

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
JANUARY 12, 2023**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, January 12, 2023 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

Members Present: Chairperson Jennell RaCosta, Vice Chairman Austin Kelly and Commissioners Jeff Pattison, Debbie Marquardt, Marty Johnson, Anne Shenck, Dale Kerbyson, 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

115 2023 1-12 Meeting Minutes

Motion by Kelly. Seconded by Kerbyson.

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

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

Nays: None.

Absent: None.

MOTION CARRIED.

AGENDA APPROVAL

116 2023 1-12 Agenda Approval

Motion by Bostick-Tullius. Seconded by Marquardt.

To approve the agenda for the January 12, 2023 meeting as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, Lapeer, gave an invocation.

PUBLIC HEARINGS SCHEDULED

Bollman – Special Land Use – 208 E. Genesee St. – Adult Novelty Store

Consultant Habben reviewed the request from Angela Bollman for a Special Land Use Permit in order to operate an adult novelty store at 208 E. Genesee Street including aerial and street level photos of the subject site and surrounding area and uses, storefront examples submitted by the applicant, the flood zone map showing the location of the wetland areas north of the site and the 500 ft. buffer area required from

residential districts. Habben reported the applicant is requesting a variance from the 500 ft. buffer requirement which is scheduled to be considered by the Zoning Board of Appeals on January 23rd.

Consultant Habben reviewed the Special Land Use Approval Standards of Section 7-19.04(A-E), findings of fact, staff comments and the applicant's response to each standard. Discussion was held on the existing uses surrounding the site and other uses currently located in the multi-tenant building the business is proposed to locate within.

The applicant Angela Bollman distributed photos of example facades of other Adam & Eve locations showing the windows tinted or covered and stated the franchise will carry 80% upscale clothing and will meet all other requirements of the City.

Discussion was held on the plan to tint out the façade windows, no plans for a drive-through window and the 18 years & older age requirement.

Chairperson RaCosta opened the public hearing at 6:47 p.m.

Karen Wynn, 5166 Remington Dr. Lapeer, commented in opposition of the request due to similar type businesses that opened in Burton when she lived there and the type of people the business will draw into the community.

Melissa Grant, Lapeer, commented in favor of the request stating she has no problem with the request, that she has 3 children that she can explain to what the business is and that the use is not a huge deal.

Diane Jones, with the Lapeer Refuge Homeless Shelter read the following statement in opposition of the request:

1.12.23

To Whom it May Concern:

Lapeer has opened gates of negative activity recently that have long term consequences to our community. We are concerned that opening another gate will make matters worse for the residents of Lapeer.

In the past few weeks, The Refuge have had phone calls from in county and out of county treatment centers, psych wards, county jails and prisons, CMH, Golden Arrow, LCADA, and hospitals. We receive over a hundred calls a week from all over the state, pleading for help. The police department have dropped off several individuals in bigger needs than we can provide for them, during our closed season. We feel that bringing in a business like this will continue to harm the community that so many of us are trying to rebuild in a positive way.

Our facility is able to serve a twenty-guest maximum, partnering with about sixteen churches during the winter season from Thanksgiving to Easter. The city has allowed us, if needed, to house our guests on site overnight, for two weeks out of the month. Which means, if the churches aren't participating, we would have individuals only on a part-time basis and only be able to offer shelter two weeks a month.

The Refuge has had to turn away many sex offenders from all levels, with no place to refer them to. We have very limited resources for those in our county suffering from mental illness. As a small non-profit, only funded by individual and church donations, our resources for helping those with mental illness is few and far between. We would love to help in so many more ways.

It is our recommendation that we would like to see the city approve a positive place that offers twelve-month shelter and help for those who need help so desperately.

Sincerely,
The Refuge.

Ingrid Chayka, 1900 Misty Meadow Ln. Lapeer, spoke in opposition of the request stating the business will not improve the community, that Lapeer is already known for pot, that children walk down Saginaw Street to the schools and that the business will hurt families and cause harm.

Melissa Petrie, Lincoln St. Lapeer, stated she moved to California and came back to Lapeer, that she has deep roots in Lapeer, that the City Commission was warned that unwanted uses would follow after pot was allowed, that the cost to the town should be considered, that she believes it will harm the health and welfare of the town and she is concerned about the proximity of the Child Advocacy Center.

Tim Denney, 110 N. Saginaw St. Lapeer, stated the special land use requires the Planning Commission to determine the use is compatible with the general vicinity, that the ordinance acknowledges the objectional character of the use, that the use is a crime magnet and not compatible with the area and the Child Advocacy Center across the street, that he gets his hair cut in the same commercial building that sees kids in and out, that the sidewalk to Lapeer High School is near the site, that he is concerned for the community and the direction it is going and the request should not be approved.

Kathy Gordon, Columbiaville, spoke in opposition of the request stating she is concerned with the surrounding areas, that she was born on the east side of Flint and remembers when Dort Hwy was a prosperous area, that now it is a deteriorated area, that she is concerned with child predators and the kids need protection.

Carol Brown, 1524 Fish Lake Rd., asked for clarification on the required variance for review by the Zoning Board of Appeals.

Jane Beckwith, Marathon Township, cited various statistics on violent and sexually-oriented crimes and the correlation between crime and adult use type businesses.

Dillon Arndt, 25 S. Wilder Rd., spoke in favor of the request stating it will bring jobs and revenue, that children are not allowed in the business and that it will be 80% clothing sales and the other 20% are items that can be bought at Walmart.

Janet Adams, Lapeer Township, stated she is in opposition of the request.

Mike Nicholes, 1773 Farnsworth Rd., spoke in opposition of the request due to the need for positive morals & values, that Genesee Street is turning into Dort Highway and he is a trucker and sees a lot of these places.

Kim Nicholes, 1773 Farnsworth Rd., stated she agrees with Mike Nicholes' statements.

Jenny Burkhart, Lapeer, stated she volunteers at organizations that deal with women who are victims of various crimes, that sex sells, that she echoes what has been said and that the commission needs to be wise about the choice.

Doug Grossbauer, 2792 Roods Lake Rd., stated he goes to jails and homeless shelters to speak about his struggles with pornography issues, that most people are in jail for drugs, that he agrees with the statements made, that he can testify to pornography's personal destruction of his life and that the people need to come together as one and not fight about the issue.

Carol Wynn, Columbiaville, stated the commission should not create a need and are not fulfilling a need.

Jeanette Osentoski, Jefferson St. Lapeer, stated it should not be about the almighty dollar and that it would be a dereliction of duty if the commission did not consider the proximity of the Child Advocacy Center.

Daniel Martin, Lapeer, stated he is a longtime Lapeer resident, that he volunteers with kids and the elderly, that he is not concerned about the business, that it will not change the character of Lapeer, that Lapeer will stay the same, that this type of business helps keep marriages together, that it is much better than having the church in the bedroom and that it is not a big deal.

Miranda Bowers, 5506 Liberty St. Dryden, stated she disagrees with the signs being held up by people in the audience.

Marlana Swindell, Pleasant St. Lapeer, stated the business is not a strip club, that the same lingerie can be bought in the center aisle of Walmart and Meijer for Valentine's Day, that 80% of the products can also be purchased at Kohl's, Meijer and Walmart, that the other products sold can also be purchased at a pharmacy and are not hidden from view, that customers need to be 18 to enter, that there is no sidewalk in front of the business, that the rules as written have been on the books, that it is a retail store and not porn for children, that children have access to porn on their phones, that it is not a bookstore and the sky will not fall.

Joanne, Attica, stated this stuff will promote perversion.

Dr. Tim Carney, Oregon Township, spoke in opposition of the request stating it only takes one fly to spoil the ointment, that it is more than a retail store, that the whole concept is sexuality and it's not needed within the community.

There being no further comments, the public hearing was closed at 7:24 p.m.

