

**LAPEER TOWNSHIP PLANNING COMMISSON**  
Lapeer Township Hall and Community Building  
Monday, October 19, 2009  
Regular Meeting  
7:30 pm

**PRESENT:** Chairman Tim Roodvoets, Vice-Chairman Kenneth Ewing, Secretary Ruth Lendt, Commissioners John Rutzen, Phillip Thick, Deborah Cady, and Dan Gingell.

**ABSENT:** All members present.

**OTHERS PRESENT:** Christopher McLeod of Community Planning & Management, P.C. - Lapeer Township Planning Consultant  
Cory Mabery, Davis Land Surveying & Engineering – Engineering Consultant  
Calvin Funderburk, 1301 Blooming Fields Drive  
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 September 21, 2009 regular meeting minutes were presented for approval.

***MOVED** by Commissioner Thick, support by Commissioner Ewing to approve the September 21, 2009 regular meeting minutes as presented. A vote was taken, Ayes: (7). **MOTION CARRIED.***

**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.

**NEW BUSINESS:**

**C. FUNDERBURK  
SLU 2009-003:** Mr. Calvin Funderburk appeared before the commission requesting a special land use according to section 1.07 Buildings Accessory to one and two family residential uses of the Lapeer Township Zoning Ordinance.

Chairman Roodvoets opened the public hearing at 7:43 p.m.

Commissioner Lendt noted to the commission that the subject property is not contiguous to hers but that her property does overlook the applicants parcel. The Commission does not believe that it is a conflict of interest. Chairman Roodvoets noting that to be a conflict there would be a direct benefit or negative impact caused by the Commission's decision.

No one appeared to address the Commission regarding the public hearing.

The public hearing was closed by Chairman Roodvoets at 7:47 p.m.

Commissioners questioned Mr. Funderburk in regards to his application:

The applicant stated that his proposed building size is 2500 sq. ft. without the sugar shack already located on the property. A lean to / shed area of 50 x 10 feet makes the overall size of the building more than allowed on the property. He wished to contain all of his lawn equipment, cars, trucks, trailers and other personal items inside or under the lean to / shed area and have it look neat and organized and have nothing exposed to weather conditions. He also wished to keep the sugar shack as it is part of the character of the property.

Chairman Roodvoets stated that the prior method of getting an oversized building approved was to go to the zoning board of appeals. It has since been changed to be a special land use through the planning commission. It is a cost savings to the applicant using this method.

The applicant was questioned by commissioners and stated that the roof line on the shed off of the pole building will face the house, and he wants it to look nice. There will be no sides on the shed / lean to area. The pole building itself does have sides.

Commissioner Lendt stated that she is concerned over the wooded nature of the property and the amount of trees needing to be removed.

Commissioner Rutzen commented that this was always a typical Zoning Board of Appeals case, a large lot can accommodate a larger building structure.

**MOTION** by Gingell support by Thick to approve special land use 2009-003 under section 1.07 Buildings Accessory to one and two family residential uses, of the Lapeer Township zoning ordinance.

Further discussion followed with Commissioner Lendt asking the applicant if he would be working for other people using the accessory building. Chairman Roodvoets stated that a main concern for the commission is to ensure that people are not operating businesses out of a residential neighborhood. The applicant stated that he is a building contractor and needs the storage space.

*A roll call vote was taken. Gingell, yes; Thick, yes; Rutzen, yes; Cady, yes; Roodvoets, yes; Lendt, yes; Ewing, yes. Ayes: All (7); Nays: None.*  
**MOTION CARRIED.**

Chairman Roodvoets explained that with approval the applicant would have to file a certificate of zoning compliance with the register of deeds and provide a copy of the recorded deed restriction to the Township before any building permits would be issued.

Calvin Funderburk departed at 8:10 p.m.

Chairman Roodvoets asked the commission on request of the Supervisor if the commission had a problem with these hearings being done at study sessions. The commission agreed that these should be done only at regular meetings.

MINING ORDINANCE:

Engineering consultant, Cory Mabery stated that commissioners have been presented with copies of the revised mining ordinance and he has had no comments returned on changes in the current draft.

Commissioner Gingell stated that he likes the draft and how it has been split into two levels of compliance. It is also very user friendly.

Chairman Roodvoets stated that he has comments on the insurance portion of the ordinance that he has not yet completed and would like the mining ordinance tabled. He will send his suggested changes into Engineer Mabery before the next meeting.

MASTER PLAN:

Planner Chris McLeod noted that Planning Area #2 has been dispersed at the September meeting for review by commissioners. The master plan does need to move forward. Tabled.

PARK & RECREATION  
COMMITTEE:

Commissioner Rutzen spoke in regards to the park and recreation plan. His committee will get the septic field staked out and also the pavilion area. They will also begin site walking and planning the trail location. Their idea for the trails is to have a handicap accessible trail way, an unpaved walking trail and a third more challenging woodsy rustic walking trail.

Commissioner Gingell stated that an option would be to have a company come in and spray to kill the vegetation and in essence create a dirt trail that is viewable for wetland areas etc prior to having a trail bull dozed and then find it is wetland area.

Commissioner Rutzen will contact wetland specialists to get costs on having a wetland inspection conducted. He also noted that resident and ZBA chairman Leonard Lumley has shared copies of grant applications from the county that he had in his files for examples for planning commissioners to utilize.

