

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
DECEMBER 9, 2021**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, December 9, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

Members Present: Chairperson Jennell RaCosta, Vice Chairman Austin Kelly and Commissioners Dale Kerbyson, Jeff Pattison, Debbie Marquardt, Marty Johnson and Anne Shenck.

Members Absent: Commissioners Doug Roberts and Catherine Bostick-Tullius.

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

Vice Chairman Kelly called the meeting to order at 6:30 p.m.

MINUTES

054 2021 12-9 Minutes

Motion by Kelly. Seconded by Kerbyson.

Approve the minutes of the rescheduled regular meeting held on November 18, 2021 as presented.

Ayes: Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Johnson and Shenck.

Nays: None.

Absent: Commissioners Roberts and Bostick-Tullius.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARINGS SCHEDULED

Special Land Use – Drive-Through Facilities – 1040 S. Lapeer Rd.

Planning Consultant Habben reviewed the request from Technical Group, Inc. representing the developer and property owner requesting to operate drive-through facilities at 1040 S. Lapeer Road. Habben stated the property is zoned B-2 General Business and reviewed aerial photos of the subject site and surrounding area and the conceptual plan for the parcels showing 2 separate drive-through facilities fronting S. Lapeer Road including parking areas, maneuvering lanes, excess parking for the adjacent Belle Tire, detention pond area and an access drive onto Baldwin Road.

Habben reported approval of the Special Land Use would permit the drive-through facilities in the general vicinity as shown on the conceptual plan and reviewed the approval Standards A-E of Section 7-19.04 including findings of fact and staff comments for each standard and that approval would be contingent upon approval of the site plan which is anticipated at the January meeting.

Discussion was held on the access drive on S. Lapeer Road, traffic flow direction for each drive-through operation, the double-drive through lane proposed for the Popeye's Chicken facility on the south side of the parcel, whether the access drive conforms with the MDOT Access Management Plan and potential for traffic to back up onto M-24. Discussion was also held on the text amendment allowing drive-through restaurants on the subject site due the parcel boundary along Baldwin Road extending north of Tower Drive, site plan requirements to address buffer zones, noise and traffic and the location of the Baldwin Road access drive in relation to the existing home on the west side of Baldwin Road.

Chairperson RaCosta opened the public hearing at 6:48 p.m.

Phil Ruggeri, developer and ownership partner, stated he and his partner have developed 5 Popeye's Chicken facilities and 14 Burger King facilities, that he searched for a suitable Lapeer location for 2 years, that this parcel has excess land which makes economical sense and that when the full site plan is submitted it will address the stacking, landscaping and buffering requirements. Ruggeri stated no solid tenant is currently lined up for the north drive-through facility, reviewed the on-site traffic circulation and stated he has worked with Belle Tire at their request to provide an additional 30 parking spaces for their use. Ruggeri further stated the double drive-through lane for Popeye's will help with the stacking space requirements, that the access to Baldwin Road will help with traffic flow, that he wants to protect the customers and avoid on-site accidents and be cognizant of the neighbors concerns and that approving the Special Land Use will allow him to market the property for certain uses.

Dr. William Laur, 1006 S. Lapeer Rd., stated he is impressed with the sincerity of Mr. Ruggeri, that he appears to be cognizant of the Baldwin Road residents' concerns by placing the retention pond along Baldwin Road and he hopes the commission approves the request.

Jim Gross, 1000 Baldwin Rd., stated he objects to the request due to the commercial development along Baldwin Road and inquired what would prevent the developer from relocating the access further south on the site.

Mark LaBaza, property owner, stated the property has been vacant for 15 years and for sale for 6 years, that the developer met his criteria and there will be no leap-frogging of businesses and that the drive-through lanes of Checkers and Dairy Queen appear to be closer to M-24 than the lanes on the proposed developments for his site.

There being no further comments, the public hearing was closed at 7:01 p.m.

Discussion was held on the shared parking and access drive with the Belle Tire site which also provides a second access drive on Baldwin Road.

055 2021 12-9 Special Land Use – Drive-Through Facilities – 1040 S. Lapeer Rd.

Motion by Marquardt. Seconded by Kerbyson.

To approve the special land use request from Danielle Bohannon of Technical Group Inc. to allow two drive through facilities to locate at 1040 S. Lapeer Road in the provided general location because it meets all five standards in Sec. 7-19.04 contingent upon:

- Submitting and receiving site plan approval.

Ayes: Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Johnson and Shenck.

Nays: None.

Absent: Commissioners Roberts and Bostick-Tullius.

MOTION CARRIED.

Revocation of Special Land Use – Alex Puckett / Ya Eat Yet?

Habben provided a brief history of the Special Land Use approval for Alex Puckett / Ya Eat Yet? to operate a mobile food truck/trailer in the parking lot areas of Meijer 1555 DeMille Street, Lapeer Wine & Spirits 543 S. Main Street and Ray C's 1491 S. Lapeer Road which include a violation in 2020 for operating at an unapproved location at 938 W. Oregon Street. Habben reported Mr. Puckett is now out of compliance with the Special Land Use approval by not renewing the Outdoor Merchandise Display & Sales permit required annually in November and reviewed the required Special Land Use Standards A-E of Section 7-19.04 stating the applicant is not in compliance with Standards C and E.

Discussion was held on the fact Mr. Puckett would be allowed to operate his food truck/trailer at approved Special Events for other organizations such as Wal-Mart and the Chamber of Commerce Food Truck & Lapeer Days festivals. Discussion was also held on the annual outdoor merchandise permit renewal reminder letter sent to Mr. Puckett in October and the revocation public hearing notice sent in November with no responses received from Mr. Puckett.

Chairperson RaCosta opened the public hearing at 7:09 p.m.

There being no comments, the public hearing was closed.

056 2021 12-9 Revocation of Special Land Use – Puckett / Ya Eat Yet?

Motion by Kelly. Seconded by Marquardt.

To approve revocation of the special land use approval for Alex Puckett / Ya Eat Yet? to operate a mobile food truck/trailer at 1555 DeMille Street, 543 S. Main Street and 1491 S. Lapeer Road because it does not meet standards C and E in Sec. 7-19.04.

Ayes: Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Johnson and Shenck.

Nays: None.

Absent: Commissioners Roberts and Bostick-Tullius.

MOTION CARRIED.

OTHER BUSINESS

Habben updated the commission on items anticipated for the January 13th meeting agenda and plans to hold the joint meeting with members of the Planning Commission, City Commission, Downtown Development Authority & potentially the Zoning Board of Appeals on February 21st.

TRAINING REPORT

There was no additional training reported.

COMMISSIONER COMMENTS

Discussion was held on the new requirement that all ZBA variances be identified by an applicant at the time of submittal of a plan to the Planning Department for site plan review, the different roles of the ZBA and Planning Commission in development, standards the ZBA is required to follow in approving variances and the possibility of holding a joint meeting with the ZBA. Discussion was also held on the need to complete a comparison of the City's landscaping standards to other similar sized communities such as Holly, Fenton and Owosso, the potential of establishing a tree bank for developments to allow the City to plant required trees at other locations in the City and status of the easement agreement required in order for the Farley building project on DeMille Blvd. to proceed.

ADJOURNMENT

Motion by Kelly.

Adjourn the meeting at 7:46 p.m.

MEETING ADJOURNED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary