

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
NOVEMBER 10, 2022**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, November 10, 2022 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

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

Members Absent: None.

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

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

MINUTES

104 2022 11-10 Meeting Minutes

Motion by Bostick-Tullius. Seconded by Kelly.

Approve the minutes of the regular meeting held on September 8, 2022 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARINGS SCHEDULED

Rezoning – 108 W. Park, 244 W. Park & 507 Cedar – CBD-2 to CBD-1

Planning Consultant Habben reviewed the request initiated by the City Commission to rezone 108 W. Park, 244 W. Park and 507 Cedar from CBD-2 to CBD-1. Habben reviewed aerial photos, the current zoning and future land use maps of the subject area and stated the three subject properties are the only parcels in the City currently zoned CBD-2, that the Commercial-Downtown Master Plan classification consolidates the CBD-1 and CBD-2 districts, that the uses permitted are the same in both classifications and that the CBD-1 district does not require on-site parking to be provided due to the proximity of the downtown municipal parking lots.

Habben reviewed parking and setback requirements of the CBD-2 and CBD-1 districts, zoning designations of the surrounding area and the parking analysis of the 3 subject properties. Habben also reviewed the Standards for Approval of the rezoning, the findings of fact for each standard and the recommendation in the Master Plan to eliminate the CBD-2 district.

Chairperson RaCosta opened the public hearing at 6:37 p.m.

Todd Smigelski, 244 W. Park, inquired what would change with the rezoning to CBD-1.

There being no further comments, the public hearing was closed at 6:38 p.m.

The following two letters were received regarding the rezoning:

November 2, 2022

City Hall
Attn: Planning Commission
576 Liberty Park
Lapeer, MI 48446

RE: 108 W. Park Street, Parcel #L20-13-300-040-00

Rezoning of the above listed parcel from CBD-2 to CBD-1 Central Business District.

The Lapeer Area Chamber of Commerce is in favor of this change.

Sincerely,
Neda L. Payne
Executive Director

November 10, 2022

To: City of Lapeer Planning Commission

From: Linda M. White-Macksoud
Owner of 108-116 W. Park St., Parcel #L20-13-300-040-00
Lapeer, MI 48446

I am not in favor at this time of having my property rezoned. I don't believe the method of notification is appropriate for the property owner to receive a letter stating the City's desire to rezone the property. I question the other letters that were sent to Occupant to thirteen residential properties bordering the parcels in question. There are more properties than that. They should be property addressed to the residents or property owners rather than Occupant. This implies that the residents are not important enough to be addressed individually. It makes this notification look like junk mail, not to be taken seriously.

I received my letter and called city hall the next day. I requested to be emailed more information on the rezoning and what it meant. My request was ignored. I pursued a different source and received information concerning the rezoning. There are many questions that I have that are not covered; items of additional requirement 7-13.068, 7-13.07b, 7-13.098, 7-13.09b, 7-13.04b, 7-13.10, 7-13.11, 7-13.10e, 7-13.10c. These are all stated additional requirements which I have no way of knowing what they are.

I feel that this proposition is smoke and mirrors and don't have adequate information to decide whether or not I wish my property to be rezoned. When I called City Hall, I was just told it was a parking issue. I know that's not true. I know that there's other zoning regulations as to what businesses can be allowed in CBD-1 and CBD-2. Having undergone the process to get my property rezoned to what it is now, I don't have enough information for this issue to be resolved at this time.

Sincerely,
Linda M. White-Macksoud

Discussion was held on the uses and parking spaces provided on the 108 W. Park parcel.

Mayor Marquardt stated she was given the information requested from the Planning Department and had personally provided the information to Linda White-Macksoud.

105 2022 11-10 Rezone 108 W. Park, 244 W. Park & 507 Cedar to CBD-1

Motion by Bostick-Tullius. Seconded by Pattison.

To recommend approval to the City Commission of the rezoning request from the City of Lapeer Planning Commission of 108 W. Park Street Parcel #L20-13-300-040-00, 507 Cedar Street Parcel #L20-13-600-040-00, and 244 W. Park Street Parcel #L20-20-600-040-00 from CBD-2 Central Business District to CBD-1 Central Business District because it meets standard 1 in Section 7.23.06.b.

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

Nays: None.

Abstain: Commissioner Marquardt.

Absent: None.

MOTION CARRIED.

Class A Non-Conforming Building – 9 W. Genesee St. – Russ Arnold

Consultant Habben reviewed the request from Russ Arnold to designate the existing self-serve car wash structure at 9 W. Genesee Street as a Class A Non-Conforming Building. Habben reviewed the site location and design of the existing building and site, the deteriorated condition of the structure and stated the non-conforming status would allow the building to continue and be improved as is without being required to conform to current design, landscaping, building setback and vacuum location standards.

Habben reported the applicant intends to maintain the exact footprint of the existing building and that the proposed façade materials of the building will be reviewed administratively. Habben reviewed the Standards for Approval and findings of fact for the non-conforming designation and stated the parcel is a small commercial lot located on a corner lot which would make the site difficult to develop.

Chairperson RaCosta opened the public hearing at 6:54 p.m.

Russ Arnold, owner, stated he has operated the adjacent tunnel car wash for 22 years, that nothing was done with the site for 20 years, that he purchased the site and intends to improve the structure to match his adjacent car wash, that he believes there is a market for a self-serve car wash in this area of the City and that he intends to improve the building and make it look nice.

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

Discussion was held regarding the non-conforming sign on the site which is not part of the non-conforming building approval and will be required to conform to current sign requirements and dumpster enclosure requirements.