Engineer Mabery noted that wetland specialists will consult on if they feel that an area is considered wetlands by the state and if they can regulate the area. If an area is considered wetland, you can cut back but you can't uproot the foliage.

Commissioners questioned planning consultant Chris McLeod on the zoning ordinance, site plans and the necessity of a tree inventory. In essence any tree of a four inch caliper or greater to be removed must be cataloged. Commissioners stated that they wished to work the trails around existing trees and disturb as little as possible. It was also noted that at least three will need to be moved so as to not interfere with the pavilion and playground area.

**MOTION** by Thick support by Gingell to have the recreation sub-committee solicit bids on a wetland analysis; and to spray, mow and stake the trail areas. All commissioners were in agreement.

The vacant parcel of property north of the Township hall was discussed as to the value of the property. No comparables are available to use as there have been no sales in Lapeer Township.

PROPOSED ORDINANCE  
AMENDMENT:

The proposed ordinance amendments were presented as follows by planning consultant Chris McLeod to bring the zoning ordinance into conformance with the new soil removal ordinance.

**Amend Section 1.10 Excavation, Holes and Ponds, as follows:**

**Section 1.10 EXCAVATION, HOLES AND PONDS.**

5. Soils removed to create the pond must remain on the site. In the event that the property owner wishes to sell or transport any excavated material off the site, the applicant shall conform to all applicable requirements of this Ordinance and the Lapeer Township Soil Removal Ordinance.

**Amend Section 8.04 Special Land Uses (within the AE Zoning District), as follows:**

**OPTION #1**

**Section 8.04 Special Land Uses**

2. **Extractive Industry**, such as gravel pits, general sand or soil removal operations, etc. provided such activity can meet the requirements of this Ordinance and the Lapeer Township Soil Removal Ordinance.

*The remainder of the text to be deleted.*

**OR OPTION #2-Preferred Option**

**Section 8.04 Special Land Uses**

2. **Extractive Industry**,

*Delete the section in its entirety and replace with the following:*

**Section 1.40 EXTRACTIVE INDUSTRIES AND GENERAL SAND AND SOIL REMOVAL OPERATIONS**

Extractive industries as regulated by the Township's Soil Removal Ordinance such as gravel pits, general sand or soil removal

operations, etc. may be permitted in any zoning district after special land use approval provided such activity can meet the requirements of this Ordinance and the Lapeer Township Soil Removal Ordinance.

**MOTION** by Thick support by Cady to set the public hearing for the above ordinance text amendments using option 2, along with the previously approved text amendments for section 1.25 Temporary Building and Use for the January 18, 2010 regular planning commission meeting. A vote was taken, Ayes: (7). **MOTION CARRIED.**

2010 MEETING SCHEDULE: The 2010 Planning Commission meeting schedule was reviewed with Chairman Roodvoets protesting the lack of study sessions on the schedule with one meeting being taken with the joint meeting. Commissioners agreed to add a study session on January 4<sup>th</sup>.

**MOTION** by Ewing support by Thick to approve the 2010 Planning Commission meeting schedule as follows:

### 2010 MEETING NOTICE

Pursuant to Public Act 267 of 1976, section 5(1), it has been resolved that the Lapeer Township Planning Commission will establish the following schedule for its regular and study session meetings for the calendar year 2008. The meetings will be held on Mondays at the Lapeer Township Offices and Community Building, 1500 Morris Road, Lapeer, Michigan. The regular meetings will begin at 7:30p.m and the study sessions will begin at 7:00p.m.

	<b>Study Sessions – 7:00 p.m.</b>	<b>Regular Meetings - 7:30 p.m.</b>
January	4	18
February	1	15
March	No meeting	15
April	5 Joint Meeting, Board, PC, ZBA	19
May	No meeting	17
June	7	21
July	No meeting	19
August	2	16
September	No meeting	20
October	4	18

November	No meeting	15
December	No meeting	No meeting

Lapeer Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meetings, to individuals with disabilities who wish to participate; upon five working days notice to the township. Individuals with disabilities requiring auxiliary aids or services should contact Lapeer Township by writing or calling the Lapeer Township Clerk, at 1500 Morris Road, Lapeer, Michigan, 48446 or 810-664-3700.

*A vote was taken, Ayes: (7). **MOTION CARRIED.***

CORRESPONDENCE:

No correspondence was received.

REPORTS:

Commissioner Rutzen reported from the board. He also visited the Newark Aggregate site and reported on composting issues at that site. They are not processing and grinding compost at this site, only storing. He also stated that storage areas were shown on the previous site plan submittal and therefore should be permitted. Planner McLeod stated that compost to sell versus compost to process are definitely different things. The original portrayal of the site was to sell compost. It was also noted that just because they have a state permit to do something does not mean that it is within our zoning ordinance.

The Newark Aggregate & Landscaping Supply site have been good neighbors and easy to work with. If there are complaints made it is a board enforcement issue and will have to be reviewed.

The in home daycare for Terry Collins will be on the November meeting.

ADJOURNMENT:

There being no further business before the Commission,

***MOTION*** by Ewing support by Thick to adjourn meeting at 9:32 p.m. By unanimous consent the meeting was adjourned.

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Ruth Lendt  
Secretary

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Dawn Walker  
Recording Secretary