

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
JANUARY 14, 2021**

A regular meeting of the Lapeer Planning Commission was held electronically via GoToMeeting on January 14, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

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

**Members Absent:** None.

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

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

**001      2021 01-14      MINUTES**

Motion by Kerbyson. Seconded by Shenck.

Approve the minutes of the Regular meeting held on November 12, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None

**MOTION CARRIED.**

**002      2021 01-14      MINUTES**

Motion by Bostick. Seconded by Kelly.

Approve the minutes of the Special Joint meeting held on November 19, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS SCHEDULED**

**003      2021 01-14      SPECIAL LAND USE – 54 S. SAGINAW**

Ms. Habben reviewed the special land use application request for a proposed marihuana grow facility to be located at 54 S. Saginaw Street. This parcel is located in the B-2 General Business and Mixed-Use Overlay. Ms. Habben provided information relating to the site plan review, which included missing information still needed from the applicant in relation to parking space/loading area and odor control issues relating to marihuana, and details regarding zoning ordinance compliance issues that are still in need of being addressed.

Ms. Habben reviewed the standards for approving the special land use application.

Commissioner Kerbyson asked about the covered area on the east side of the building, what it will be used for at this facility; if a vault will be constructed on site or delivered; will this property it be owner occupied and will there be any hazardous chemical used or stored on the site.

Raymond Zemens, 12908 Lasalle, Huntington Woods, MI stated they would not be modifying the building so it will remain as it and he is the owner of 54 S. Saginaw and that hazardous chemicals will be stored on site.

Ryan Stoll, 2771 38<sup>th</sup> Avenue, Denver CO 80211, Mr. Zemens partner, stated the vault will be built on site.

Chairperson RaCosta opened the public hearing at 6:46 p.m.

There being no comments, the public hearing was closed at 6:47 p.m.

Motion by Kelly. Seconded by Roberts.

To approve the special land use and site plan application for a marihuana grow facility at 54 S. Saginaw because it meets all the standards in Sec. 7.19.04 A-E with the following contingencies:

1. Provide a revised site plan to address the outstanding issues in the January 5, 2021 review letter.
2. Provide additional information to City staff during the building plan review to verify compliance with the odor control requirements stated in the January 5, 2021 review letter.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None

**MOTION CARRIED.**

**004      2021 01-14      MASTER PLAN AMENDMENT**

Ms. Habben gave a brief overview of the Master Plan for the Planning Commission. Updates include Chapter 1 Introduction, Chapter 2 Land Use (including Future Land Use and Goals & Objectives), Chapter 3 Critical Issues, Chapter 4 Transportation, Chapter 7 Implementation and stated there has been no changes since the update was submitted to the City Commission.

Chairperson RaCosta opened the public hearing at 6:51 p.m.

Clare Longoria, Davison, MI and owner of a property on Lapeer Road between Tower and Turrill, which is zoned commercial spoke against the drive-thru restriction as listed in the Master Plan, because it restricts the ability to sell her property.

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

Commissioner Kerbyson stated that City representatives meet with Lapeer Township on a somewhat regular basis and there is no conflict between the City of Lapeer and Lapeer Township in any way. Mr. Kerbyson also stated last week he spoke with the franchise owner of the Wendy's restaurant located here in the City, who indicated he would very much like to move his facility as close to the freeway as he could get which is a perfect example of what would happen if the existing restriction on drive-through restaurants were not in place.

Commissioner Marquardt asked if Wendy's were to move closer to I-69, are there any clauses or restrictions that would discourage and eliminate the possibility of the current location becoming a dark store.

Ms. Habben stated the restrictive covenants is not something the City can add and can only strongly encourage against it and she is not aware of any legal way to make something happen. Nothing the City can do to say if you have an establishment moves farther down the road you cannot move into this new area. Because these properties are private, we cannot hold them to selling or not selling with or without restrictive covenants.

Commissioner Kerbyson stated to put such restriction is called contract zoning, which is illegal in Michigan.

Chairperson RaCosta commented that many businesses are realizing they do not need the store front and the dynamics of business are changing; the commercial market may potentially take a hit in the near future.

Ms. Habben stated that our RRC Representative from the MEDC is the only one who commented on the plan; a general review, giving us full RRC credit, with minor recommendations; more specific target dates; re-evaluate our goals and placing the plan online.

Motion by Shenck. Seconded by Bostick-Tullius.

To adopt the City of Lapeer updated Master Plan including all maps and documents and submit the plan to the City Commission for final approval.

ON A ROLL CALL VOTE:

Ayes: Commissioners Bostick-Tullius, Johnson, Kerbyson, Pattison, Roberts, Shenck, Kelly and RaCosta.

Nays: Marquardt.

Absent: None

**MOTION CARRIED.**

### **SITE PLAN REVIEWS**

There were no site plans to be reviewed.

### **OTHER BUSINESS**

#### **005 2021 01-14 ELECTION OF OFFICERS**

Motion by Kerbyson. Seconded by Bostick-Tullius.

To nominate the existing slate of officers; close the nominations and cast a unanimous ballot with Jennell RaCosta as Chairperson, Austin Kelly as Vice Chairperson and Jeff Pattison as Secretary.

All Commissioners accepted the nominations.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None

**MOTION CARRIED.**

### **006 2021 01-14 PLANNING COMMISSION ANNUAL REPORT**

Ms. Habben provided a summary of activities over the past year; 11 meetings were held which included: 1 Special Use Permit; 8 site plan reviews; 6 rezonings and various other business items which including the Master Plan review, Capital Improvement Plan, Metal Roof approvals, Site Plan Approval extension and text amendments to the zoning ordinance. Ms. Habben also reviewed training requirements and upcoming events. Ms. Habben continued discussing the Annual Report Goals which include to continue to review and conduct Planning Commission business, a comprehensive update to the City's Zoning Ordinance; complete the update to the Master Plan and to conduct training for members of Planning Commission and Zoning Board of Appeals.

Motion by Kerbyson. Seconded by Kelly.

Approve the 2020 Annual Report and submit to the City Commission.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None

**MOTION CARRIED.**

A discussion ensued about the top three priorities of the Planning Commission for this coming year. First is to adopt the Master Plan, next being the zoning ordinance update section to make sure we are implementing the Master Plan and third to explore best practices of other cities.

### **BYLAWS AMENDMENT – STEERING COMMITTEE**

Discussion was held on amending the bylaws of the Planning Commission to include a steering committee. Ms. Habben described what a steering committee is; its functions and that it is a research and development tool for developing plans. She further explained that steering committees do not make final decisions or adopt plans. The proposed amendments to the bylaws to allow for a steering committee will be brought to a future meeting for the Commission's consideration.

### **CORRESPONDENCE**

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

**TRAINING REPORT**

Ms. Habben stated that she would provide some information about two free prerecorded sessions available to the City as part of the Winter Cities concept.

**COMMISSIONER COMMENTS**

Commissioner Marquardt noted the joint meeting of City Commission, Planning Commission and Downtown Development Authority on January 19, 2021 will be conducted via Zoom.

Commissioner Pattison stated he hoped everyone has a good new year and that it is good to see everyone.

Commissioner Kelly apologized for being late to the meeting.

**ADJOURNMENT**

Motion by Shenck. Seconded by Kelly.

Adjourn the meeting at 7:43 p.m.

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

Nays: None.

Absent: None

**MOTION CARRIED.**

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Commissioner Pattison, Secretary

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Romona Sanchez, City Clerk