106 2022 11-10 Class A Nonconforming Building – 9 W. Genesee St.

Motion by Kerbyson. Seconded by Shenck.

To approve the Class A Non-Conforming building status of the existing building located at 9 W. Genesee Street because it meets all the standards in Section 7-20.2.

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

Nays: None.

Absent: None.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Drive-Through Restaurant Restriction – Text Amendment

Consultant Habben provided a brief overview of the proposal to amend the Zoning Ordinance to remove Article 9 of Section 7-13.04.B which prohibits drive-through restaurant uses on parcels fronting M-24 located completely between Tower Drive and Turrill Road. Habben reviewed aerial photos and maps of the restriction area, the Annexation by Choice area map, the Standards for Approval of a text amendment and the findings of fact for Standards 1 through 5 of Section 7-23.06.A.

Discussion was held regarding compliance with the Lapeer Township Annexation Agreement, correspondence and public input received from area residents, the Special Land Use requirement for all drive-through restaurants, the conflict to be created between the Master Plan and Zoning Ordinance if the text amendment is approved and the requirement in the township agreement for site plans to be submitted for review by Lapeer Township when the plans are not consistent with the township's standards.

107 2022 11-10 Drive-Through Restaurant Restriction Text Amendment

Motion by Bostick-Tullius. Seconded by Shenck.

To recommend denial of the text amendment to Section 7-13.04.B(9) to the City Commission because it does not meet any of the standards in Section 7-23-06.A.

Ayes: Commissioners RaCosta, Kerbyson, Shenck, Bostick-Tullius and Roberts.
Nays: Commissioners Pattison, Kelly, Marquardt and Johnson.
Absent: None.
MOTION CARRIED.

Site Plan Extension – Urgent Design Addition – 3123 John Conley Dr.

Consultant Habben reviewed the request from Urgent Design for an extension of the site plan approval for expansion of their facility located at 3123 John Conley Drive.

108 2022 11-10 Site Plan Extension – Urgent Design – 3123 John Conley Dr.

Motion by Kerbyson. Seconded by Shenck.

To approve the site plan extension for Urgent Design located at 3123 John Conley Drive for one year expiring on November 18, 2023 because it meets the standard in Section 7-18.06.B.

Ayes: Commissioners RaCosta, Kelly, Kerbyson, Johnson, Marquardt, Shenck, Pattison, Bostick-Tullius and Roberts.
Nays: None.
Absent: None.
MOTION CARRIED.

Metal Roof Approval – S. Court Street – Parcel #L21-31-111-040-00

Consultant Habben reviewed the request from Ann Zettle for approval of a proposed metal roof for a shipping container to be retrofitted into an accessory structure located on S. Court Street. Discussion was held on the pending variance from the ZBA to approve the placement of the container on the parcel, the brown color of the proposed metal roof, the area surrounding the subject site and the existing building on the parcel.

109 2022 11-10 Metal Roof – S. Court St. – Parcel #L21-31-111-040-00

Motion by Kelly. Seconded by Marquardt.

To approve the proposed metal roof requested by Ann Zettle located on Parcel #L21-31-111-040-00 along S. Court Street because it meets the overall architectural design of the building per Section 7.15.01(d)(4).

Ayes: Commissioners RaCosta, Kelly, Kerbyson, Johnson, Marquardt, Shenck, Pattison, Bostick-Tullius and Roberts.
Nays: None.
Absent: None.
MOTION CARRIED.

Master Plan Amendment – S. Lapeer Road

Consultant Habben reviewed the current and previous Future Land Use maps, use classifications and aerial maps of the S. Lapeer Road area located between Tower Drive and Turrill Road from Baldwin Road to Cliff Drive and Options A through J showing various scenarios of potential Master Plan future land use classifications and mixtures of classifications to address comments and concerns received on commercial use intensities in the area. Discussion was held on traffic access to Cliff Drive, the differences between the various scenario options, comments received from area property owners and residents, the intensity of the permitted uses in the B-1 and B-2

commercial districts, not changing the use designations of properties already zoned B-2, the fact no restaurant uses are currently permitted in the B-1 district, the ability to consider a text amendment to allow restaurant uses in the B-1 district, the multiple-family residential option proposal on Baldwin Road and the existing mix of office and residential uses on Baldwin Road.

Discussion was also held on the Master Plan amendment procedure and notification process, the preliminary preferred scenario options, adding verbiage to the notice that no parcels currently zoned B-2 would be included in the amendment and producing a FAQ flyer on the proposed amendment. Further discussion was held on the purpose of the Master Plan to provide guidance to property owners, businesses and future potential developers and the requirement for the City to review the Master Plan every 5 years.

110 2022 11-10 Master Plan Amendment Initiation

Motion by Bostick-Tullius. Seconded by Roberts.

To initiate an amendment to the City of Lapeer Master Plan to address land use changes.

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

Nays: Commissioner Marquardt.

Absent: None.

MOTION CARRIED.

CORRESPONDENCE

Consultant Habben stated the Development Activities Report is as submitted.

TRAINING REPORT

Commissioner Roberts provided a summary of topics covered during the Rowe PSC Spring and Fall CES presentations he attended.

COMMISSIONER COMMENTS

Chairperson RaCosta commented she is proud of the ability of the members of the Planning Commission to address differing opinions on various issues.

ADJOURNMENT

Motion by Shenck.

Adjourn the meeting at 8:09 p.m.

MEETING ADJOURNED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary