

**MINUTES OF A REGULAR MEETING
OF THE
LAPEER CITY COMMISSION**

January 3, 2007

A regular meeting of the Lapeer City Commission was held on January 3, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Turkelson, Marquardt, Robinet, Farrington, and Ogden.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

1 2007 01-03

Moved by Turkelson. Seconded by Robinet.
To approve the Agenda for January 3, 2007 as presented.
MOTION CARRIED.

MINUTES

2 2007 01-03

Moved by Robinet. Seconded by Marquardt.
To approve the minutes of the Regular Meeting held on December 18, 2006 as presented.
MOTION CARRIED.

Minutes from Various Boards and Commissions received through December 28, 2006 were received into record.

CONSENT AGENDA

3 2007 01-03

Moved by Robinet. Seconded by Turkelson.
To approve the Consent Agenda for January 3, 2007 resulting in the following:

1. Approval of the Budget Adjustment for Cemetery Debt Payment.
2. Approval of the Budget Adjustment for Major Street Special Assessment for District 2001-02 Saginaw Street in the amount of \$410.
3. Approval of Payment Request #5 to O'Laughlin Construction Company in the amount of \$4,570 for the Flow Meter Construction Project.
4. Approval of Payment Request #4 to A.W. Excavating, Inc. in the amount of \$138,914.02 for the 2005 Capital Improvement Program.

MOTION CARRIED.

BILL LISTING FOR JANUARY 3, 2007

4 2007 01-03

Moved by Robinet. Seconded by Marquardt.
To approve the Bill Listing for January 3, 2007 in the amount of \$1,009,293.48.
MOTION CARRIED.

PUBLIC COMMENTS

Director of Planning Linda Jackman introduced Brian Sanada as the Planning Administrator.

Police Chief Todd Alexander introduced D/Lt. Mitch Krugielki with the Flint Area Narcotics Group and D/Lt. Mark Opra with the Thumb Narcotics Unit.

D/Lt. Mark Opra commented on the jurisdictional territories covered by TNU, provided statistical information, and the enjoyable working relationship and support with Lapeer City.

D/Lt. Mitch Krugielki commented on the multi-jurisdictional territories, state budget issues, Lapeer City and Lapeer County support, the re-evaluation of staffing, and funding from municipalities.

Discussion was held regarding the replacement of Mr. Warner, organizational staffing, Sheriff's department assignment/reassignment of personnel, jurisdiction use and support, mandatory training, use of the agencies, the assignment of personnel to support TNU or FANG, working relationships, sharing of information between counties, and the use of services provided by TNU and FANG.

Len Schneider, Lapeer County Representative, commented on county issues, the Sheriff's department involvement with TNU, that he has expressed concerns and has recommended support to these agencies, that revenues and resources are getting cut, that the Sheriff's department is reviewing consolidation, cooperation, and resources from other agencies and that this should be viewed as a temporary situation, that the County Commission has not been advised of a permanent change, that in the event of a change the county and city would work together, that he will monitor these concerns closely, and to look at changes as a temporary measure by the Sheriff's department.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Chapter 4 (Solid Waste Collection & Disposal Ordinance)

5 2007 01-03

Moved by Robinet. Seconded by Turkelson

To adopt the proposed amendment to Chapter 4 (Solid Waste Collection & Disposal Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 4 SOLID WASTE COLLECTION & DISPOSAL ORDINANCE

4.01 DEFINITIONS.

The definition of open burning is hereby changed to read as follows: The burning of materials wherein products of combustion are emitted directly into ambient air. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

4.21 Open Burning Prohibited.

No persons shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire code official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any materials made of or coated

with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exception: The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

ON A ROLL CALL VOTE:

AYES: Commissioners Ogden, Farrington, Robinet, Marquardt, and Turkelson.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 4 ADOPTED.

Chapter 18 (Fire Code Ordinance)

6 2007 01-03

Moved by Marquardt. Seconded by Robinet.

To adopt the proposed amendment to Chapter 18 (Fire Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 18 FIRE CODE ORDINANCE

18.01 Adoption by Reference.

There is hereby adopted by reference, pursuant to the provisions of Act 279 of Michigan Public Acts of 1909, as amended, the International Fire Code, 2006 Edition, copyrighted in 2006, promulgated and adopted by the International Code Council, of 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.

18.02 Purpose.

Unchanged.

18.03 Availability of Code.

Unchanged.

18.04 References in Code.

Unchanged.

18.05 Changes in Code. The following subsections are modified or deleted as follows:

(A) - (D) Unchanged.

(E) 105.6.30 An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and requirements of the permit shall be strictly followed.

(F) 110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section. The owner, occupant, or person in possession or control shall immediately comply with such notice or order, including the

payment of any fees or obtaining any permits from applicable departments or agencies for any of the repairs, alterations, remodeling, removing or demolition required.

- (G) 111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$500. Each day a violation occurs shall be a separate offense.
- (H) 302.1 Definitions. The following words and terms shall, for purposes of this chapter and as used elsewhere in this code, have the meaning shown herein.

Bonfire, hi-boy, powered industrial truck, and recreational fire - all unchanged.

Open burning. The burning of materials wherein products of combustion are emitted directly into the ambient air. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

- (I) 307.1.1 Prohibited Open Burning. No persons shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire code official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any materials made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exception: The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

- (J) 307.4.1 and 307.4.2 are hereby deleted.
- (K) 307.5 Attendance. Authorized, open burning fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- (L) 503.3 Marking. All fire apparatus access roads shall be conspicuously posted with uniform (No Parking-Fire Lane) signs in keeping with the standard established in the Michigan Manual of Traffic Control Devices, as revised, and as prescribed by the Fire Code Official and erected on both sides of the fire apparatus access roads. Signs shall be erected no farther than 100 feet apart in all areas designated as fire apparatus access roads. Signs shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.
- (M) 504.1 Required Access.

1. Exterior doors and openings required by this code or the Michigan Building Codes shall be maintained readily

accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access road to exterior openings shall be provided when required by the fire code official.

2. Each tenant space provided with a secondary exit to the exterior or exit corridor shall be provided with tenant identification by business name and/or address. Letters and numbers shall be posted on the corridor/exterior side of the door, be plainly legible, and shall contrast with their background.
3. All required rescue windows shall be accessible by a 35 foot ground extension ladder placed so that the inclination of the ladder does not exceed 70°. An area of discharge, 36 inches in all directions around the base of the ladder, shall be provided. Ladders and associated areas of discharge shall be located within the property line.

(N) 505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six (6) inches high with a minimum stroke width of 0.5 inch.

(O) 506.1 Key Box Required. Key boxes are required for the following premises:

1. All commercial and manufacturing buildings over 3500 square feet constructed after February 1, 1992.
2. All existing commercial and manufacturing buildings over 3500 square feet which undergo renovation or remodeling which affects an area of 2,000 square feet or more, or which is done at a cost of \$25,000 or more.
3. Any building having a gate capable of being locked and which could hinder fire department access to the premises.
4. Any commercial or manufacturing building equipped with a fire alarm or sprinkler system.

Single occupancy businesses are required to have a key box installed at the location designated by the code official, normally the main entrance. Additional key boxes may be required by the code official depending on the size and layout of the building.

In strip malls, up to 3 businesses with connected common walls and on the same level may share a key box between them. All the businesses are equally responsible for maintaining the key box and alarm system. All key boxes shall be alarmed.

In businesses that have an existing alarm system (i.e., burglar or fire alarm) or have an automatic fire suppression system such as a sprinkler, CO², dry or wet chemical, the key box(es) shall be connected to the alarm system. In buildings without or not requiring an alarm or automatic fire suppression system, an audible alarm approved by the code official shall be mounted on the outside of the building. This alarm shall activate any time the key box is opened or physically removed from the building. The key box(es) to be ordered must be one approved by the code official.

For some locations, a key box padlock may be required. The Lapeer Fire and Rescue Department shall provide key box order forms, and shall keep a copy of the completed order form in the business inspection file. Installation requirements for the key box include:

- a) The key box will be installed at the location specified by the code official, normally at the main entrance.
 - b) The key box will be mounted at five (5) feet from grade level.
 - c) All key boxes must be connected to the building alarm system or audible alarm prior to being closed.
- (P) 508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the fire code official.
- (Q) 510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible. All fire department connections shall have a sign approved by the fire code official. The sign shall specify the type of water based fire protection system it serves and the building areas served.
- (R) 903.3.7 Fire department connection. The location of fire department connections shall be approved by the fire code official as outlined in sections 912.2 through 912.2.4.
- (S) 906.1 Where required. The exception contained in Paragraph 1 is hereby deleted. The remainder of the entire section is unchanged.
- (T) 912.3 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features for a minimum of three (3) feet.
- (U) 3301.2.2 Sale and Retail Display. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fire works in any location other than an enclosed building. No sale of a retail display is permitted at any outdoor location or in Group A or E occupancies.
- (V) 3308.11 Retail Display and Sale. A minimum of one pressurized water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fire works are stored or displayed for retail sale.

