

LAPEER TOWNSHIP PLANNING COMMISSON
Lapeer Township Hall and Community Building
Monday, April 21, 2008
Regular Meeting
7:30 pm

PRESENT: Chairman Tim Roodvoets, Vice Chairman John Rutzen, Commissioner Phillip Thick, Commissioner Ken Ewing and Commissioner Wayne Zenk.

ABSENT: Secretary Ruth Lendt and Commissioner Fred Green.

OTHERS

PRESENT: Christopher McLeod, Communtiy Planning & Management, P.C.
Leonard Lumley, 1031 Pine Tree Lane, resident
Stephen Estey, Esq., Dykema Gossett, 39577 Woodward Ave.
Bloomfield Hills, MI 48304, representing Landex
Michael Jastifer, 535 Sutton Rd., representing Landex
Meg Thomas, 1745 Imlay City Rd., Lapeer
Judy & Chuck Erkitz, 2840 Metamora Rd.
Colleen Hinz, 210 Michael, Lapeer
Jan Heeser, 2553 Metamora Rd.
Dawn Walker, Lapeer Township Clerk and recording secretary

Chairman Roodvoets called meeting to order at 7:35 p.m.

Roll call followed, a quorum was present.

APPROVAL
OF MINUTES:

Approval of the March 17, 2008 regular meeting and the April 7, 2008 study session minutes were presented for approval.

MOTION by Commissioner Thick to approve the March 17, 2008 regular meeting minutes and the April 7, 2008 study session minutes as presented with no changes, support by Commissioner Zenk. A vote was taken, Ayes: All (5), Two (2) Absent. ***MOTION CARRIED.***

PUBLIC TIME:

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

OLD BUSINESS:

PUBLIC HEARING
ORDINANCE
AMENDMENT:

**Ordinance Amendment, Article 1 General Provisions,
Subsection 1.38 - Pathways:**

Chairman Tim Roodvoets opened the Public Hearing at 7:40 p.m.

Stephen Estes spoke representing Landex in regards to concerns over a pathway possibly being routed along Hunters Creek Rd.

It was noted by Chairman Roodvoets that this was discussed at the March 17th meeting with no objections from Landex at that time.

Jan Heeser asked the Commissioners why residents are not personally notified, and stated that she is opposed.

Chuck Erkfitz stated that he moved out here from Detroit to have no sidewalks and he is opposed. The planning commissioners do not need to plan for residents.

Colleen Hinz stated that notice in the paper is not enough and this is not what she moved out here for. She also noted her opposition to walking past a gun range. An eight foot bike path would be a detriment to our society.

Commissioner Roodvoets voiced that the majority of the pathway envisioned is actually a widening of the road to allow for a safer walking and bike riding route for residents.

Lapeer Township planner Christopher McLeod explained that the concept of pathways is merely eight foot extensions of the width of the roadway and not an encroachment upon property owners. Ideally they would be constructed within the planned road right of way.

Judy Erkfitz stated that she is opposed to a pathway plan along Metamora road.

Commissioner Rutzen stated that the Planning Commission is responsible for the health, safety and welfare of all Township residents and it would be safer to widen the road for pedestrians. Commissioner Rutzen also stated that we are not fighting a battle, we are developing a plan.

Judy and Chuck Erkfitz, Colleen Hinz and Jan Heeser departed at 8:20 p.m.

Stephen Estes representing Landex noted that if approved as outlined they intend to appear before the DNR to oppose. He also noted that they would like to be a corporate supporter of the plan.

Commissioner Thick stated that this is the case as long as a path goes somewhere else.

Commissioner Zenk stated that Landex has come across as threatening.

Planner Christopher McLeod asked Mr. Estes what they would be attending a meeting to oppose as the Park, Recreation and Open Space plan has already been approved by the State of Michigan. Additionally the Township did not request and grant money from the State.

Stephen Estes noted that if this ordinance is approved, it could force Landex into constructing pathways along all borders if they wished to simply add a new building at the site.

