

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

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, July 8, 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, Jeff Pattison, Debbie Marquardt, Doug Roberts and Anne Shenck.

Members Absent: Commissioner Dale Kerbyson.

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.

035 2021 07-08 Minutes

Motion by Kelly. Seconded by Shenck.

Approve the minutes of the regular meeting held on June 10, 2021 as presented.

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

Nays: None.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARINGS SCHEDULED

Special Land Use – 1280 Imlay City Rd. – Automotive Service Station – Lapeer M-21 Real Estate, LLC

Ms. Habben reviewed the request from Lapeer M-21 Real Estate LLC for approval of a Special Land Use in order to redevelop the site at 1280 Imlay City Road and construct an automotive service station (gas station). Ms. Habben stated the site is zoned B-2 General Business, is master planned for general business uses and that the proposal includes demolition of a portion of the existing multi-tenant building on the site and adding gas tanks and pumping stations. Ms. Habben reviewed aerial photos of the site and existing uses in the surrounding area and the conceptual façade design rendering of the renovated building. Ms. Habben also reviewed the approval standards of Section 7-19.04 and findings of fact related to each standard.

Chairperson RaCosta opened the public hearing at 6:36 p.m.

Susan Mooi, 2441 Myers Rd. Lapeer, was present and stated she drives by the site every day, that it is a small parcel and that she does not feel there is a need for another gas station there in addition to the nearby Sunoco and Wal-Mart stations.

There being no further comments, the public hearing was closed at 6:37 p.m.

Discussion was held on the proposal to add 3 pumps with 6 fueling stations, the site plan review and permit process for the project, whether a traffic impact study can be required, that no sidewalk exists or is proposed on the south side of Imlay City Road and the existing sidewalk along the north side of Imlay City Road.

Mr. Ivan Kalabat, of Kalabat Engineering, summarized what information a traffic impact study would provide stating that since the station is a mid-block rather than a corner-lot station it would not draw new traffic trips to the area and that the station would actually slow down and not increase traffic on Imlay City Road.

036 2021 07-08 Special Land Use – 1280 Imlay City Rd. – Gas Station

Motion by Bostick-Tullius. Seconded by Shenck.

To approve the Special Land Use request from Lapeer M-21 Real Estate, LLC for an automotive service station to be located at 1280 Imlay City Road because it meets all five standards in Section 7-19.04 contingent upon receiving site plan approval from the Planning Commission.

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

Nays: None.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

Special Land Use – 39 & 47 W. Genesee & Adjacent Vacant Parcel – Marihuana Grow Facility – Richard Swaine

Ms. Habben reviewed the request from Richard Swaine for approval of a Special Land Use in order to operate a marihuana grow facility at the property known as 39 W. Genesee, 47 W. Genesee and vacant parcel #L21-23-900-040-00. Ms. Habben stated the site is zoned B-2 General Business and is located in the Mixed-Use overlay district. Ms. Habben reviewed aerial photos of the site and existing uses in the surrounding area and informed the commission on June 28th the Zoning Board of Appeals approved a 40 ft. variance to the buffer zone requirements in order to allow a 10 ft. minimum buffer from the south property line. Ms. Habben also reviewed the conceptual site plan for the proposed 11,500 sq. ft. building, the approval standards of Section 7-19.04 and findings of fact related to each standard.

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

Judi Warnke, 563 S. Elm St., Lapeer, was present and asked how many pot places does the City need and stated that she is upset over the plans for another one and that it will be near a school.

There being no further comments, the public hearing was closed at 6:51 p.m.

Discussion was held on other existing and proposed uses in the surrounding area.

037 2021 07-08 Special Land Use – 39 & 47 W. Genesee and Vacant Parcel #L21-23-900-040-00 – Marihuana Grow Facility – Richard Swaine

Motion by Kelly. Seconded by Marquardt.

To approve the Special Land Use request from Richard Swaine for a marihuana grow facility to be located at 39 & 47 W. Genesee and vacant parcel #L21-23-900-040-00 because it meets all five standards in Section 7-19.04 contingent upon submitting and receiving site plan approval from the Planning Commission.

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

Nays: None.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

Rezoning – AJA Investments, LLC – 1330 Imlay City Rd. – B-2 to I-1

Ms. Habben reviewed the request from AJA Investments, LLC to rezone the property known as 1330 Imlay City Road from B-2 General Business to I-1 Industrial including the zoning map of the subject area, the Lapeer Township zoning map for the properties located south of the site and the Master Plan Future Land Use map which shows the parcel planned for General Commercial use. Ms. Habben also reviewed the existing surrounding uses located east, west, north and south of the subject site and the standards for approval and findings of fact related to each standard. Ms. Habben reported the requested rezoning is not consistent with the Master Plan Future Land Use designation of General Commercial, that two of the existing tenants in the multi-tenant building located on site will become legal non-conforming uses if the property is rezoned which may continue with certain restrictions on expansion or rebuilding and that the area is currently a mix of industrial and commercial uses.

Chairperson RaCosta opened the public hearing at 6:58 p.m.

Judi Warnke, 563 S. Elm St., Lapeer, inquired if this was going to be another marihuana facility.

Ivan Ammori, of AJA Investments, summarized the reason for requesting to rezone the property in order for the adjacent MKX marihuana processing facility located at 1356 Imlay City Road to add a second employee shift and expand packaging operations and utilize the loading dock into a leased space at 1330 Imlay City Road.

There being no further comments, the public hearing was closed at 7:00 p.m.

Discussion was held on the fact the request does meet the approval standards of Section 7-23.06, the variety of industrial and commercial uses in the Imlay City Road corridor noted in the Master Plan, the tenants which will become legal non-conforming uses and additional jobs to be created by expanding the processing facility operations.

038 2021 07-08 Rezoning – 1330 Imlay City Rd. – B-2 to I-1 – AJA Investments LLC

Motion by Kelly. Seconded by Roberts.

To recommend approval to the City Commission of the rezoning request from AJA Investments LLC to rezone 1330 Imlay City Road from B-2 General Business to I-1 Industrial because it meets Section 7-23.06(b) Standard 1.

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

Nays: None.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

SITE PLAN REVIEWS

Security Credit Union – 1073 S. Main Street

Ms. Habben reviewed the site plan received for construction of a Security Credit Union with accessory drive-thru lanes on three parcels to be combined into one at 1073 S. Main Street stating the plan is very similar to the prior submittal in 2017. Ms. Habben reviewed aerial photos of the subject site and surrounding area, the proposed landscaping plan for the project, staff comments and outstanding items with the site plan related to labeling, various landscaping requirements and approvals from MDOT and the Lapeer County Health Department. Ms. Habben briefly reviewed the Site Plan Standards for Approval in Section 7-18.04 and the proposed blue metal roof accent feature on the building façade.

Discussion was held on the proposed rear access drive onto Cliff Drive which will increase traffic near the homes on Cliff Drive and the metal roof accent feature.

039 2021 07-08 Site Plan Approval – Security Credit Union – 1073 S. Main St.

Motion by Kelly. Seconded by Bostick-Tullius.

To approve the site plan received for the construction of a Security Credit Union with accessory drive-thru on the property located at 1073 S. Main Street contingent upon the applicant addressing the remaining City Staff comments indicated in the June 24, 2021 review memo and to approve the metal accent roof.

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

Nays: None.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

Site Plan Amendment – 885 Baldwin Road

Ms. Habben reviewed the request received from Zeerco Management for approval of an amendment to the approved site plan for the Domino's, Wild Bills, Tropical Smoothie site located at 885 Baldwin Road consisting of removal of the raised curbed island intended to prevent left turns into and out of the development and replacing the island with slightly raised brick pavers. Ms. Habben reviewed aerial photos of the subject site and the traffic flow pattern in the area, complaints received on drivers running over the curbed island, the Site Plan Standards for Approval of Section 7-18.04 and the recommendation from both the Public Safety Department and Rowe Engineer to keep the curbed island as originally designed.

Discussion was held on the negative impact of the curb island to the site's access and circulation, the hazard created by the curbed island, potential use of signage to prevent the left turns, driver confusion created by the lack of lane lines on the street in front of the site access area.

The property owner Tony Zeer was present and stated removal of the curbed island was good for the customers and tenants and that the retaining wall on the site has been damaged twice by drivers running over the curbed island.

The following letters were received regarding the request:

June 21, 2021

RE: 885 Baldwin Road, Lapeer MI 48446
Removal of the Island Curb Along Baldwin Rd.

To Whom it May Concern:

I as the Tenant of Tropical Smoothie, am very pleased with the removal of the Island Curb and replacement with decorative brick along Baldwin Road. We received many positive comments from our customers on this new paving because many of them stated that they would quite frequently run over the curb and had a hard time avoiding hitting it, thus causing some damage to their vehicles.

Zoya Bijal Inc.
Tenant

June 21, 2021

RE: 858 Baldwin Road, Lapeer MI 48446
Removal of the Island Curb Along Baldwin Rd.

To Whom it May Concern:

I as the Tenant of Dominos, am very pleased with the removal of the Island Curb and replacement with decorative brick along Baldwin Road. We received many positive comments from our customers on this new paving because many of them stated that they would quite frequently run over the curb and had a hard time avoiding hitting it, thus causing some damage to their vehicles.

Thomas Redies
Tenant

June 21, 2021

RE: 864 Baldwin Road, Lapeer MI 48446
Removal of the Island Curb Along Baldwin Rd.

To Whom it May Concern:

I as the Tenant of Wild Bills, am very pleased with the removal of the Island Curb and replacement with decorative brick along Baldwin Road. We received many positive comments from our customers on this new paving because many of them stated that they would quite frequently run over the curb and had a hard time avoiding hitting it, thus causing some damage to their vehicles.

Alvin Kejbou
Tenant

040 2021 07-08 Site Plan Amendment Approval – 885 Baldwin – Tropical Smoothie

Motion by Bostick-Tullius. Seconded by Roberts.

To approve the amendment to the Zeerco Management site plan located at 885 Baldwin Road contingent upon the applicant providing the City with revised engineering drawings reflecting the change.

ON A ROLL CALL VOTE:

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

Nays: Commissioner Pattison.

Absent: Commissioner Kerbyson.

MOTION CARRIED.

TRAINING REPORT

There was no new training reported.

Commissioners Marquardt and Roberts requested copies of the Adaptive Reuse in the Downtown presentation documents.

COMMISSIONER COMMENTS

Commissioner Shenck inquired on potential options to limit the number of various types of Marihuana facilities in the City.

Commissioner Kelly inquired on signage restrictions for marihuana facilities.

Discussion was held on ordinance restrictions on exterior building material colors and metal roofs.

ADJOURNMENT

Motion by Shenck. Seconded by Kelly.

Adjourn the meeting at 7:56 p.m.

MOTION CARRIED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary