



## **Township of Lapeer Planning Commission**

### **Lapeer County, Michigan**

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#### Members:

Tim Roodvoets, Chair  
Fred Green, Vice-Chair  
Deborah Cady, Secretary  
Phillip Thick  
Daniel Gingell  
Tom Benton  
Michael Oyster

February 19, 2018

Present: Chairman Tim Roodvoets, Vice Chairman Fred Green, Secretary Deborah Cady, Commissioners Dan Gingell, Phil Thick, Tom Benton and Michael Oyster

Absent: none

Others: James L. and Sandra Williams, 2455 Imlay City Road  
Iden Kalabat, 31333 Southfield Rd., Beverly Hills, MI  
Casey Carpenter, 2403 Imlay City Road  
Al & Rhonda Hall, 185 Michael Road  
Roy & Sheila Sexton, 1730 S. Lapeer Road  
Dean Dennis, 1765 S. Lapeer Road  
Jody Steward, 885 Lake Forest Drive  
Terry Swailes, 1817 S. Lapeer Road  
Victory Custom Trailers, 3549 S. Lapeer Road  
Kathy Craven, 1752 Clark Road  
Cassidy Rebe, 1774 Clard Road  
Becky & Don Ziemianski, 3175 Farnbrook Lane, Metamora  
Dawn & David Peskey, 1070 West Sutton Road  
Scott Jarvis, Township Supervisor  
Lapeer Township Planning Consultant, Douglas Piggott of Rowe Professional Services Co.  
Lapeer Township Engineering Consultant, Cory Mabery of Davis Land Surveying & Engineering

Sue Bader, 1184 W. Sutton Road  
Alexis Blackley, 1242 W. Sutton Road  
Tim Bogert, 115 Michael Road  
Richard & Sharon Detkowski, 1097 W. Sutton  
Joseph Munem representing GFL Environmental  
Robert Boyd, 210 Michael Road  
Kahtan Shango, 2602 Imlay City Road  
Raymond & Jan Ferland, 1079 W. Sutton Road  
Betty Johnson, 519 N. Wilder Road  
Charles Wright, 2823 Imlay City Road  
Mary Stanley, 2494 Imlay City Road  
George Boustead, 1168 W. Sutton Road  
Lapeer Township legal counsel, Michael Gildner  
Dawn M. Walker, Township Clerk & recording secretary

Chairman T. Roodvoets called the meeting to order at 7:05 p.m.

Everyone stood for the Pledge of Allegiance. T. Roodvoets stated to let the minutes reflect the roll, a quorum was present.

#### **Public Time:**

Chairman T. Roodvoets opened the meeting for public time making note to all persons present that just prior to the start of the meeting; GFL Environmental withdrew their application for site plan review/special land use. Public time will be given again at the end of the meeting. Hearing no one speak public time was closed.

#### **Agenda**

##### **Approval of Minutes:**

The January 15, 2018 planning commission minutes were presented for approval.

**Motion by Commissioner D. Gingell, seconded by Commissioner P. Thick to approve the planning commission meeting minutes of January 15, 2018 as presented. Motion carried.**

#### **New Business:**

##### **2018-001 K. Shango, Special Land Use/Site Plan Review – Parcels 44-012-200-096-00, 44-012-200-098-00 & 44-012-200-099-00**

T. Roodvoets asked the applicant to give a brief narrative in regards to his proposed site. Iden Kalabat representing the applicant began by stating that there is an existing store "Slaterville Market". He is proposing the addition of fuel pumps a drive through end cap and public storage units to be located at the northwest corner of Imlay City and Wilder Roads. The parcels proposed to be

developed approximately 4.86 acres in size. Because the size is less than 5 acres it is felt that no development impact statement needs to be completed. He is aware that the proposed site is lacking information on storm water management and water detention. A meeting with the Lapeer County Health Department has been held and borings completed at the site show that the soils seem to be good for development purposes. A report is forthcoming. Road Commission approval still needs to be completed and there are setback variances to be had. With the surrounding residential neighborhood there are larger setbacks that need screening for a commercial site.

Chairman T. Roodvoets stated that a preliminary review is completed by the planning commission and at that point it is usually recommended that the applicant determine what variances if any are needed and obtain them next before resubmitting a site plan for the development to the planning commission.

D. Piggott then began his review of the site dated February 7, 2018. This included an analysis of informational requirements and zoning compliance deficiencies. The property is currently zoned C-1 Local Business. The majority of the surrounding property is zoned R-1B Single Family Residential. The C-1 District allows retail establishments as a use by right; with the gas station, drive thru and mini warehouses requiring a special land use.

Further information items that are lacking include but are not limited to the following:

- Narrative is lacking hours of operation, number of employees etc.
- Sheets missing on utility plan, lighting and photometric plan and topography.
- Parking spaces information, site circulation pattern with traffic flow arrows and fire lanes.
- Landscaping, greenbelt and screening.
- Trash receptacles.
- Site lighting details.
- Soil boring locations and a summary report.

Zoning compliance items include but are not limited to the following:

- Outdoor merchandising needs addressed and shown on the site plan.
- Appearance, exterior facades of all buildings.
- There is not enough detail in regards to the trash enclosure to determine if it meets the requirement.
- Off street parking and access management and control standards.
- Screening and landscaping requirements are not adequate by the zoning ordinance standards.
- Outdoor lighting is deficient.
- No signage information provided.
- No building details for height requirement.
- Mini warehouses have a 50% lot coverage requirement.
- Section 3.05.4c; a potential variance for the driveway requirement of 250' from the intersection of roads. The plan is not clear.

D. Piggott continued that for clarification, the site is not regular in that it has two front and two rear yards with no side yards because of the layout at the intersection. Also, the ordinance requires a hard surface parking lot not gravel and no building can exceed 5,000 square feet.

Engineering Consultant C. Mabery stated that his review was limited in nature because of the anticipated changes. Most items at this point of the review involve and are planning related. The applicant did meet with me and it is noted that this is not a detailed submittal. More specifics are needed on the septic system and storm water detention along with the driveway.

T. Roodvoets opened the public hearing at 7:28 p.m.

B. Johnson stated that her property abuts the proposed development directly. She is not against the development, but doesn't want to view a business such as this every day.

The planner discussed proposed fencing along the north property line along with vegetative screening.

C. Carpenter asked where he could see the plans.  
J. Williams is opposed to the development; he has lived in the area since 1970.

The public hearing was closed at 7:33 pm.

C. Mabery noted for the commission and the public that privacy fencing is proposed on the west side of the property as well.

T. Roodvoets asked for questions from the commission.

D. Cady inquired if a feasibility study had been done.

T. Benton questioned the water run-off from all of the roofs, where will it go and can it be handled adequately. He also noted that there is a cross culvert at the site in front not really a ditch, will this cause problems? Run-off to the neighbors would be a concern. Is there a need for a turn lane on Wilder Road?

C. Mabery noted that details on the ditch/cross culvert will have to be provided. He added that a property owner has to prevent water from going to someone else's site as well as you can't obstruct water from flowing to yours. The road commission will have requirements for turn lanes, because the site is preliminary, no detail is provided as of yet.

T. Benton asked if outdoor merchandising include ice machines and lp gas sales? D. Piggott responding that outdoor merchandising usually refers to items that are not permanent and that he will check the zoning ordinance for clarification. These temporary sale areas should be shown on the site plan.

P. Thick if there is too much difficulty in meeting the required setbacks are you willing to reduce storage units?

I. Kalabat stated that reducing the storage units does not have an impact on the setbacks. The site is unique in that it has 100' setbacks in all directions because of its location. The site is surrounded by residential zoning that creates a greater setback than if it was surrounded by additional commercial properties.

D. Piggott stated for clarification that with this C-1 zoned site there exists two front yard setbacks and two rear yard setbacks. The 200' requirement exists only because of the drive thru business model that is proposed. This business model requires that vehicular access areas are 200' from a residential district (Section 13.05 SLU). Removing the drive thru would eliminate the 200' setback from the residential district.

Chairman T. Roodvoets noted that over the years this area has been designated to commercial development and yet it is very difficult because of the surrounding residential areas and size of the parcels. He suggested that to move forward the commission outline any variances that may be needed to be obtained or addressed differently so that a variance is not needed.

Potential variances include:

- 3.05.4b Access Management. The driveway radii needs to encompass the property only and seems to be partially located in the right of way.
- 3.05.4.f prohibits more than one driveway unless there is more than 300 feet of continuous frontage. The applicant feels that they meet this requirement.
- 13.01 Minimum yard requirement. The building and parking setbacks are not met. The rear yard setbacks for the location of the storage units do not meet the 25' requirement.
- 13.05 The applicant is proposing a drive thru venue; this requires a 200' setback from residential districts.
- 13.05 Only 50% lot coverage is allowed for storage units. Maybe when the buildings are broken up so that each building is not larger than 5,000 sf this will take care of itself. New design and calculations are needed.

Chairman T. Roodvoets stated that they still need to obtain permits from the health department and the road commission and supply these to the township. He entertained conversation in regards to the completion of a traffic study. Further discussion continued with advice from the consultants.

P. Thick noted that fire department approval is needed as well.

It was decided that a low impact study be done, addressing some estimates on the projected customer base and how much of an increase in traffic volume can be anticipated turning in and out of the site.

D. Cady inquired if they would advertise the site on I-69.

I. Kalabat stated that the intent is not to pull trucks off of the freeway, but to service local trucks already in the area. The site only has two bays that will serve large trucks.

Discussion continued on the time frame for resubmittal.

***Motion by Commissioner P. Thick, seconded by Commissioner M. Oyster to postpone SLU/SPR 2018-001 for up to ninety days to allow the applicant enough time to obtain any needed variances prior to resubmittal to the planning commission. Motion carried.***

The applicants and some others departed the meeting at 8:05 pm.

**2018-002 Victory Custom Trailers, Rezoning – Parcel 44-012-032-019-30 & 44-012-**

The applicant Chris Hettinger addressed the planning commission stating that he owns the trailer dealership in Metamora for approximately six years now and for the second time has outgrown his location. He has a purchase agreement on the parcels above. The sellers have advertised the property as commercial property. After doing some investigation himself he found this to be incorrect and started moving forward to rezone the property to be zoned as he needs for his business.

D. Piggott began his analysis dated February 13, 2018. The property is north of Sutton Road on the west side of M-24 and currently is zoned AE, Agricultural Estate. The request is to rezone the property to M-1 Light Industrial. The applicant's submittal indicates a use of trailer sales and trailer/RV repair. They are proposing to build a 15,000 square foot building to house the operation, but there is no indication that they are proposing a rezoning request that would limit the parcel to that use in the application. To consider a rezoning the planning commission must look at several factors: is it in compliance with the master plan. Is there a mistake in the master plan? Is there a change in conditions? And, finally is there a change in policy. He reviewed all of these points in discussion with the planning commissioners as presented in his analysis dated February 13, 2018.

D. Piggott continued that there is commercial zoning less than one mile away. The township master plan is of the adage that development is to be kept around the interchange. The old Mirror Market vacant site is zoned commercial. The request for rezoning is for M-1 Light Industrial.

Chairman, T. Roodvoets opened the public hearing at 8:14 p.m.

D. Peskey addressed the commission stating that she is an adjacent property owner. While she is sympathetic and glad that this business is growing, there is all AE residential zoning surrounding the site and doesn't feel that rezoning to light industrial is feasible.

