

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
MAY 13, 2021**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on May 13, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

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

Members Absent: Commissioner Debbie Marquardt.

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

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

020 2021 05-13 Agenda Amendment

Motion by Kerbyson. Seconded by Bostick-Tullius.

Approve amending the meeting agenda to add Item F.4 Walmart Food Truck Special Land Use.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

021 2021 05-13 Minutes

Motion by Bostick-Tullius. Seconded by Kelly.

Approve the minutes of the regular meeting held on April 8, 2021 as presented.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

PUBLIC COMMENTS

Rick VanHaften of 344 Devonshire Drive stated he is representing all residents on the east side of Devonshire Drive and that they are unanimously opposed to the Planning Commission's requirement to install sidewalk on the east side of Devonshire Drive. Mr. VanHaften stated the homes on the west side of Devonshire Drive are set back further from the right of way to accommodate a sidewalk, Mr. VanHaften further stated that installing sidewalk on the east side would significantly reduce the length of the driveways and front yards. Mr. VanHaften stated the street is a dead-end with slow speeds, that the sidewalk is unnecessary, would not connect to any other developments with sidewalk, that the number of trees would be reduced and asked that the Planning Commission reconsider their recommendation.

Eugene Louwaert, project builder, submitted a petition signed by 15 east side Devonshire Drive residents opposing installation of sidewalk on the east side of Devonshire Drive. Mr. Louwaert stated the plans originally submitted incorrectly showed 25 ft. front yard setbacks on both the east and west sides of Devonshire Drive, that the Master Plan shows 25 ft. on the west side and 20 ft. on the east side and asked the commission to reconsider the requirement to install sidewalk on the east side of Devonshire Drive as part of the approval of the site plan amendment.

Discussion was held on the 2004 site plan showing the 20 ft. and 25 ft. front yard setbacks, the fact the development utilized the cluster housing option, tree removal required to install sidewalk on the east side and options for the process to follow to resubmit the site plan amendment request in order to reconsider the sidewalk installation requirement. It was the consensus of the commission to reconsider the request at the June Planning Commission meeting.

PUBLIC HEARINGS SCHEDULED

Special Land Use – Standard Ventures – Safety Compliance Facility – 228 E. Genesee

Ms. Habben reviewed the request from Standard Ventures LLC for approval of a Special Land Use in order to locate a Marihuana Safety Compliance Facility at 228 E. Genesee Street. Habben stated the site is zoned B-2 General Business, that the site is a multi-tenant commercial building and is the former location of Subway. Habben reviewed aerial photos and the plot plan of the site, the facility floor plan and the additional information required including a legal description and vicinity map.

Ms. Habben reviewed the Special Land Use standards required for approval, the findings of fact for each standard and reported the applicant is deferring review of the odor control equipment to be reviewed during the building plan review by the Building Department. Discussion was held on the current hazardous condition of the multi-tenant building and court appearance tickets issued by the City to each individual condo unit owner. The applicant, Roger Canzano, stated he is aware of some, however not the full extent, of the condition issues with the structure and he will address the concern with the owner from which he will be leasing the space.

Chairperson RaCosta opened the public hearing at 6:50 p.m.

Mr. Conner Steinwisher, was present and stated the applicant would like to continue to seek approval of the Special Land Use and that the applicant will address the building condition issues with the landlord. Mr. Steinwisher stated the safety compliance facility is critical to provisioning center and grower operations, that the nearest safety compliance facilities to Lapeer are located in Warren and Ann Arbor and that the facility will also provide hemp testing.

Mr. Roger Canzano, of Standard Ventures, stated there is no growing or selling at the facility, that there is very little smell involved in the lab testing process, that the lab picks up the samples and brings them to the facility and briefly described the testing process.

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

Discussion was held on the building condition, whether any large amounts of hazardous or flammable materials from the chemicals used in the testing process are stored on site and the need for an Occupancy Permit from the Building Department.

022 2021 05-13 Special Land Use – Standard Ventures – 228 E. Genesee

Moved by Kelly. Seconded by Bostick-Tullius.

Approve the request from Standard Ventures, LLC for a Special Land Use for a Marihuana Safety Compliance Facility to locate at 228 E. Genesee Street because it meets all the standards in Section 7-19.04 contingent upon the applicant addressing all outstanding issues noted in the April 29, 2021 review letter.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Text Amendment – Pet Crematoriums

Ms. Habben reviewed the I-2 Planning Industrial district buffer zone maps showing 100 ft., 200 ft. & 300 ft. buffers for pet crematoriums from residential uses near Whitney Drive and John Conley Drive and reviewed the proposed text amendment language permitting the use in the I-2 district. Discussion was held on the buffer distance from residential, daycare and school uses and areas excluded by the proposed distance buffer.

023 2021 05-13 Public Hearing – Pet Crematorium Text Amendment

Moved by Kerbyson. Seconded by Shenck.

Schedule a public hearing for June 10, 2021 to consider the proposed Pet Crematorium text amendment as drafted.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

Site Plan Approval Extension – GAG Holdings – 331 DeMille

Ms. Habben reported the applicant for the new GAG Holdings project at 331 DeMille Road has requested a one year extension to their site plan approval and that the project plans have been submitted to and are currently being reviewed by the Building Department.

024 2021 05-13 Site Plan Approval Extension – GAG Holdings – DeMille

Moved by Bostick-Tullius. Seconded by Pattison.

Approve a site plan approval extension for GAG Holdings located at 331 DeMille Road because the project is likely to commence construction within the extended period to June 11, 2022.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

Public Participation Plan – Annual Review & Revision

Ms. Habben reviewed the proposed revisions to be made as part of the annual review of the Public Participation Plan which include the following:

- Cover – Updating the City of Lapeer logo.
- Page 1 – Modifications to include focus on individuals with low and moderate income living in blighted areas and those who reside in areas where the community development funds will be used.
- Page 3 – Adding minority and women-owned businesses and section 3 businesses to stakeholders.
- Page 5 – Additional paragraphs on the public hearing process, a new section on complaint procedures and providing technical assistance.
- Page 6 – Additional information on meeting posting, special meeting process and providing assistance to individual with limited English proficiency.

Discussion was held on clarification of the changes to the public hearing process on Page 6.

025 2021 05-13 Public Participation Plan Annual Review & Revisions

Moved by Kelly. Seconded by Pattison.

Approve City of Lapeer Public Participation Plan as revised.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

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

Ms. Habben reviewed additional information provided by Walmart on the request for approval of a Special Land Use to permit a Food Truck on their site at 555 E. Genesee Street. Ms. Habben stated Walmart indicated they would not place temporary barriers around the food truck unless required since it will be parked in a safe location, that the hours of operation are anticipated to be between the hours of 11 a.m. and 9 p.m., that the days of the week the food truck would be on site would most likely be on a Friday, Saturday or Sunday but may change depending on vendor availability and that a generator would be used by the food truck if necessary.

Mr. Tim Herbert, of Walmart, was present and provided a detailed review of the proposed food truck operation including barriers, days and hours of operation, generator use, water and electrical requirements and moving the location of the food truck to the north side of the access drive on the east side of the building near the curbside pick-up parking area. Mr. Herbert stated the speed limit on the access drive is 5 mph, that no signage would be used for the food truck, that there are no exterior speakers on the back of the building and that there is a wall along the north side of the site.

Ms. Habben reviewed the standards required and findings of fact for each standard. Further discussion was held regarding complaints received on noise which were forwarded to the City Public Safety Department to address, requiring some type of safety barrier around the truck, generator use, signage and seating. Mr. Herbert stated that Walmart would agree to place safety barriers around the food truck.

026 2021 05-13 Special Land Use – Walmart Food Truck

Moved by Kelly. Seconded by Shenck.

To approve the request from Walmart for a Special Land Use for an other temporary use located at 555 E. Genesee Street because it meets all the standards in Section 7-19.04 contingent upon:

- The location of the food truck/trailer being in compliance with the revised plot plan to be provided by the applicant;
- That the operation be reviewed and renewed annually utilizing the Outdoor Merchandise Display & Sales Permit process;
- The use shall not affect an adjacent property or ADA parking standards; and
- The use shall not exceed a quantity of more than one food truck at one time.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

TRAINING REPORT

027 2021 05-13 Postpone Training Session

Moved by Kerbyson. Seconded by Bostick-Tullius.

To postpone the training session until the June meeting.

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

Nays: None.

Absent: Commissioner Marquardt.

MOTION CARRIED.

Discussion was held on the various topics available for the June training session with the consensus being to receive training on the topic of adaptive re-use in downtowns.

COMMISSIONER COMMENTS

There were no comments from the Commissioners.

ADJOURNMENT

Motion by Kelly. Seconded by Shenck.
Adjourn the meeting at 8:14 p.m.

MOTION CARRIED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary