

LAPEER TOWNSHIP PLANNING COMMISSON
Lapeer Township Hall and Community Building
Monday September 15, 2008
Regular Meeting
7:30 pm

PRESENT: Chairman Tim Roodvoets, Commissioner John Rutzen, Secretary Ruth Lendt, Commissioner Ken Ewing, Commissioner Fred Green and Commissioner Deborah Cady.

ABSENT: Commissioner Phillip Thick, excused.

**OTHERS
PRESENT:**

Christopher McLeod, Community Planning & Management, P.C.
Bill Atkinson, 12170 Merriman, Livonia, MI 48150 representing T-Mobile
Central

Leonard Lumley, 1031 Pine Tree Lane, Lapeer Township
Patricia Perry, 2889 Greenwood Rd., Lapeer Township
George & Kim Adams, 1178 S. Lapeer Rd., representing Katie's
Dan & Tyler Agnew, 2898 Greenwood Rd., Lapeer Township
Stephen Estey, Esq., Dykema Gossett, 39577 Woodward Ave.
Bloomfield Hills, MI 48304, representing Landex
Scott Jarvis, Lapeer Township Supervisor
Dawn Walker, Lapeer Township Clerk and recording secretary

Chairman Roodvoets called meeting to order at 7:30 p.m.

Roll call followed, a quorum was present.

**APPROVAL
OF MINUTES:**

The July 21, 2008 regular meeting minutes and the August 4, 2008 study session minutes were presented for approval.

MOTION by Commissioner Cady to approve the July 21, 2008 regular meeting minutes and the August 4, 2008 study session minutes as presented with no changes, support by Commissioner Ewing. A vote was taken, Ayes: All (6). ***MOTION CARRIED.***

PUBLIC TIME:

Chairman Roodvoets opened the meeting for public time. No one was present who wished to address the Planning Commission.

NEW BUSINESS:

KATIES #2008-004:

Katie's Site Plan revision, #2008-004:

Chris McLeod of Community Planning & Management reviewed his comments dated September 8, 2008. It was noted that the applicant has already received a variance from the Zoning Board of Appeals. Subject to the applicant addressing the comments to the satisfaction of the planning Commissioners, there were no planner objections.

The Commissioners discussed number of employees, employee parking and adequate screening on the site.

The applicant, Kim Adams stated that Katie's is licensed by the State. Her business brings clients in from out of town that spend money at our restaurants and stores. They have a good reputation from doctors sending patients their way and have given the community a good reputation. Additional parking is available at the neighbors in the rare occasion that she needs it.

Commissioners also discussed the issue of retail items being for sale at the spa. It was discussed that the retail is very minimal in comparison to other services. Commissioners told the applicant to be careful as a lot of retail would be a violation of the granted special land use.

MOTION by Rutzen support by Ewing to accept the site plan revision as presented. A roll call vote was taken. Commissioner Rutzen: Aye, Commissioner Ewing: Aye, Commissioner Green: Aye, Commissioner Lendt: Aye, Commissioner Cady: Aye, Commissioner Roodvoets: Aye. Ayes: All (6). Absent: One. **MOTION CARRIED.**

T-MOBILE, #2008-003:

T-Mobile Central LLC, #2008-003, Site Plan Review:

Bill Atkinson, representing T-Mobile Central appeared before the Planning Commission to request a co-location with the existing tower on S. Lapeer Road (M-24) at Hunters Creek Road.

Planner Chris McLeod reviewed the comments from Community Planning & Management P.C. dated September 11, 2008. Other than the Township may wish to require financial surety to insure the removal of the existing antenna or to set this as a condition of approval, CPM has no objections.

Commissioners inquired what would be constructed at the site, inquired who the abandoned equipment belonged to, how far a distance from the road is the site and also discussed structural integrity of the tower. The applicant stated that as cell phone companies have merged they have abandoned towers and decommissioned sites for simplicity.

MOTION by Green, support by Cady to approve the T-Mobile Central LLC site plan review with the condition of removing the existing abandoned equipment upon completion of the project to receive final approval. A roll call vote was taken. Commissioner Green: Aye, Commissioner Cady: Aye, Commissioner Rutzen: Aye, Commissioner Ewing: Aye, Commissioner Roodvoets: Aye, Commissioner Lendt: Aye. Ayes: All (6). Absent: One. **MOTION CARRIED.**

PUBLIC HEARING:

Chairman Roodvoets opened the public hearing at 8:13 p.m.

