

**LAPEER TOWNSHIP PLANNING COMMISSON**  
Lapeer Township Hall and Community Building  
Monday, May 19, 2008  
Regular Meeting  
7:30 pm

PRESENT: Chairman Tim Roodvoets, Vice Chairman John Rutzen, Secretary Ruth Lendt, Commissioner Phillip Thick, Commissioner Ken Ewing and Commissioner Fred Green.

ABSENT: Commissioner Wayne Zenk.

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, 357 Sutton Rd., representing Landex  
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:

Approval of the April 21, 2008 regular meeting minutes were presented for approval.

***MOTION*** by Commissioner Thick to approve the April 21, 2008 regular meeting minutes as presented with no changes, support by Commissioner Lendt. A vote was taken, Ayes: All (6), absent: One (1).  
***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: Reconvened from April**

The third draft of the pathway ordinance was presented as follows:

***Amend ARTICLE 1 GENERAL PROVISIONS, by adding a  
new Subsection 1.38, to read as follows:***

***Section 1.38 PATHWAYS***

*For all developments requiring a site plan, special land use, or  
planned unit development approval, an eight (8') foot improved  
pathway adjacent to or an extension of the roadway shall be*

*required. The pathway shall be installed across the frontage of all properties abutting the following roadways (see adopted Township Recreation Plan for pathway requirements); M-24, Metamora, Morris, Newark, Hunters Creek, Higley, Clark, Peppermill, Maple Grove. The pathway shall be constructed in compliance with the Township Engineer Standards or other acceptable design standards as approved by the Township Engineer. The Planning Commission may alter the above provisions for pathways when an acceptable more imaginative interior solution is provided or is alternative locations have been identified by the Township. The Commission may either defer or outright waive the requirement for pathways upon the determination that pathways are not desirable at the time of site plan approval, based on a lack of connectivity, extreme topographic conditions, other environmental constraints or based on the size and scope of the proposed project which triggers site plan, special land use, or planned unit development review. If pathways are deferred, the Township may require a financial security or other acceptable legal document to ensure the completion of the pathway at the time when such is appropriate.*

Chairman Tim Roodvoets reconvened the Public Hearing from April 21, 2008.

Lapeer Township Planner Christopher McLeod reviewed and discussed the differences between the third draft, dated April 22, 2008, Section 1.38 Pathways supplied by Community Planning and Management and the second draft dated March 14, 2008 supplied by Landex.

Discussion amongst the commissioners commenced regarding the language on improved pathway versus stipulating asphalt or concrete pathways. Also, that the procedure for moving out of the road right of way would require permission from the individual property owners to grant easements. Suggestions by commissioners to clarify the ordinance by it stating: within the road right-of-way.

Comments received from Stephen Estey stating that Landex still opposed any pathway down Sutton or Hunters Creek roads, the ordinance language was vague and confusing and he also felt that the ordinance should not deviate from the route of the recreation plan. He also felt that it was wrong for an ordinance to reference a plan (recreation plan), an ordinance should give definitive information that does not cause confusion.

Commissioners Green and Thick both spoke in reference to the thought that it was not feasible at this point in time to spend money to engineer a concept plan (referring to the Park, Recreation and Open Space Plan). It makes much more sense to allow flexibility for changing scenarios.

Planner McLeod stated that pathways should be applicable to all sides of the road. Communities adopt pathway plans all of the time and they frequently reference other plans.

Commissioners asked about a site map, or appendix that could be attached to the ordinance. Christopher McLeod stated that this would

force the recreation plan and the ordinance to be updated every five years regardless.

Commissioner Rutzen voiced concerns about how specific the ordinance was becoming. If the ordinance references the Park & Recreation plan should there be any roads referenced at all in the ordinance? Discussion followed about removing Hunters Creek road and also removing all of the roads from the ordinance.

Commissioner Lendt suggested using the roads that are known for sure to tie into other communities and to defer the others when there are more known factors from adjacent communities.

Clerk Walker asked, "Can you require pathways on the named roadways only, and can you require an easement rather than require a pathway?"

Commissioner McLeod explained the legislation differences between the recreation plan and the ordinance. The recreation plan has to be updated every five years and this requires a public hearing. A recreation plan may or may not affect you; it is a long term planning tool. An ordinance will / can impact you and can have immediate ramifications.

Commissioner Ewing suggested that the ordinances reference to the Recreation plan have an adoption date included.

Stephen Estey stated that even if the Township was given a grant for a pathway project, bypassing the financial burden there is still the safety issues related to the Landex property.

Michael Jastifer spoke regarding his background in municipal government and what he has seen evolve in the past. He hopes to see in the future everyone throughout Lapeer County join together to develop a joint recreation plan for the community. His emphases that any walkways along the Landex property at Sutton or Hunters Creek roads are a safety issue because of the attractive nuisance it creates. He stated that in the next dozen years they have no plans on changing the use of the property. Currently they have not only the hunt club but management trainings. There are concerns that there is a very old building from approximately 1908, what would the consequences of removal and replacement of this building trigger? Any changes to go green tech would also trigger the proposed ordinance.

Commissioner Green questioned the implication on public safety that has now been iterated by Landex representatives several times. What is the difference between walking down the road currently or if an extension of the road right-of-way is added?

Commissioner Roodvoets stated that if there is a safety problem on the North side of Hunters Creek road, it is an existing safety issue. A pathway provision will not exasperate an existing public safety issue.

Michael Jastifer stated that this is only an attractive nuisance only. The ordinance does not specify which side of the road a pathway plan would utilize.

Commissioners Thick and Roodvoets stated that Hunters Creek road is the most logical place to have a pathway joining adjacent communities from west to east. Although they don't believe that it will be done within the next five years.

Commissioner Roodvoets closed the public hearing at 9:05 p.m.

Commissioner Rutzen stated that he is not sure why any roadways need to be built into the ordinance to begin with. His suggestion is to remove the roadways and have it reviewed by the Township attorney for an opinion.

Commissioners stressed that the best choice in a pathway moving from west to east within the Township is Hunters Creek Road. Commissioners discussed to take the current draft of the pathway ordinance and remove the mention of specific roads, add a section to clarify road right-of-way and reference the adoption date of the recreation plan.

**MOTION** by commissioner Green support by Ewing to change the draft proposed ordinance amendment, section 1.38 pathways by: adding the reference of the adoption date of the recreation plan, further clarify by changing verbage to read road right-of-way, and remove the reference to any specific roads in the draft. A roll call vote was taken. Green: Aye; Ewing: Aye; Lendt: Aye; Thick: Aye; Roodvoets: Aye; Rutzen: Aye. Ayes: Six (6), Nays: None, Absent: One (1). **MOTION CARRIED.**

2006-06  
CHURCH OF THE NAZARENE:

**Lapeer Church of the Nazarene:**

Planner Christopher McLeod presented a letter to commissioners dated May 16, 2008 stating that the applicants have provided revised plans that meet the intent of the conditions of their approval from February 2007. A notation was made by commissioners that page 10A of the resubmittal reflected that the site is in Genesee County, this is incorrect, it should have reflected Lapeer County.

PLANNING COMMISSION  
ANNEXATION COMMITTEE:

A committee was approved for formation by the Lapeer Township board to consist of the Lapeer Township Clerk Dawn Walker, the Planner Christopher McLeod and a member of the planning commission. This committee will discuss with the City of Lapeer Planner Linda Jackman the areas that encompass the annexation by choice property. It was agreed by the commissioners to have Phil Thick work on this as the representative from the planning commission.

OTHER BUSINESS:

None.

REPORTS:

Board report given by Commissioner Rutzen. Fred Green discussed electronic billboards which is currently being discussed at the County Planning level.

Brief discussion on the PUD and zoning enforcement were mentioned.

ADJOURNMENT:

There being no further business before the commission,

**MOTION** by Rutzen support by Ewing to adjourn meeting at 9:40 p.m. By unanimous consent the meeting was adjourned.

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Ruth Lendt  
Secretary

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Dawn M. Walker  
Recording Secretary