

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
OCTOBER 10, 2019**

A regular meeting of the City of Lapeer Planning Commission was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Thursday, October 10, 2019 at 6:30 p.m.

Members Present: Chairperson Jennell RaCosta, Vice Chairman Austin Kelly, Commissioner Joe Black, Commissioner Dale Kerbyson and Commissioner Dave Sommerville.

Members Absent: Commissioner Catherine Bostick-Tullius, Commissioner Glenn Alverson and Commissioner Anne Shenck.

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

Chairperson RaCosta called the meeting to order at 6:38 p.m.

PUBLIC COMMENTS

Ms. Clara Longoria was present and stated she owns 2 acres of vacant property on S. Lapeer Road located between Tower Drive and Turrill Road that is restricted from developing with drive-thru restaurants. Ms. Longoria addressed implored the commission not to restrict drive-thru restaurants including stating she could have sold her property 5 to 7 times without the restriction, that no developers want to locate south of Turrill Road, that business relocations and leapfrogging happens as a natural part of growth and that time is money for developers. Ms. Longoria expressed her issues with the proposed location of the Culver's drive-thru restaurant and stated the City needs to be forward thinking and that the choice is up to the Planning Commission.

MINUTES

It was moved by Commissioner Kerbyson and supported by Commissioner Sommerville to approve the minutes of the meeting held on September 12, 2019 as presented.

MOTION CARRIED.

PUBLIC HEARINGS SCHEDULED

Special Land Use & Site Plan – ODW Properties – Drive-Thru Restaurant – 840 West St.

Ms. Habben reviewed the request from ODW Properties Lapeer LLC for approval of a Special Land Use to operate a drive-through restaurant at 840 West Street. Ms. Habben reviewed aerial photos of the subject site and adjacent parcels and the standards of Section 7.19.04 required in order to approve the request.

Ms. Habben also reviewed the site plan and architectural design renderings submitted by ODW Properties Lapeer LLC for construction of a new quick-service restaurant with drive-through at 840 West Street including outstanding staff comments concerning the need to meet the 20% window coverage for the building facade, minor landscaping issues, additional tree survey information and other comments which can be addressed during the engineering plan review.

Ms. Habben stated the applicant has proposed a 6 ft. high fence along the northeastern property line, that sidewalk is only shown along West Street and that the loading space and handicap barrier-free parking spaces will need to be relocated. Discussion was held regarding the three front yards on the subject site.

Mr. Matt Cole of Paradigm Design Architects was present representing the applicant and stated deliveries are received during non-business hours and proposed relocating the loading space to the northeast corner of the site which would eliminate approximately 5 parking spaces.

Chairperson RaCosta opened the public hearing on the Special Land Use request at 7:00 p.m.

Mr. Marty Leach, 1123 W. Oregon Street and representing the owner of 830 West Street Rhea Dosch stated that it appears his comments at the previous meetings have been disregarded and reviewed his concerns affecting Ms. Dosch's adjacent property including vehicle headlights, noise, vehicle stacking on West Street and difficulties renting the property. Mr. Leach stated ODW Properties did not want to pay market value for Ms. Dosch's property and that they will hire an attorney.

Mr. Ross Fernandez of ODW Properties Lapeer LLC was present and reviewed his offers made to purchase Ms. Dosch's property and stated in the end they could not come to an agreement and he had no choice but to move on.

There being no further comments, the public hearing was closed at 7:06 p.m.

Discussion was held on the minor amendments needed to the site plan, the approximately 90 ft. distance of the West Street access drive from the Baldwin Road intersection which exceeds the 60 ft. requirement, the fact the Harrison Street access drive will alleviate some traffic at the Baldwin/West intersection, the option to require the West Street access drive to be entrance only and traffic flow in the area. Discussion was also held on the possibility of constructing a right turn lane for southbound West Street in the future. Mr. Fernandez stated he would be willing to provide an easement within reason in the event the City required additional property to construct the right turn lane at some point in the future.

Discussion was also held regarding the sidewalk planned along West Street, the existing sidewalk on West Street, whether sidewalk is needed along Baldwin Road and the 6 ft. high privacy fence and landscaping planned along the northeast property line. Discussion was held regarding whether to require a masonry wall rather than the proposed fence and the option of using solid composite fencing material.

After discussion, it was moved by Commissioner Kelly and supported by Commissioner Black to approve the request from ODW Properties Lapeer LLC for a Special Land Use in order to operate a drive-through restaurant at 840 West Street with the additional requirement to construct a permanent solid material fence along the northeast property line. **MOTION CARRIED.**

It was moved by Commissioner Kerbyson and supported by Commissioner Kelly to approve the site plan received from ODW Properties Lapeer LLC for construction of a new quick-service restaurant with drive-through at 840 West Street contingent upon the applicant addressing all outstanding staff comments from the Planning, Building, DPW and Engineering departments during the engineering plan review.

Yeas: Commissioners Kerbyson, Kelly, Black and RaCosta.

Nays: Commissioner Sommerville

Absent: Commissioners Bostick-Tullius, Alverson and Shenck.

Abstain: None.

MOTION CARRIED.

OTHER BUSINESS

Master Plan – 5 Year Review

Ms. Habben reported she will be attending a second meeting with the DDA on October 23rd to review the Downtown section of the Master Plan and reviewed the additional tasks to be completed by the Planning Commission during the review process.

Board Vacancy

Discussion was held on the current Planning Commission vacancy due to the resignation of Ed Jamison and two candidates that have submitted their interest in being appointed to the fill the vacancy. After discussion, it was moved by Commissioner Kelly and supported by Commissioner Sommerville to recommend the Mayor appoint Catherine Bostick-Tullius to fill the regular seat vacancy on the Planning Commission after completion of her City Commissioner term. **MOTION CARRIED.**

TRAINING REPORT

Commissioner RaCosta summarized a recent MEDC training session held in Caro she attended along with Commissioner Bostick-Tullius and Ms. Habben and reviewed the topics covered stating great information and ideas were provided during the session. Ms. RaCosta informed the commission the MEDC is also willing to hold a training session at a regular Planning Commission meeting.

There were no additional training items reported.

COMMISSIONER COMMENTS

Commissioner Black requested Ms. Longoria who spoke earlier during the Public Comment portion of the meeting to address her concerns to the Planning Commission during upcoming Master Plan review sessions.

ADJOURNMENT

There being no further business, it was moved by Commissioner Kerbyson and supported by Commissioner Kelly to adjourn the meeting at 7:46 p.m.

MEETING ADJOURNED.