

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
OCTOBER 8, 2020**

A regular meeting of the City of Lapeer Planning Commission was held electronically via GoToMeeting at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Thursday, October 8, 2020 at 6:30 p.m.

**Members Present:** Chairperson Jennell RaCosta, Vice Chairman Austin Kelly, Commissioners Catherine Bostick-Tullius, Jeff Pattison, Debbie Marquardt, Doug Roberts and Marty Johnson.

**Members Absent:** Commissioners Dale Kerbyson and Anne Shenck.

**Also Present:** Ms. Caitlyn Habben, Rowe Professional Services Company Planning Consultant.

Chairperson RaCosta called the meeting to order at 6:30 p.m.

**MINUTES**

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Marquardt to approve the minutes of the meeting held on September 10, 2020 as presented.

**ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Kelly, Pattison, Roberts, Johnson, Bostick-Tullius, Marquardt and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

Chairperson RaCosta welcomed new commissioners Doug Roberts and Marty Johnson.

Clara Longoria, S. Main Street property owner, addressed the commission on the restriction of drive through restaurants on S. Main Street between Tower Drive and Turrill Road stating the restriction is spot zoning, restricts the sale of property for the highest and best use, that there has been no development of the area since the utilities were put in and asked that the commission reconsider the restriction.

Cindy LaBaza, co-owner of 1040 S. Lapeer Rd., addressed the commission on the restriction of drive-through restaurants on S. Main Street requesting the commissioners to take another look at it and consider lifting the restriction.

**PUBLIC HEARINGS SCHEDULED**

There were no public hearings scheduled.

**SITE PLAN REVIEWS**

There were no site plans to be reviewed.

## **OTHER BUSINESS**

### **Metal Roof – Cut Rate Auto Repair – 1368 Imlay City Rd.**

Ms. Habben reviewed the request from Larry LaCroix of Cut Rate Auto Repair located at 1368 Imlay City Road for approval to install a metal roof on a proposed addition to the facility. Ms. Habben reviewed photos of the existing facility and the site plan showing the location of the new metal roof areas. It was moved by Commissioner Kelly and supported by Commissioner Bostick-Tullius to approve the metal roof request by Cut Rate Auto Repair located at 1368 Imlay City Road due to it being compatible with the overall architectural design of the building.

#### **ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Kelly, Marquardt, Pattison, Roberts, Johnson, Bostick-Tullius and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED.**

### **The Refuge Homeless Shelter**

Ms. Habben gave a brief overview of discussions held with representatives of The Refuge Homeless Shelter regarding operations permitted at their facility located at 1009 S. Saginaw Street including the current operation of rotating the shelter among other churches in the community and effects of the Covid-19 virus on the reduced number of churches able to participate due to social distancing and available space. Ms. Habben stated The Refuge is requesting to operate a full time homeless shelter at 1009 S. Saginaw from November 2020 through April 2021 and that she has made the determination that the shelter operation is considered a hotel use and is allowed only as an accessory use to the Church at 1009 S. Saginaw for no more than two weeks (14 days) within any 30 day period.

Ms. Habben stated there is no legal avenue to allow the use of the Church as a homeless shelter for more than 2 weeks in a 30 day period and reviewed the following options before the commission:

#1 – Maintain the existing determination that a homeless shelter should be regulated as a hotel. Overnight accommodations associated with a place of worship shall not exceed two weeks in a given 30-day period. No changes are required to be made to the zoning ordinance.

#2 – Consider a text amendment to allow only a temporary establishment of a homeless shelter due to seasonal inclement weather. This option would require a text amendment to clarify a definition, where it would be allowed, and if there are any design requirements.

#3 – Consider a text amendment to regulate a homeless shelter different from a hotel. This option would require a text amendment to clarify a definition, where it would be allowed, and if there are any design requirements.

Attorney Tim Denney, representing The Refuge, addressed the commission stating the request is only for the period of November 2020 to April 2021 and is necessary to avoid a humanitarian crisis since the reduction in the number of churches participating due to the Covid-19 social distancing requirements. Mr. Denney stated that the zoning amendment would not address the current crisis, that The Refuge is looking for a temporary solution for this winter as well as proceeding with a text amendment and that nobody wants a front page headline that a homeless person froze to death.

Discussion was held on Options 1, 2 and 3, issues with allowing the homeless shelter use as a permanent use at the 1009 S. Saginaw location, the need for only a couple more churches to participate in order to provide shelter for an entire month and the option for The Refuge to appeal the Planning Consultant's determination to the Zoning Board of Appeals. After discussion, it was moved by Commissioner Bostick-Tullius and supported by Commissioner Kelly to recommend The Refuge proceed to appeal the determination to the Zoning Board of Appeals and to proceed with Option #3 and hold a public hearing at the next regular Planning Commission meeting on a text amendment to the Zoning Ordinance to regulate a homeless shelter.

**ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Marquardt, Kelly, Pattison, Roberts, Johnson, Bostick-Tullius, and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED.**

Ms. Habben reviewed various language for the proposed amendment for the commissioners input including definitions, zoning districts to allow the use as a Special Land Use, parking requirements, design requirements, distance buffers from certain other uses and various management policies.

**Master Plan – 5 Year Review**

Ms. Habben reviewed the pre-public hearing draft of the updated Master Plan summarizing the various modifications made to Chapter 1 Introduction; Chapter 2 Land Use; Chapter 3 Downtown which is a new chapter; Chapter 5 Transportation; Chapter 6 Community Description; and Chapter 8 Implementation. Ms. Habben reviewed the anticipated timeline for adoption of the updated plan and the need to hold further discussion with the City Commission on the drive-through restaurant restriction at a joint meeting. After discussion, it was moved by Commissioner Kelly and supported by Commissioner Pattison to recommend the City Commission to authorize the Master Plan public hearing.

**ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Marquardt, Kelly, Pattison, Roberts, Johnson, Bostick-Tullius, and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED.**

### **MEDC Redevelopment Ready Community Public Participation Plan**

Ms. Habben presented and reviewed the proposed Public Participation Plan which is required by the Michigan Economic Development Corporation to be certified as a Redevelopment Ready Community. Ms. Habben reviewed the following sections of the plan: Purpose; Goals and Objectives; State Regulations; Key Stakeholders; Early Stakeholder Input; Development Feedback; Communication Tools; Communicating Results; and Evaluating Success. It was moved by Commissioner Bostick-Tullius and supported by Commissioner Kelly to recommend the City Commission to adopt the Public Participation Plan.

#### **ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Marquardt, Pattison, Roberts, Johnson, Bostick-Tullius, Kelly and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED.**

### **CORRESPONDENCE**

Chairperson RaCosta noted the monthly Development Activity Report was included in the meeting packet materials.

### **TRAINING REPORT**

Ms. Habben reminded the commission Rowe Professional Services Company has scheduled a virtual training session for October 29<sup>th</sup> on the topics of Pandemic Planning and Primary Caregivers.

### **COMMISSIONER COMMENTS**

Each commissioner welcomed new members Doug Roberts and Marty Johnson.

### **Future Meeting Format**

Discussion was held on the desired format of future Planning Commission meetings with the unanimous consensus to hold future meeting in person at City Hall.

### **ADJOURNMENT**

There being no further business, it was moved by Commissioner Kelly and supported by Commissioner Marquardt to adjourn the meeting at 8:15 p.m.

#### **ON A ROLL CALL VOTE:**

**Yeas:** Commissioners Marquardt, Pattison, Roberts, Johnson, Bostick-Tullius, Kelly and RaCosta

**Nays:** None.

**Absent:** Commissioners Kerbyson and Shenck.

**Abstain:** None.

**MOTION CARRIED AND MEETING ADJOURNED.**