18.06

Additions to Code.

The following provisions are hereby added to the International Fire Code:

- (A) - (F) Unchanged.

- (G) 104.12 Open Buildings Due to Fire. The fire code official or a duly authorized representative is empowered to order the securing of fire damage buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, the fire code official or a duly authorized representative may have the building secured. The expense of securing the building shall be a debt to the City from the responsible owner and shall be collected as any other debt to the City. Fire damaged buildings or sites are subject to the same abatement procedures as contained in Section 110 for unsafe buildings.
- (H) 105.1.4 Building Permit Requirements. No building permit shall be issued by any City department until all plans required by this section have been submitted and approved in accordance with the provisions of this section

SECTION 112
RESTITUTION

- (I) 112.1 Arson. In any case in which arson takes place, the person(s) convicted of that crime, or of any lesser charge, or by way of a plea bargain, shall be financially responsible for all costs of investigating, fighting and extinguishing the fire, for any property securing services and/or for any other security procedures performed by the City of Lapeer or its agents or representatives.
- (J) 112.2 Alcohol and Drugs. In any case where abuse of alcohol or drugs can be proven to have contributed to the cause of the emergency response by the City of Lapeer or its agents, the person(s) proven to be on alcohol or drugs shall be financially responsible for the cost of any work performed by the City of Lapeer or its agents or representatives.
- (K) 304.4 Outdoor containers. Dumpsters or containers stored outdoors shall be provided with lids and shall be constructed (including the lids) of non-combustible materials or approved combustible materials. They shall not be placed within 15 feet of combustible walls, openings or combustible roof eave lines.

Exception: Existing enclosures or container storage areas are exempt from this requirement where:

1. In the opinion of the fire code official there is no other location in which to locate them.
 2. They are not currently within 10 feet of an exit or utility meters.
- (L) 503.4.1 Authority to remove obstructions. If any vehicle, trailer or other object is so located within a fire apparatus access road or at any other location prohibited by this ordinance, or any City ordinance, at a time the fire department is responding to an alarm which necessitates use of such fire apparatus access road and/or other location, then any member of the City police or fire department may move or cause same to be moved by any means necessary without liability for any damage being occurred by the City of Lapeer or any officer, agent or employee thereof.
 - (M) 609.3 Periodic inspection. An approved inspection shall be performed a minimum of once every six (6) months on each commercial kitchen exhaust system. Inspections shall be made by the manufacturer, installer or maintenance company. The

inspections shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected to determine that they operate as required. A written inspection report shall be filed with the fire code official upon completion of each inspection.

- (N) 901.6.1.2 Certification required. Any installation, testing, repair or maintenance of fire alarm or suppression systems required by this Code or the Building Code shall be performed only by a certified fire alarm or suppression firm and/or individual or by a firm and/or individual licensed pursuant to Act 192 of the Public Acts of 1984, as amended, and/or Act 217 of the Public Acts of 1956, as amended.
- (O) 901.6.2 Records. Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years. A copy of each inspection, test, or maintenance record shall be forwarded to the fire code official within 30 days of the date the inspection, test, or maintenance occurred.
- (P) 912.2.3 Remote location. Fire department connections (F.D.C.'s) serving sprinkler systems shall be installed at an approved remote location away from the building or structure, and shall not be located on the wall of a building unless approved by the fire code official. F.D.C.'s serving class 1 or 3 standpipe systems may be located on walls, provided such walls are of fire resistive or noncombustible construction.
- (Q) 912.2.4 Fire Department Connection Locations. Unless approved by the fire code official fire department connection locations (FDCs) shall not be located more than 50 feet from a fire hydrant. FDCs shall be installed not less than 18 inches nor more than 36 inches above the finished grade of an approved fire apparatus access road. FDCs shall not be obstructed by vehicle parking, carports, garages, refuse storage containers, fences, landscaping or other obscuring features.

Exception:

- 1. Existing FDC's.
- 2. FDCs that are not able to be located away from a wall due to physical restrictions may be located in an area approved by the fire code official.

18.07 Unchanged.

18.08 Unchanged.

18.09 Unchanged.”

ON A ROLL CALL VOTE:

AYES: Commissioners Ogden, Farrington, Turkelson, Marquardt, and Robinet.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 18 ADOPTED.