Commissioner Rutzen asked what impact a large residential development across from Landex would do and what if any opposition would they take for something of that nature?

Stephen Estes stated that the Landex property activity warrants further study.

MOTION by commissioner Ewing to table the public hearing and leave it open until the May 19, 2008 meeting. Support by Commissioner Thick. A vote was taken, Ayes: Four (4), Nay: One (1) Zenk, Absent: Two (2). ***MOTION CARRIED.***

PUBLIC HEARING
2008-001
LITTLE FRIENDS:

Little Friends Childcare Center, Special Land Use, #2008-001

Owner Margaret Thomas of Little Friends Childcare Center appeared before the planning commission to request a special land use for her childcare center located at 1745 Imlay City Road, Lapeer Township.

She stated that she is licensed for up to thirty (30) children from birth to five (5) years old. She has eleven (11) members in her staff and is open Monday through Friday from 6:00 am until 7:00 pm. She has complied with all state requirements and the Lapeer County health department.

Lapeer Janitorial and the Home Builders Association also occupy the site.

Commissioners noted that the property is zoned C2 – for a much denser use than what it is being used for. This would include eating and drinking establishments even though it is not currently being used for this purpose.

Further discussion took place amongst the commissioners regarding the well and septic, square footage of play yard and the difference between the State and our local requirement.

The applicant was notified that she would need to go before the zoning board of appeals to request two variances: one for the setback of the play area and the second for the size of the play area.

The applicant noted that they drink and cook with bottled water at the facility and that the State came and checked the septic and water before she could open the facility.

Chairman Tim Roodvoets opened the public hearing at 9:17 p.m.

Leonard Lumley spoke in reference to the child care center and stated that he believes that the septic tank is under the parking lot and they only have a holding tank. He also feels that a daycare does not belong in the area.

The public hearing was closed at 9:20 p.m.

The applicant stated that she has been in operation for approximately two years. She is worried that she will have to close her center. She is involved in community service and has never had a problem with her

neighbors. She found out from Construction Code Authority after she had started the process of beginning the daycare at that location that she needed to follow Lapeer Township ordinances.

Commissioner Rutzen stated that it was not the intent to put the applicant out of business but to enforce the ordinance. You chose to open the business without going through the proper channels.

Planner McLeod stated that according to the mortgage survey and other supplied data, there are discrepancies regarding the proximity of the play area to the parking lot. There also lacks any designation of landscaping on the site plan.

Commissioners asked the applicant, "What drew you to the current location?"

The setback and size is the biggest issue. The commercial zoning is not good but because of the particular location it is not necessarily bad either.

Commissioner Zenk has reservations because of the potential for other commercial and residential neighbors in the future.

MOTION by Thick, support by Ewing to table for up to ninety (90) days to allow the applicant to appear before the Zoning Board of Appeals to obtain her zoning variances. A roll call vote was taken. Thick: Aye; Ewing: Aye; Rutzen: Aye; Zenk: Aye; Roodvoets: Aye. Ayes: Five (5), Nays: None, Absent: Two (2). **MOTION CARRIED.**

Discussion followed regarding the enforcement of zoning ordinances.

PLANNING COMMISSION
BYLAW AMENDMENT:

By Laws were presented with amendments as discussed at the study session of April 7, 2008.

MOTION by Ewing, support by Thick to approve the bylaws as presented. A roll call vote was taken. Ewing: Aye; Thick: Aye; Roodvoets: Aye; Zenk: Aye; Rutzen: Aye. Ayes: Five (5), Nays: None, Absent: Two (2). **MOTION CARRIED.**

OTHER BUSINESS:

None.

REPORTS:

Board report given by Commissioner Rutzen.

ADJOURNMENT:

There being no further business before the commission,

MOTION by Rutzen to adjourn meeting at 10:18 p.m. support by Zenk. By unanimous consent the meeting was adjourned.

Ruth Lendt
Secretary

Dawn M. Walker
Recording Secretary