G. Boustead stated that he has recently purchased 73 acres to the immediate west of the site and did so because of the residential zoning of the area. He also does not feel that a rezoning is proper for the area.

S. Detkowski stated that she agrees this is a residential area and doesn't want to see a commercial development out her window, this is not the right area.

J. Ferland agrees with the above statements, this is not proper for a rezoning.

The public hearing was closed at 8:17 pm.

Commissioner F. Green discussed that to rezone this prior to any review and rewrite of the master plan would be spot zoning. There currently is no other property in the immediate area that is a feasible choice to rezone along with this parcel. And, the jump to rezone from AE, Agricultural Estate to M-1, Light Industrial is a tremendous jump in zoning designations.

Commissioner D. Gingell agreed that the M-1 zoning designation is to intense for the area.

Chairman T. Roodvoets stated that the applicant for his proposed use need M-1 Zoning. If you do a review of the zoning districts, this is one of the most intense uses in our zoning districts. The permitted uses in this area are very intense.

Hanna stated that she is the business manager for Victory Custom Trailers and their intent is to stay at the site and grow the business. There is no intent to sell to someone else.

T. Roodvoets stated that it is not a guarantee for 15 or 20 years from now. A rezoning is pretty permanent and sets the stage for the area.

P. Thick stated that just to the south in Metamora Township are some commercial properties for sale.

C. Hettiger stated that the size of the parcel fits the need. With the visibility and speed of travelers along the M-24 road way, this location is very visible in comparison with other parcels in the area.

D. Piggott stated to the commission that although this parcel is zoned AE, Agricultural Estate; there are some non-residential uses that can move into the site. He wants to make sure that the public in attendance knows that AE, Agricultural Estate zoning district is not limited to residential uses.

***Motion by Commissioner D. Gingell, seconded by Commissioner F. Green to recommend to the Township board that the planning commission recommends denial of the rezoning as requested due to the fact that the request would be spot zoning, it is inconsistent with the master plan, there are no mistakes in the master plan, there is no change in policy or conditions.***

***A roll call vote was taken.***

***Yes: D. Gingell, F. Green, P. Thick, D. Cady, M. Oyster, T. Benton, T. Roodvoets  
Motion carried.***

Members of the public departed at 8:29 p.m.

***Old Business:***

**2017-001 GFL Environmental, Soil Removal Permit/SLU revision**

T. Roodvoets requested that Lapeer Township Attorney, Michael Gildner address the planning commission in regards to the withdrawal of the application under the soil removal permit by applicant GFL Environmental.

M. Gildner stated that the applicant's, GFL Environmental as of this evening have withdrawn their application for special land use under the Soil Removal Permit, Ordinance 5. History up to this point is that the company on Thursday afternoon (February 15) requested that the review be postponed and removed from the February 19, 2018 agenda. This request was denied at which point they subsequently decided to withdraw the application. Planning Commissioners inquired on what the next steps for them were. M. Gildner stated that enforcement and/or enforcement action is for the township board, not the planning commission. Commissioners continued to question on action to be taken. M. Gildner replying that he is reluctant to respond at a public forum; but basically the township board could have him write a letter to cease and desist, he could be asked to file paperwork in court to obtain a restraining order or could open discussion and/or correspondence on their intentions for resubmittal.

Commissioner P. Thick stated that GFL have continued to expand the operation even with complaints and the fact they do not have an approved plan. It is hard to continue to see them move forward with operations knowing they have no approval.

Commissioner D. Gingell stated that he stopped in and again the piles are continuing to grow and grow. The windrows are at least twenty feet high. T. Benton also commented on the piles of compost. Chairman T. Roodvoets commented that he has read the withdraw letter and basically doesn't understand this action. The review was complete and they had all of Friday to look at the analysis. P. Thick commented that when an agenda is released and GFL is on it, it will draw a crowd.

Chairman T. Roodvoets opened a second public time for comment at 9:15p.m.

D. Dennis thanked the commission for listening. But there is still no short term solution to the problem. The operation is operating well above the previous 25 acre allowance. They are in violation of the required hours of operation, number of trucks, and amount of product. In the short term it needs to stop.

T. Roodvoets stated that the planning commission is not an enforcement authority; enforcement must go through the township board. P. Thick is the board member representative that sits on the planning commission.

A. Hall spoke next, he lives on Michael Road, the north end of the pit. He presented a letter with pictures to the commissioners in regards to the scope of the operation. He then proceeded to recap verbally, his written letter. In short points of discussion included the ability to stop the operation, lack of site required buffers, and lack of action to prevent the operation from moving forward, nuisance of flies at all times of the year and questions on cubic footage of piles. There have been tree hunting stands on neighbor's property that have been taken by the GFL employees and they will not return them.

D. Dennis again spoke noting that he has pictures taken from his neighbor's property that he's posted on Lapeer Topics. These pictures show the huge piles of compost on the site many in very close proximity to the water ways.

S. Sexton stated that she lives on S. Lapeer Road just south of Briar Hill Road. She never knew about this until she got a postcard from GFL. She can smell the compost at her home and is shocked how far the smell travels.

K. Craven stated that she is not going away. She is sick of the smell; she is tired of looking at the piles. It even stinks in the winter. GFL has admitted there is over 25 acres up to 48 acres and now they want 78 acres of compost. They have a legal permit for dog training at her home and people come to work dogs and they can't stand the smell. She was the only person at the October meeting that stayed to listen to what is going on at the site. So far, not one offers a solution. Their business continues to expand. It has been over four months and things are still stinky. She started discussion on how much money it would cost to clean it up.

A. Hall spoke inquiring about a private meeting between the township supervisor, planning commissioner chairman, and GFL. Conversation shifted toward the township having legal counsel and use by residents of this counsel. He stated that with the magnitude of the site plan, all meetings should be open to the public.

M. Gildner, Attorney for Lapeer Township stated that he represents and works for the township board. He does not take private resident calls on behalf of the township. He continued that the township board has a representative on the planning commission.

R. Boyd stated that he is a disabled veteran. He has partial lung capacity. He and his wife winter over in Florida but spend the summers here in Michigan. His wife also has health issues (CRPD lung patient). Neither one of them can go outdoors in the summer because of the smell. He is ready to find resolution going with federal statute. I'm not giving my life up because of a garbage man.

G. Boustead stated that it doesn't matter what you say, or how many pictures you take. The only thing that matters is what you can prove. So everyone needs to document everything meticulously.

Commissioner M. Oyster asked if there was a representative from GFL in the audience.

J. Munem stated that they submitted a withdrawal prior to the board meeting and that he had nothing more to say.

Commissioner F. Green clarified that GFL withdrew the whole application.

***Other Business:***

**2017 Planning Commission Annual Report**

The annual report was presented for approval.

**Motion by D. Cady, seconded by D. Gingell to approve the 2017 Planning Commission Annual Report and to forward to the Township Board. Motion carried.**

**Correspondence:** None.

**Reports:**

P. Thick gave the Lapeer Township Board report speaking in regards to approval of zoning ordinance changes, traffic signal work at Turrill Road at M-24, new police officers and uniforms.

**Upcoming PC work:** #2017-002 DMK Investments/Jarvis Restorations, site plan review  
#2018-003 Portable Toilet Rental SPR  
Master Plan kickoff

**Announcements:** Board Meeting – Monday, March 12, 2018 - 8:30 A.M.

**Adjournment:** *Motion by D. Gingell, seconded by F. Green to adjourn the meeting. Meeting adjourned at 9:17 P.M.*

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Deborah Cady  
Planning Commission Secretary

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Dawn M. Walker, CMC  
Lapeer Township Clerk and Recording Secretary