Chapter 7 (Zoning Ordinance) New Planned Unit Development – introduction

Commissioner Turkelson introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.14.5 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.14.5 Planned Unit Development (PUD)

A. INTENT:

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

B. ELIGIBILITY REQUIREMENTS

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

1. The parcel must be at least 1 acre in area.
2. The parcel must have access to a major street.
3. The parcel must have access to municipal water and sewer.

C. PRINCIPAL USES PERMITTED

All permitted principal uses by right or by special conditions in any of the zoning districts in this ordinance may be permitted in the PUD district based on the standards outlined in 7.14.5.D below, subject to the discretion of the City Commission. Uses permitted by special condition in another zoning district may be authorized as a use by right by the City Commission in granting PUD approval.

D. STANDARDS FOR APPROVAL

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

1. The proposed mix of uses and density of residential uses shall be found to be consistent with the City Master Plan.
2. Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.
3. All streets within the planned unit development shall meet the minimum requirements of the City's Land Division Ordinance and Construction Specifications, unless modified by the Planning Commission.
4. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
6. Surface water shall be retained on the site unless the applicant can demonstrate

that to do so would be harmful to the environment, or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake, river or stream.

7. The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this ordinance. Where a proposed use or range of uses is permitted in more than one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Commission may modify the dimensional requirements for a given use or range of uses. Non-contiguous property may be used in calculating open space and the open space may be located on non-contiguous property.
8. The following standards concerning traffic and accessory conditions shall be met:
 - a. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
 - b. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
 - c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

E. APPROVAL PROCEDURE

1. The PUD zoning approval shall follow procedural requirements of Section 7.22 of this ordinance for amending the zoning ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in 7.14.5 F. below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in Section 7.14.5 D to determine its suitability.
2. The Planning Commission shall then submit the proposed amendatory ordinance to the City Commission together with its recommendation and a summary of comments received at the public hearing.
3. The City Commission, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in Section 7.18 I. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The City Commission may, at its discretion, send a revised PUD back to the Planning Commission for their recommendation regarding the changes.
4. PUD site plan approval procedure may commence only after the acceptance by the City Commission of the conceptual PUD development plan and the rezoning of the property as required.
5. PUD site plan approval process shall follow the procedures for site plan approval outlined in Section 7.17 P

F. CONCEPTUAL PUD PLAN REQUIREMENTS

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements

1. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
2. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces

- and other features as required to determine compliance with approval of the conceptual plan.
3. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
 - a. Define the location of the areas to be devoted to particular uses.
 - b. State the acreage to be devoted to the particular uses.
 - c. Set forth the proposed density of the dwelling units by use type and of the entire project.
 - d. Show the location of parks, open recreation areas, other open space and all public and community uses.
 - e. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
 - f. Any additional graphics or written materials reasonably requested by Planning Commission or City Commission to assist the City in visualizing and understanding the proposal shall be submitted.
 - g. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.
 - h. Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three (3) years from date of approval. If so requested by the petitioner, an extension of a two (2) year period may be granted by the Planning Commission.

G. SITE PLAN APPROVAL

Following approval of the conceptual plan by the City Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in Section 7.17 P.

H. DEVIATIONS FROM APPROVED PUD SITE PLAN

Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Commission. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Planning Director decision regarding the need for formal review by the Planning Commission and City Commission is appealable to the Zoning Board of Appeals

I. DESIGN STANDARDS

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this ordinance as well as those established under the City Land Division Ordinance (if applicable) and other ordinances or guidelines adopted by the City.

Chapter 7 (Zoning Ordinance) – introduction

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.18.I of the General Ordinances of the City of Lapeer

THE CITY OF LAPEER ORDAINS:

7.18 ADMINISTRATION AND ENFORCEMENT

I. PUBLIC HEARINGS:

Whenever any Section of this Ordinance refers to this ARTICLE 7.18, Section I, notice of public hearing shall be given in accordance with Public Act 110 of 2006, as amended, as follows:

1. Hearings for Uses Permitted Subject to Special Conditions:

- a. Notice that a request for a Use Permitted Subject To Special Conditions shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the City of Lapeer. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. The notice shall:
 - (1) Describe the nature of the use request of the Use Permitted Subject To Special Conditions.
 - (2) Indicate the property which is the subject of the use request. The notice shall include a listing of all existing street addresses within the property, or other means of identification if no street addresses exist within the property.
 - (3) State when and where the use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.
 - (5) Indicate that a public hearing on the use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions.
- b. At the initiative of the City, or upon the request of the applicant for the use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions, a public hearing with notification as required for a notice of a request as provided in a. above, shall be held before a decision on the use request which is based on discretionary grounds. A decision on a Use Permitted Subject To Special Conditions, which is based on discretionary grounds, shall not be made unless notification of the request for approval, or notification of a public hearing on a use request is given as required by this Section.
- c. The Planning Commission may deny, approve, or approve with conditions, requests for Uses Permitted Subject To Special Conditions. The decision on a Use Permitted Subject To Special Conditions shall be incorporated in a statement of conclusions relative to the Uses Permitted Subject To

Special Conditions under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

- d. In addition to the above requirement for any Use Permitted Subject to Special Conditions, the dwelling owners and residents of properties immediately adjacent to the parcel or lot on which such use is proposed to be located shall be notified by registered mail of the date and time of the hearing. The cost of such notification shall be borne by the applicant for the proposed use.

2. Hearing for One-Family Cluster:

- a. The Planning Commission shall hold at least one (1) public hearing on the request. The Planning Commission may request preapplication conferences before submission of a one-family cluster request, and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required by Section 7.18.I.1, a and b for public hearings on Uses Permitted Subject To Special Conditions. Within a reasonable time following the public hearings, the Planning Commission shall meet for final consideration of the request, and shall deny, approve, or approve with conditions the request. It shall prepare a report stating its conclusions on the request for a one-family cluster development, the basis for its decision, the decision, and any conditions relating to an affirmative decision. If the Planning Commission denies the one-family cluster request, the procedure outlined in Article 7.15.D.5.c(6) shall be followed, and the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the one-family cluster development request shall be transmitted to the City Commission for consideration in making a final decision.
- b. Final approvals may be granted on each phase of a multi-phased, one-family cluster development, if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the one-family cluster development and the residents of the surrounding area.

3. Hearings for PUD Rezoning:

- a. Notification of the Public Hearings held by the Planning Commission and City Commission on PUD rezonings shall be given in the same manner as required by Section 7.18.I.1.a for public hearings on Uses Permitted Subject To Special Conditions except for item (5) in the list of information required in the notice.

Chapter 7 (Zoning Ordinance) – Rezoning Request – 130 E. Oregon

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.03, G., #80, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

- 80. The following property, formerly zoned Industrial District (I-1), is hereby rezoned to One-Family Residential District (R-3):

City of Lapeer Original Plat, NE 1/ 4: Commencing at the South line of Oregon Street 730.5 feet West and 33 feet South of Northeast Corner of Section 5, T7N R10E; thence West 165 feet; thence South

27° 51' 10" East 237.69 feet to the Flint River; thence North 54° 43' 24" East 67.32 feet; thence North 02° 20' West 171.28 feet to the Point of Beginning. Containing 0.57 acre.

Back-up Water Supply Wells

7 2007 01-03

Moved By Turkelson. Seconded by Robinet.

To approve the bid proposal submitted by Peerless-Midwest Incorporated in an amount not to exceed \$61,825 for the Back-up Water Supply Wells, Project #17100.

MOTION CARRIED.

CITY MANAGER'S REPORT

Disposal of Assets

8 2007 01-03

Moved by Turkelson. Seconded by Robinet.

To approve the disposal of Assets as requested.

MOTION CARRIED.

City Manager Dale Kerbyson commented on the cable legislation that was approved by the Governor and the one approved by Congress and thanked County Commissioner Len Schneider for assistance with the County Road Commission.

CITY ATTORNEY'S REPORT

City Attorney Ronald Shamblin commented that the Marcelli case has been forwarded to the insurance carriers.

UNFINISHED BUSINESS

9 2007 01-03

Appointed by Mayor Sprague. Moved by Robinet. Seconded by Turkelson.

To appoint the following:

Glen Rohn Downtown Development Authority for a term ending 01-01-2011.

Nancy Sommerville Downtown Development Authority for a term ending 01-01-2010.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None provided.

MAYOR/COMMISSIONER COMMENTS

Brief discussion was held regarding agenda reports and quality of information provided by staff and the great job regarding the inspection report notification by the Fire Department for Immaculate Conception.

ADJOURNMENT

10 2007 01-03

Moved by Robinet. Seconded by Turkelson.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:59 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk