

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

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

**Members Present:** Commissioners Jeff Pattison, Catherine Bostick-Tullius, Marty Johnson, Debbie Marquardt, Doug Roberts and Anne Shenck.

**Members Absent:** Chairperson Jennell RaCosta, Vice Chairman Austin Kelly and Commissioner Dale Kerbyson.

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

Secretary Pattison chaired the meeting which was called to order at 6:31 p.m.

**045      2021 09-09      Minutes**

Motion by Bostick-Tullius. Seconded by Marquardt.

Approve the minutes of the regular meeting held on August 12, 2021 as presented.

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

**Nays:** None.

**Absent:** Commissioners RaCosta, Kelly and Kerbyson.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARINGS SCHEDULED**

**Rezoning – Ruggeri – 1040 S. Lapeer Rd. – R-3 to B-2**

Ms. Habben reviewed the request from Philip Ruggeri and property owner Mark LaBaza to rezone the property known as 1040 S. Lapeer Road from R-3 Single-Family Residential to B-2 General Business. Ms. Habben informed the commission of a correction to the request in that 1029 Baldwin Road is not proposed to be rezoned and is not part of the rezoning request currently being considered. Ms. Habben reviewed the standards for approval in Section 7.23.06(b), aerial photos of the subject site and surrounding area and uses, zoning designations of the adjacent parcels and the City's Master Plan Future Land Use Map showing the parcel as planned for Commercial – General Business. Ms. Habben stated the rezoning is in compliance with the City's Master Plan, that the parcel was part of the Annexation by Choice Area of the 2006 Interlocal Annexation Agreement with Lapeer Township and that the applicant is proposing to develop the property as mixed uses and restaurants.

The following letter from Lapeer Township was read into the record:

September 7, 2021

City of Lapeer Planning Commission  
576 Liberty Park  
Lapeer, MI 48446

Re: Rezoning of 1040 S. Lapeer Road & 1029 Baldwin Road

Dear Commissioners:

The Township has received notice for the City Planning Commission request for the rezoning public hearing scheduled for September 9, 2021. These parcels of land are part of the City/Township Annexation agreement of 2006. The following is an excerpt from the agreement putting development restrictions in place for parcels annexed under the agreement:

...DEVELOPMENT RESTRICTIONS. The Township hereby approves of development on any annexed land described in attached Exhibits A and B so long as it is developed under City zoning ordinance provisions which are substantially the same as the ordinance provisions applicable in the township at the signing of this agreement... For any proposed development not in substantial compliance with township ordinances, the township shall have the right to review and approve or deny the site plan for any such development....

The parcels in question; 1040 S. Lapeer Road and 1029 Baldwin Road, border predominately township residential zoned and occupied areas. Therefore, a B-2 General business rezoning does not fit into the chemistry of the area, nor does it fit into the zoning ordinance in place at the time of the annexation agreement in which these parcels annexed into the City of Lapeer under.

As so, we respectfully request that the rezoning request is denied as submitted.

If there are any further questions, please contact the Township during regular business hours.

Thank you.

Dawn M. Walker  
Lapeer Township Clerk  
On behalf of the Board

Commissioner Pattison opened the public hearing at 6:39 p.m.

Raymond Megie, owner of Realty Executives located at 1022 S. Lapeer Road, stated he annexed into the City with the promise of water and sewer utilities, that he is not opposed to the rezoning request and that he hopes that the development will provide access to sewer which is now only along Baldwin Road.

Dr. Laur, owner of Arborview Veterinary Clinic located at 1006 S. Lapeer Road stated he also annexed his property into the City with the promise of access to sewer, that in the past he has requested if it was possible to utilize the City water easement on the Taco Bell property to access sewer on Baldwin Road and urged cooperation with the current and new owners for an opportunity to access utilities. Dr. Laur inquired if a drive-thru restaurant would be allowed on the 1029 Baldwin Road parcel in the future and stated he is not opposed to the rezoning, however, it appears there is not enough parking for the uses proposed on the conceptual plan and the site seems crowded.

Cindy LaBaza, co-owner of 1040 S. Lapeer Road stated she feels they have found a good developer for the parcel and that she is excited about the project.

Jim Gross, 1000 Baldwin Road, stated he and his wife Mary moved to their home 4 years ago with the intention for it to be their forever home and stated he is opposed to the rezoning due to concerns regarding the access drive onto Baldwin Road, vehicle headlight and increased traffic on Baldwin Road. Mr. Gross inquired if the parcel could be divided with commercial development along M-24 only and the possibility of increasing Baldwin Road to four lanes.

Mark LaBaza, co-owner of 1040 S. Lapeer Road stated the property has been in his family for 40 years, that it has sat vacant for 15 years, that is has been on the market for sale for 6 years and that he wants to see the property developed in order to serve the community and bring in jobs.

Applicant Philip Ruggeri stated he intends to build a Popeye's Chicken drive-through restaurant on the site along with one other restaurant or other use which has not been decided on, that the future use of the north end of the parcel has also not been decided on, that the connection to Baldwin Road is necessary to disperse traffic, that Baldwin has a lot of traffic and that there are ways to control issues with the access drive.

There being no further comments, the public hearing was closed at 6:55 p.m.

Discussion was held regarding the conceptual location of the Baldwin Road access drive, the correspondence from Lapeer Township and the fact the City's Master Plan Future Land Use Map shows the area to be developed with commercial uses.

**046      2021 09-09      Rezoning – 1040 S. Lapeer Rd. – R-3 to B-2**

Motion by Bostick-Tullius. Seconded by Roberts.

To recommend approval to the City Commission of the rezoning request from Philip Ruggeri to rezone 1040 S. Lapeer Street from R-3 Single Family Residential to B-2 General Business because it meets Section 7-23.06(b) Standard 1.

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

**Nays:** None.

**Absent:** Commissioners RaCosta, Kelly and Kerbyson.

**MOTION CARRIED.**

**SITE PLAN REVIEWS**

There were no site plans to be reviewed.

**OTHER BUSINESS**

**Site Plan Approval Extension – Villages of Lapeer – 239 S. Main**

Ms. Habben reviewed the request from The Villages of Lapeer for an extension to their site plan approval for a building and parking area addition to the medical care facility located at 239 S. Main Street.

**047      2021 09-09      Site Plan Extension – Villages of Lapeer – 239 S. Main**

Motion by Bostick-Tullius. Seconded by Shenck.

To approve the site plan extension for The Villages of Lapeer located at 239 S. Main Street because the project is likely to commence construction within the extended period to September 10, 2022.

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

**Nays:** None.

**Absent:** Commissioners RaCosta, Kelly and Kerbyson.

**MOTION CARRIED.**

**Site Plan Approval Extension – National Guard Armory – 2140 W. Genesee**

Ms. Habben reviewed the request received to extend the site plan approval for the National Guard Armory building additions and site improvement project for their facility located at 2140 W. Genesee Street.

**048      2021 09-09      Site Plan Extension – National Guard Armory**

Motion by Roberts. Seconded by Marquardt.

To approve the site plan extension for the National Guard Armory located at 2140 W. Genesee Street because the project is likely to commence construction within the extended period to September 10, 2022.

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

**Nays:** None.

**Absent:** Commissioners RaCosta, Kelly and Kerbyson.

**MOTION CARRIED.**

**Zoning Ordinance Update**

Ms. Habben began the process of reviewing various updates to the current Zoning Ordinance due to changes identified during the Master Plan update as well as other changes required in order to bring the ordinance current and increase administration efficiency. Ms. Habben reviewed the following articles and topics with the commission for suggested amendments:

**Article 14 - General Provisions**

- Open/Outdoor Storage
- Electrical service limitations for single-family homes

**Article 15 - General Site Development Requirements**

- Building Appearance
  - Industrial building exterior material requirements
  - Metal roof approval
  - Color pallet clarification of earth-tone
  - Signage references
- Landscaping
  - Increase discretion of Planning Commission on landscaping requirements
  - Duties and authority of the City Arborist
  - Tree replacement calculation

Commissioner Roberts left the meeting at 8:47 p.m.

**TRAINING REPORT**

Ms. Habben reviewed upcoming training opportunities on October 20<sup>th</sup> and 25<sup>th</sup> stating the Planning Commission members are invited to attend the training session scheduled to be held at the October 25<sup>th</sup> Zoning Board of Appeals meeting.

**COMMISSIONER COMMENTS**

There were no additional comments from the commissioners.

**ADJOURNMENT**

Motion by Marquardt. Seconded by Shenck.

Adjourn the meeting at 8:54 p.m.

**MOTION CARRIED.**

---

Commissioner Jeff Pattison  
Secretary

---

Kimberly Hodge  
Recording Secretary