

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
APRIL 8, 2021**

A regular meeting of the City of Lapeer Planning Commission was at 6:30 p.m. on April 8, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

**Members Present:** Vice Chairman Austin Kelly, Commissioners Catherine Bostick-Tullius, Marty Johnson, Debbie Marquardt, Jeff Pattison, Kerbyson and Anne Shenck.

**Members Absent:** Chairperson Jennell RaCosta and Commissioner Doug Roberts.

**Also Present:** Caitlyn Habben, Rowe Professional Services Company Planning Consultant, and Kimberly Hodge, Recording Secretary

Vice Chairman Kelly called the meeting to order at 6:31 p.m.

**013      2021 04-08      Minutes**

Motion by Bostick-Tullius. Seconded by Shenck.

Approve the minutes of the regular meeting held on March 11, 2021 as presented.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARINGS SCHEDULED**

**Special Land Use – Walmart – 555 E. Genesee – Food Truck**

Ms. Habben reviewed the request from Walmart for approval of a Special Land Use in order to allow portable business selling food (food truck) to locate on their property at 555 E. Genesee Street. Ms. Habben stated the parcel is zoned B-3 Regional Business and reviewed the map showing the food truck location, available parking on the site and stated Walmart is the applicant, that no specific food truck has been identified and they may change food trucks vendors. Ms. Habben also reviewed the special land use approval standards, the findings of fact for each standard and stated the Fire Department has requested to be notified when the food truck vendor changes.

Discussion was held regarding the need for a safety barricade system due to the location's proximity to the access drive, signage, enforcement and Health Department license requirements and inspection frequency.

Vice Chairman Kelly opened the public hearing at 6:53 p.m.

Joseph and Holly Toole, 192 Parkway, were present and stated their home is behind Walmart on the north side and expressed concerns with potential noise from a food truck generator, existing noise from the outdoor speakers, the condition of the fence along the rear of the Walmart parcel, increased foot traffic through their property to get to a food truck and current storage at the rear of the Walmart site.

There being no further comments, the public hearing was closed at 6:56 p.m.

Discussion was held on the need for additional information from Walmart on the proposed food truck use including hours of operations, timeframe, safety barriers, power source, potential generator use and the need to investigate the outdoor speaker noise complaint.

**014      2021 04-08      Walmart Food Truck SLU Postponement**

Motion by Kerbyson. Supported by Shenck.

Postpone consideration of request from Walmart for a Special Land Use for a Food Truck in order to obtain more information as discussed.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**SITE PLAN REVIEWS**

**Farley Investments – Multi-Tenant Commercial/Office Building – DeMille Blvd.**

Ms. Habben reviewed the site plan from Farley Investments for construction of a 5,000 sq. ft. multi-tenant commercial/office building on the north side of DeMille Blvd. west of the Kohl's site and across from the Stonegate facility. Ms. Habben reviewed the site location which is zoned B-2 General Business and an aerial view of the site showing the location of wetlands. Ms. Habben reviewed various outstanding items on the site plan which need to be addressed including exterior façade materials and colors, landscaping, fence/berm requirements, sidewalk, building appearance and window space, lighting, mechanical equipment screening and storm water management.

Discussion was held on the proposed lighting pole heights which vary from 20 ft. to 25 ft., light coverage on the site, landscaping waivers, sidewalk installation and the existing sidewalk and pedestrian crossing west of the site.

**015      2021 04-08      Farley Building – DeMille Blvd. – Landscaping Waiver**

Motion by Kerbyson. Supported by Pattison.

Approve the landscaping waiver and allow Pine trees versus deciduous trees for the Farley Investments building to be constructed on DeMille Blvd.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**016      2021 04-08      Farley Building – DeMille Blvd. – Sidewalk**

Motion by Bostick-Tullius. Supported by Pattison.

To require sidewalk be constructed along the entire frontage of the Farley Investments parcel on DeMille Boulevard.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**017      2021 04-08      Farley – Multi-Tenant Building – DeMille Blvd. – Site Plan**

Motion by Kerbyson. Supported by Bostick-Tullius.

To approve the site plan for the Farley Investments multi-tenant office/commercial building to be constructed on DeMille Blvd. contingent upon the plan addressing all outstanding staff comments noted in the April 1, 2021 review letter.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**OTHER BUSINESS**

**Text Amendment – Pet Crematoriums**

Ms. Habben reviewed results of her research on the State of Michigan permitting and inspection requirements for Pet Crematoriums including licensing requirements, air emission permitting and the inspection process. Ms. Habben summarized comments received from the Police Chief and Fire Chief on pet crematoriums and complaints received on the existing pet crematoriums on Howard Street and the County Animal Control facility on W. Genesee St. Commissioner Kerbyson read the following two letters received on the proposed text amendment:

March 30, 2021

I'm just going to voice my opinion on this crematorium for pets... I do not like the idea. At least not downtown.

If we can't smell the goodness of BBQ smoke I don't exactly think that "pet smoke" is very appetizing. There was also questions about dispensaries in the downtown area that got turned away, to me this is kind of down that same alley.

I also, being a member of the DDA, would not appreciate something like this in our downtown area.

I believe that this is something that belongs outside the downtown district.

Thanks

Ginni Bruman

April 2, 2021

- We had experience with a crematorium at the bank when we attempted to sell a closed branch to an operator. The push back was severe. Even when the owner tried to educate the neighbors, they did not buy in to having a crematorium as a neighbor.

- Again, regardless of the facts of what a crematorium does or doesn't do, the perception is negative. If one was located next to a restaurant, it would negatively affect the restaurant. Same for residential properties. This would not be good for downtown.
- I believe a crematorium should be in an industrial park.

Thanks,  
Michael J. Burke Jr.  
Choice One Bank President

Ms. Habben reviewed the proposed text amendment language including definition, which zoning districts to permit the use, parking requirements, distance requirements from other uses and other various use requirements concerning delivery, equipment operation, storage and disposal. Discussion was held on restricting the use to the I-2 district, new equipment technology which is smokeless and odorless and enforcement.

After discussion, it was the consensus of the commission to permit the use in the I-2 Planned Industrial district only. Discussion held on the distance requirement from residential uses and the need to review a map showing where the use would be permitted.

**018      2021 04-08      Pet Crematorium Text Amendment Postponement**

Motion by Pattison. Supported by Bostick-Tullius.

Postpone the public hearing for the text amendment regarding pet/animal crematoriums pending review of maps showing where the use would be permitted with the proposed distance requirements from other uses.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**2021-2027 Capital Improvement Program**

Mr. Dale Kerbyson, City Manager, reviewed the proposed 2021-2027 Capital Improvement Program and 2021-2022 expenditures scheduled for the Buildings & Land, Public Safety, Parks & Recreation, Cemetery, Water, Wastewater Treatment, Local Streets, Major Streets, Sidewalks and Equipment funding categories.

Mr. Kerbyson highlighted the following items/projects included in the program:

- Wastewater Treatment Plant Ditch Rotor Gear Box Updates, Lift Station Generator, Asphalt Repairs and Signage;
- N. Saginaw St. & Oregon St. Improvements;
- Center for the Arts Building Improvements;
- Annrook Park Outdoor Synthetic Ice Rink;
- Train Depot Maintenance;
- Monroe St. Bridge Preventative Maintenance;

- DPW Salt Storage Structure Replacement, Parking Lot Repair and Signage;
- Community Center Parking Lot Replacement;
- Cramton Park M-24 Pedestrian Tunnel Ramp Connection;
- Jackson St. Sanitary Main Repair;
- Chatfield/Mott Trailhead Improvements;
- Genesee St. Pedestrian Trail Extension;
- Public Safety Building Ceiling Tile Replacement;
- Infrastructure & Continuing Initiatives; and
- Various Vehicle and Equipment Purchases.

**019      2021 04-08      2021-2027 CIP Approval**

Motion by Bostick-Tullius. Supported by Pattison.

To adopt the 2021-2027 Capital Improvement Program as presented.

**Ayes:** Commissioners Marquardt, Kelly, Bostick-Tullius, Johnson, Pattison, Shenck and Kerbyson.

**Nays:** None.

**Absent:** Commissioners RaCosta and Roberts.

**MOTION CARRIED.**

**TRAINING REPORT**

Ms. Habben stated a Winter Cities training webinar will be scheduled for the May meeting if the agenda is light and reminded the commissioners of the Rowe 2021 Spring CES Presentation scheduled for April 21<sup>st</sup>.

**COMMISSIONER COMMENTS**

There were no comments from the Commissioners.

**ADJOURNMENT**

Motion by Kerbyson. Seconded by Shenck.

Adjourn the meeting at 8:23 p.m.

**MOTION CARRIED.**

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Commissioner Jeff Pattison  
Secretary

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Kimberly Hodge  
Recording Secretary