

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
APRIL 14, 2022**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, April 14, 2022 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, Doug Roberts, Catherine Bostick-Tullius, Marty Johnson and Anne Shenck.

Members Absent: None.

Also Present: Jason Ball Rowe Professional Services Company Planning Consultant, and Kimberly Hodge, Recording Secretary

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

MINUTES

074 2022 4-14 Joint Meeting Minutes

Motion by Kerbyson. Seconded by Kelly.

Approve the minutes of the joint meeting held on February 21, 2022 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

075 2022 4-14 Regular Meeting Minutes

Motion by Kerbyson. Seconded by Shenck.

Approve the minutes of the regular meeting held on March 10, 2022 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARING SCHEDULED

Special Land Use – Shaw Child Daycare – 1439 W. Genesee St.

Planning Consultant Jason Ball reviewed the request from Mercedes Shaw for approval of a Special Land Use in order to operate a group daycare home for 7 to 12 children at 1439 W. Genesee Street. Ball reviewed the site location which is zoned R-1 Single-Family Residential, aerial photos of the site, the standards for approval of the request and findings of fact for each standard. Ball stated the request is consistent with the goals and objectives of the Master Plan, that the site is surrounded by residential uses,

that the daycare is not permitted to operate 24 hours per day, that the site has a large driveway to accommodate drop-off and pick-up of children and has a privacy fence around the back yard.

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

Kory Blainey, 1359 W. Genesee, expressed concerns with the potential for people dropping off or picking up children to block the adjacent driveway easement to the east which is the only access to the garage on that parcel.

Applicant Mercedes Shaw, 1439 W. Genesee, stated she has no plans to use the adjacent driveway, that no more than 2 or 3 vehicles would be on site at the same time and she will advise her patrons not to block the driveway. Shaw also stated she is good with kids, that the daycare is a good fit for her, that her home is in a beautiful neighborhood with a big fenced in yard and that there should be no noise complaints.

Bryan Cloutier, 1488 W. Genesee, stated when he moved to Lapeer he wanted a historic home to restore, that the W. Genesee area is a unique residential area on a tree-lined street, that he does not feel the use is appropriate for the neighborhood, that approving the request could open the door for future commercial uses and requested the commission respect the integrity of the area and deny the special land use request.

There being no further comments, the public hearing was closed at 6:42 p.m.

Discussion was held on the need to require the adjacent driveway not be blocked, the double width of the applicant's driveway to accommodate two cars side by side, existing fencing on the site, the commercial nature of a daycare use and the need for additional daycare facilities in the Lapeer County area.

076 2022 4-14 Shaw Group Daycare – 1439 W. Genesee – Special Land Use

Motion by Bostick-Tullius. Seconded by Shenck.

To approve the special land use request from Mercedes Shaw to allow a Group Day-Care Home for 7-12 Children at 1439 W. Genesee St. because it meets all five standards in Sec. 7-19.04 contingent upon no parking on the adjacent shared driveway.

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

Nays: Commissioners RaCosta and Roberts.

Absent: None.

MOTION CARRIED.

Special Land Use – Murphy Oil USA – 579 E. Genesee St.

Consultant Ball reviewed the request from Greenberg Farrow on behalf of Murphy Oil USA for approval of a Special Land Use for the redevelopment of the existing 4-pump fueling station into an 8-pump station with a 1,400 sq. ft. pre-manufactured convenience store. Ball reviewed the site location which is zoned B-3 Regional Business, aerial photos of the site and surrounding uses and the preliminary conceptual plan for redevelopment of the site. Ball reported the full site plan will be submitted for review and consideration at the May meeting and reviewed the standards for approval of the request and findings of fact for each standard.

Chairperson RaCosta opened the public hearing at 6:57 p.m.

There being no comments, the public hearing was closed.

077 2022 4-14 Murphy Oil USA – 579 E. Genesee – Special Land Use

Motion by Kelly. Seconded by Roberts.

To approve the special land use request from James T. Coyle of Greenberg Farrow on behalf of Murphy Oil USA to allow expansion of the existing Automobile Service Station at 579 E. Genesee St. 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, Roberts, Pattison, Bostick-Tullius, Johnson and Shenck.

Nays: None.

Absent: None.

MOTION CARRIED.

SITE PLAN REVIEWS

Deeche Buds – 35 S. Court St.

Consultant Ball reviewed the revised site plan submittal #5 for Deeche Buds for an addition to the existing building at 35 S. Court Street to accommodate a marihuana grow and processing facility including remaining issues relating to the lot combination, mechanical equipment screening, odor control and landscaping tree credits. Ball reviewed the exterior building appearance, color and type of materials, the 23% of window area which is now in compliance with ordinance requirements and stated that the addition will have roof shingles to match the existing building. Ball also reviewed the standards required for site plan approval.

Discussion was held on the remaining staff comments, the compatibility of the materials proposed on the addition with the existing building on the site, the number of site plan revision submittals required to bring the plan into compliance with City ordinances and the approval process to ensure the remaining issues commented by City staff are addressed satisfactorily prior to authorizing a building permit.

The applicant and property owner Derrick Zock reviewed the materials on the existing building and the exterior materials proposed for the addition.

078 2022 4-14 Deeche Buds – 35 S. Court – Site Plan Approval

Motion by Kelly. Seconded by Roberts.

To approve the site plan received from Deeche Buds for a building addition for a marihuana grow and processing facility located at 35 S. Court St. and 130 Howard St. contingent upon satisfactorily addressing all remaining staff comments during the final engineering plan review phase.

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

Nays: Shenck.

Absent: None.

MOTION CARRIED.

OTHER BUSINESS

Elba Township Master Plan Update

Consultant Ball reviewed the proposed future land use map of the updated Elba Township Master Plan. Discussion was held on the area designated for commercial on the east side of Lake Nepessing Road which is surrounded by industrial zoned properties and the commercial development on the west side of Lake Nepessing Road which is proposed for future industrial uses. It was the consensus for the Planning Consultant to draft and send a letter to Elba Township conveying the two concerns discussed.

CORRESPONDENCE

Consultant Ball stated the Development Activities Report is as submitted.

TRAINING REPORT

Consultant Ball reviewed three upcoming training opportunities available for commissioner participation.

COMMISSIONER COMMENTS

Commissioner Kelly commented on an upcoming event scheduled for April 19th at Tilted Axis Brewery concerning improvements to the trail system.

Chairman RaCosta acknowledged a request from City Commissioner Cattane for the Planning Commission to remove the drive-through restaurant restriction in the Master Plan and stated the issue has been sufficiently addressed at this time and she will not be placing the issue on a future meeting agenda as the Master Plan has been approved by both the Planning Commission and City Commission.

Commissioner Shenck commented on the research conducted concerning the drive-through restaurant restriction in the Master Plan.

Commissioner Marquardt commented on the circumstances of the City Commission's approval of the Master Plan.

Commissioner Johnson commented the definition of spot zoning needs to be researched.

Commissioner Roberts commented Planning Commissioners need to consider the needs of all City of Lapeer residents when making decisions.

ADJOURNMENT

Motion by Shenck.

Adjourn the meeting at 7:27 p.m.

MEETING ADJOURNED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary