing:

The zoning ordinance text amendments public hearing was opened at 9:08 p.m. by Chairman Roodvoets.

No one remained wishing to address the planning commission in regards to the proposed zoning ordinance changes.

Chairman Roodvoets closed the public hearing at 9:10 p.m.

Discussion continued amongst the commission in regards to the text amendments. Commissioner Rutzen spoke in regards to enforcement of sign ordinance changes.

Planning consultant; Chris McLeod stated that these changes will put a standard into place. He noted that enforcement does not mean that you have to go throughout the Township looking for violations/ issues.

The following text amendments were reviewed and changed to reflect the following:

Amend Article 4 Environmental Requirements, by amending Section 4.05 Signs, by amending subsection (1.) Signs, General, by adding a new subsection (h.) and re-lettering the current subsection (h). and all other remaining subsections sequentially as follows:

- h. Wall signs shall not exceed one (1) square foot in area for each one (1) linear foot of store (building) frontage. For multiple tenant buildings, each tenant space shall be calculated separately based on their individual lease space frontage. Wall signs shall be a minimum of 20 square feet, but shall not exceed a maximum of 150 square feet.

All remaining text remains the same, but shall be re-lettered sequentially.

Amend Article 11A PUD Planned Unit Development District by amending Section 11A.03 Procedure for Submittal and Approval, by amending subsection (2) as follows:

2. **Preliminary Approval.** Upon receipt of an application as a preliminary submittal, the Township Board shall refer such request to the Planning Commission for its report and recommendation. The Planning Commission shall hold a public hearing on the application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time for both a rezoning and a PUD.

All remaining text remains the same.

Amend Article 13 C-1 Local Business District, by amending Section 13.00 Permitted Uses Subject to Site Plan Review, by amending subsection (1)(a) as follows:

1. Retail Establishments selling goods or merchandise, such as:
 - a. Pharmacies.

All remaining text remains the same.

Amend Article 15 C-3 General Business District, by amending Section 15.00 Permitted Uses Subject to Site Plan Review, by adding the following text:

4. Sale of Guns, excluding gun ranges or other areas designated for shooting.

Amend Article 15 C-3 General Business District, by amending Section 15.05 Special Land Uses, by adding the following text:

7. Indoor gun ranges or other areas designated for shooting.

Motion by Thick, support by Gingell to recommend approval of the above zoning ordinance text amendments as presented above to the Lapeer Township Board of Trustees. A vote was taken. All in favor (6). Motion carried.

Correspondence: Christ the King Church

A progress letter was received from Christ the King Church dated September 12, 2012. The Planning Commission entered it into record.

Announcements: Board Meeting: December 10, 2012 – 7:00 p.m.

Adjournment: *Motion to adjourn by Commissioner Ewing, support by Commissioner Thick. All in favor (6). Motion Carried. Meeting adjourned at 9:19 p.m.*

Deborah R. Cady, Secretary
Planning Commission

Dawn M. Walker, CMC
Recording Secretary

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