

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
AUGUST 11, 2022**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, August 11, 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, Anne Shenck and Marty Johnson.

**Members Absent:** Commissioners Catherine Bostick-Tullius and Doug Roberts.

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

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

**MINUTES**

**091      2022   8-11                      Regular Meeting Minutes**

Motion by Kelly. Seconded by Kerbyson.

Approve the minutes of the regular meeting held on July 14, 2022 as presented.

**Ayes:** Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Shenck and Johnson.

**Nays:** None.

**Absent:** Commissioners Bostick-Tullius and Roberts.

**MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARING SCHEDULED**

There were no public hearings scheduled.

**SITE PLAN REVIEWS**

**Lapeer Villas – 1710 Rustic Dr. – Site Plan Amendment**

Consultant Habben reviewed the site plan amendment from Lapeer Villas apartments located at 1710 Rustic Drive to convert garage areas in the unbuilt buildings to be apartments, increase parking, construct a clubhouse and pool and modify landscaping. Habben reviewed the outstanding issues to be addressed for the Assessing, DPW and Engineering departments and the approval standards for the site plan.

**092      2022   8-11                      Lapeer Villas – 1710 Rustic Dr. – Site Plan Amendment**

Motion by Marquardt. Seconded by Pattison.

To approve the site plan received from Lapeer Villas located at 1710 Rustic Dr. for a site plan amendment adding additional units, a club house, a pool and parking lot modifications contingent upon addressing all remaining staff comments during the engineering plan review phase because it meets all standards in Section 7-18.04.

**Ayes:** Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Shenck and Johnson.

**Nays:** None.

**Absent:** Commissioners Bostick-Tullius and Roberts.

**MOTION CARRIED.**

## **OTHER BUSINESS**

### **Drive-Through Restaurant Restriction – Text Amendment**

Consultant Habben summarized the directive from the City Commission on July 5, 2022 for City staff to initiate a text amendment to remove the drive-through restaurant restriction for parcels located on M-24/S. Main between Tower Drive and Turrill Road from the Zoning Ordinance – Section 7-13.04.B(9). Habben reviewed the approval standards analysis of the amendment stating Standards #1, #2 & #3 do not apply and reviewed the findings of fact for Standards #4 & #5. Habben reviewed options for moving the request forward including the possibility of rezoning properties in the subject area to B-1 Neighborhood Business which permits less intense uses appropriate for a transitional area between residential and commercial land uses. Habben reviewed the Zoning Ordinance Intent and Schedule of Uses in Article 7-6 of the Zoning Ordinance for the B-1 Neighborhood Business and B-2 General Business districts.

Discussion was held concerning the intent of the Planning Commission when the restriction was established, updates made to the Zoning Ordinance regulating signage, building materials, landscaping and access locations, the variety of lower intense uses allowed in the B-1 district and the fact the B-1 district addresses the original vision of the Planning Commission for the subject area. Discussion was also held on the Planning Commission's ability to recommend additional permitted uses in the B-1 district and the ability of Cliff Drive residents to sell their property for future commercial uses.

Commissioner Johnson commented on the lack of a full time City Planner to increase business recruitment efforts.

Commissioner Shenck commented that the Planning Commission and City Commission should be looking at what is best for the overall citizens of the City not just certain individual property owner.

Additional discussion was held on the fact the B-1 district creates a more cohesive and compatible buffer area between the residential and commercial uses in the subject area, the public hearing requirement to remove the restriction in Section 7-13.04.B(9) and the notification requirements to all properties in the Annexation by Choice area for the text amendment and potential rezoning to B-1. Discussion was also held on the final approval body (City Commission / Planning Commission) for the Master Plan, Special Land Uses and Rezoning, current parcels in the subject area zoned B-2 General Business, the increased use of drive-through windows in the restaurant industry and the fact all drive-throughs for restaurants require Planning Commission approval of a Special Land Use regardless of location City-wide.

Motion by Shenck. Seconded by Marquardt.

To schedule a public hearing for 6:30 p.m. on September 8, 2022 to consider the amending the Zoning Ordinance to remove the drive-through restaurant restriction in Section 7-13.04.B.(9).

**Ayes:** Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Shenck and Johnson.

**Nays:** None.

**Absent:** Commissioners Bostick-Tullius and Roberts.

**MOTION CARRIED.**

Further discussion was held on the option of rezoning parcels in the subject area to B-1 Neighborhood Business, exempting parcels with current approved site plans for development (Tommy's Car Wash and Security Credit Union) and exempting annexed parcels already zoned B-2 General Business. The variety of uses permitted in the B-1 and B-2 districts and the standards for Planning Commission approval of Special Land Uses were explained. After discussion, it was the consensus of the commission to notify all property owners and occupants of all parcels in the Annexation by Choice area located from Tower Drive to Turrill Road between Baldwin Road to Cliff Drive of the public hearings concerning the potential rezoning and drive-through restriction removal.

**094 2022 8-11 Schedule Public Hearing – Rezoning from Residential to B-1 or B-2 – Parcels located on M-24/S. Main between Tower Drive and Turrill Road**

Motion by Shenck. Seconded by Kelly.

To schedule a public hearing for 6:30 p.m. on September 8, 2022 to consider rezoning parcels currently zoned Residential located on M-24/S. Main from Tower Drive to Turrill Road to B-1 Neighborhood Business or B-2 General Business.

**Ayes:** Commissioners RaCosta, Kelly, Kerbyson, Marquardt, Pattison, Shenck and Johnson.

**Nays:** None.

**Absent:** Commissioners Bostick-Tullius and Roberts.

**MOTION CARRIED.**

**Zoning Ordinance Update**

Habben continued review of Draft #1 of the updates to the Zoning Ordinance including:

- Expiration of Zoning Board of Appeals variances associated with an approved site plan;
- Shipping container regulations in commercial and industrial districts;
- Requiring cross access between adjacent parcels;
- Loading area screening approval;
- Exterior site lighting standards for dumpster areas;
- Parking space requirements and calculations for various uses including outdoor seating areas, institutional uses/places or worship, lodge and union halls, retail uses of 80,000+/- sq. ft. of GFA, beauty salon, barber shops and nail salons, dance halls, conference/meeting rooms and marihuana grow and processor facilities; and
- Off street loading area requirements.

After review and discussion on the various updates it was the consensus of the commission to schedule a public hearing for the September 8<sup>th</sup> meeting to consider the proposed updates/amendments to the Zoning Ordinance.

**CORRESPONDENCE**

Consultant Habben stated the Development Activities Report is as submitted.

**TRAINING REPORT**

There was not a training report.

**COMMISSIONER COMMENTS**

Consultant Habben informed the commission she will not be able to attend the October meeting if held on the regular meeting date of October 13<sup>th</sup>. It was the consensus of the commissioners to revisit the need to reschedule the October meeting at the September 8<sup>th</sup> meeting.

Commissioner Kerbyson commented the practice of utilizing Rowe Professional Services Company to provide Planning Consultant services has worked out very well for the City.

Commissioner Johnson commented the Rowe planning consultants do a good job, however, a full time planner would allow the City to be more proactive.

**ADJOURNMENT**

Motion by Shenck. Seconded by Kelly.

Adjourn the meeting at 8:15 p.m.

**MEETING ADJOURNED.**

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Commissioner Jeff Pattison  
Secretary

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Kimberly Hodge  
Recording Secretary