ZONING AMENDMENT:

The following ordinance revision was presented:

Amend Article I General Provisions, by amending Section 1.11 Fences, Walls, and Other Protective Barriers, by adding a new subsection (d) as follows:

- d. Decorative fences (i.e. picket, split rail, wrought iron, etc.) shall be permitted within the front yard (that area between the residence and the

front property line). Such fences shall not exceed a total height of four (4) feet (as measured from the established grade). Wire and chain link fencing, privacy, and any view obscuring type fencing shall not be permitted within the front yard regardless of height. Finally, such fence shall not extend into the existing right of way or easement of any adjacent roadway.

Supervisor Jarvis opened the discussion supplying commissioners with a copy of the ordinance that he had adjusted. Discussions followed regarding the definition of the required front yard, chain link fences, woven wire fences, decorative versus restraining fences and allowed heights of fences.

Commissioners spoke about what the current ordinance allowed versus what would be allowed with the amended ordinance, the impact on agricultural fencing and the effect on various parcel sizes by the ordinance.

The impact of the ordinance on existing fences and the definition of a farm were also discussed. Supervisor Jarvis noted that residents voiced concerns to him that they would not be able to replace a worn woven wire fence under the new ordinance. The degradation of appearance on various types of wire fences (woven wire and chain link) were pointed out also. The commission voiced differences over what may be recognized as a farm.

It was pointed out that under the current ordinance, no front yard fences are allowed in Lapeer Township.

Commissioner Roodvoets read the first line of the existing ordinance Article 1, section 1.11 to commission:

All fences used for non-agricultural purposes shall conform to the following regulations.

Planner McLeod noted that the character of decorative fencing has to match what you want to see for the future character of the community.

Dan Agnew addressed the commission. He misunderstood and now realizes that agricultural properties are exempt from the fence ordinance so he is not affected.

Patricia Perry spoke that she has twenty acres that used to be used for horses. She currently has woven farm fence with boards on top that are stained to match the house. She stated that it looks very nice. She also voiced concern that residents in close proximity to the road may want a privacy fence.

Tim Roodvoets closed the public hearing at 9:12 p.m.

MOTION by Rutzen, support by Lendt to approve the amendment to Article 1 General Provisions, by amending Section 1.11 Fences, Walls, and Other Protective Barriers, by adding new subsection (d) as presented. A roll call vote was taken. Commissioner Rutzen: Aye, Commissioner Lendt: Aye, Commissioner Ewing: Aye, Commissioner Green: Nay, Commissioner Cady: Aye, Commissioner Roodvoets: Aye. Ayes: Five (5), Nays: One (1). Absent: none. ***MOTION CARRIED.***

OLD BUSINESS:

Master Plan review and discussion –

Commissioners opened discussion on the Master Plan speaking about the effect of the Kamax proposal in regards to the Township of Lapeer. Commissioners reviewed the agenda and packet from the Lapeer County Collaborative Planning Commission. We have been asked to have representatives in attendance. It is unclear to the Lapeer Township Planning Commissioners what the County's intent is and what is expected of the Township at this point in time. Planner McLeod responded to these questions and stated that he would be in attendance.

Rezoning procedures that the Township follows were covered by Planner Chris McLeod. He also stated that if a request for rezoning is received by an applicant other than the property owner it would require the signature of the property owner. It was also stated that it is easy to color areas on a map, the question that commissioners need to ask themselves is; "is there a market? And will a road necessarily bring in new industrial business?" Just because you build it doesn't mean that it will come (industrial business).

Commissioner Rutzen stated that rezoning requires a need and the need for further industrial areas is not foreseen in the near future. All Commissioners were in agreement with this statement.

Commissioner Roodvoets questioned if a new proposed road would change the economics of the potential Bowers to Wilder Road if there was no change to zoning designations in this area? If we don't rezone the proposed roadway area, can Kamax still gain land easements?

All Commissioners agreed that the Bowers Rd. to Meyers road is the last road option they would like to see and would not support this at all.

Supervisor Jarvis asked to speak before he left. He stated that no matter what option was utilized, many of our residents would be disturbed. He feels that a new road should not come with any promise of rezoning and out of the three proposed truck routes the proposed roadway would probably be the best option for the Township.

Supervisor Jarvis departed.

Planner McLeod stated that the same issues will still be there once all of the Kamax trucks get to Imlay City Rd. Going east or west will still have truck traffic issues. The infrastructure (water, sewer and roads) is not in place to accommodate the expansion or an industrial area within the proposed road area. Why put additional truck traffic in an area already overburdened with traffic? (Going west through the City of Lapeer).

Clerk Walker stated that she has been to the area on Bowers Road several times now and in looking at the proposed entrance for the road on Bowers it would be very close to the current residents of our Township. They would have trucks passing by their side yards. How fair

is it to them? In our current housing market with the economy the way it is, these resident's property values would plummet even further. The proximity of a new road to several of our sub divisions would create the same situation for these residents. Kamax needs to look at available industrial sites in the Lapeer area to make sure that all of their options are exhausted. For example, the Lapeer Metal Stamping facilities will be vacated in December. Webco on DeMille Road is also vacant and for sale. With all of these empty industrial sites in the area how do they think that we need more? Discussion followed. The possibility of splitting a motion into two parts was discussed with one being strictly road options and the second dealing with other options within the Greater Lapeer Area for Kamax's expansion intentions.

Commissioner Roodvoets felt that we should be on record as saying that they should look at other options in the Greater Lapeer area. Commissioner Lendt felt that in telling them to move, what would keep them from moving to another community? Lengthly discussion followed with commissioners having varying viewpoints. It was stated that Kamax is established at their current site and in our community. The possibility of building the proposed road to head easterly on an angle to the Wilder road exit was even discussed but dismissed as unfeasible. The number of employees to be added to the Kamax workforce was discussed.

Discussion then followed to create a motion for the record on our thoughts and options. Motion by Ewing support by Cady to adopt the following motion: In an effort to work with Kamax and the Lapeer County Area the Lapeer Township Planning Commission has the following preferences: First preference, for Kamax to ensure that that have explored other available sites within the Greater Lapeer Area; Second preference, the proposed road through section 3 of Lapeer Township going south from Bowers Road to Imlay City Road which would involve no rezoning on the part of Lapeer Township; Third preference, to use the route going east on Bowers Road to the Wilder Road exit; and final preference, Bowers Road west to Meyers Road which is not really an option at all due to the great disturbance it would cause to residential areas. Motion was withdrawn for lack of agreement between Commissioners. Some Commissioners feel that we should not suggest to Kamax that they should basically look at other sites within the County. Others felt that a suggestion was not telling them what to do. Motion was revised to read:

*In an effort to work with Kamax and the Lapeer County Area the Lapeer Township Planning Commission has the following road preferences: First preference, to support the proposed road through section 3 of Lapeer Township going south from Bowers Road to Imlay City Road which would involve no rezoning on the part of Lapeer Township; second preference, to use the route going east on Bowers Road to the Wilder Road exit; and third preference, to use Bowers Road west to Meyers Road which is not really a feasible option at all. **MOTION** by Ewing support by Cady. A vote was taken: Yea; five (5): Ewing, Cady, Green, Rutzen and Lendt. Nay; one (1): Roodvoets. **MOTION PASSED.***

A second motion was discussed and presented.

MOTION by Commissioner Lendt, support by Commissioner Cady to read: *Because of the possible negative impact on Lapeer Township residents, the Lapeer Township Planning Commission would like to be assured that all other potential site locations within the Greater Lapeer Area have been explored and exhausted. A vote was taken: Yea; three (3): Lendt, Cady, and Roodvoets. Nay; three (3): Green, Rutzen and Ewing.*
MOTION DIED.

Discussion followed.

WIND ENERGY
CONVERSION SYSTEMS:

Tabled until October.

OTHER BUSINESS:
ELECTION OF OFFICERS:

Discussion on Board member not eligible to be an officer. Chairman Roodvoets opened the nomination of officers. Commissioner Rutzen nominated Kenneth Ewing to be the Vice Chair. All others agreed to keep their positions: Tim Roodvoets as Chairman and Ruth Lendt as secretary. Nominations were closed. By unanimous consent the Planning Commission officers were elected.

REPORTS:

Board report given by Commissioner Rutzen, it was agreed by the board to have the planning commission begin work on the Park & Recreation plan with a pavilion and playground at the Township hall.

The Zoning Board of Appeals report was given by Ken Ewing.

CORRESPONDENCE:

Correspondence from County Planning regarding Kamax was reviewed and discussed with Master Plan discussion.

Discussion on who would be attending the Lapeer County Collaborative Planning Commission meeting on Thursday September 18 at 6:00 p.m. at the John T. Rich Building.

Ken Ewing stated that he would be absent for the October study session.

ADJOURNMENT:

There being no further business before the commission,

MOTION by Ewing support by Cady to adjourn meeting at 10:35 p.m. By unanimous consent the meeting was adjourned.

Ruth Lendt
Secretary

Dawn M. Walker
Recording Secretary

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