Discussion was held regarding whether the use meets all required standards, the requirements of Standard C of Section 7-19.04 which requires compatibility with the character of the general vicinity, the Child Advocacy Center located at 15 E. Genesee Street, the 500 ft. distance requirement from residential districts, the City Commission's approval of the hours of operation of 10 a.m. to 8 p.m., the residential area to the north that is unbuildable swamp area, the single-family home on Saginaw Street which is zoned Industrial and the residential buffer zone area. Discussion was also held on the marketing philosophy of adult use businesses, the proximity of the sidewalk to Lapeer East High School, the customer base for an adult use business and the procedure to grant the special land use prior to the variance from the ZBA.

117 2023 1-12 Bollman – Special Land Use – 208 E. Genesee

Motion by Shenck. Seconded by Roberts.

To deny the request from Angela Bollman for a special land use to locate an adult novelty store at 208 E. Genesee because it does not meet Standard C in Section 7-19.04 due to the proximity of the single-family residential district to the north, the Child Advocacy Center at 15 E. Genesee and the pedestrian sidewalk leading to Lapeer High School.

ON A ROLL CALL VOTE:

Ayes: Commissioners Shenck, RaCosta, Kerbyson, Marquardt and Roberts.

Nays: Commissioners Pattison, Kelly, Bostick-Tullius and Johnson.

Absent: None.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Election of Officers

118 2023 1-12 Election of Officers

Motion by Kerbyson. Seconded by Shenck.

To nominate and elect:

Jennell RaCosta as Planning Commission Chairperson;

Austin Kelly as Planning Commission Vice Chairperson; and

Jeff Pattison as Planning Commission Secretary.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Annual Report

Consultant Habben reviewed the Annual Report summarizing 2022 activities of the Planning Commission and Planning Department including membership terms, special land use requests, site plan reviews and extensions, rezonings, text amendments, various other business items, training and economic and marketing policies. Discussion was held on the need to confirm commissioner term expiration dates.

119 2023 1-12 Annual Report

Motion by Bostick-Tullius. Seconded by Shenck.

To approve the provided Planning Commission Annual Report for 2022 and submit the report to the City Commission for acceptance after confirmation of commissioner term expiration dates.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Master Plan Amendment – S. Lapeer Road

Consultant Habben reviewed amendments proposed to the Future Land Use Map including Commercial-Local Business areas at the northwest corner of Genesee/Millville, amending the Rite Aid site at the northwest corner of Genesee/N. Main to PUD, and the S. Lapeer Rd. annexation area to a mix of Multiple-Family Residential, Commercial-General Business and Commercial-Local Business. Habben also reviewed the Future Land Use Description for Commercial-Local Business and Land Use Regulations Zoning Map text and the Table 6 Future Land Use Plan and Zoning District correlations.

Discussion was held on encouraging low intensity commercial uses to front Cliff Drive, the next step in the process of the City Commission to authorize the Planning Commission public hearing which will begin a 42-day review and comment period prior to the public hearing which will tentatively be held in April.

120 2023 1-12 Master Plan Amendment – Public Hearing Approval

Motion by Kelly. Seconded by Bostick-Tullius.

To recommend the City Commission authorize the public hearing for the proposed Master Plan amendment.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CORRESPONDENCE

The Development Activities Report was as submitted.

TRAINING REPORT

There were no new training reports. Discussion was held on scheduling a joint meeting with the City Commission including potential dates, topics for discussion and considering training on approval standards for the Planning Commission.

COMMISSIONER COMMENTS

Commissioner Shenck commented on the difference between the buffers for marijuana uses and adult uses.

Commissioner Kelly commented on City Manager Kerbyson's attention to detail, what he has built in Lapeer and wished him the best.

Commissioner Roberts commented that the audience attendance was an eye-opener.

Commissioner Marquardt commented on whether the adult use business can operate at another location and that changes may be needed to the Zoning Ordinance.

Chairperson RaCosta commented that the community members voices matter, that she was sorry to hear of City Manager Kerbyson's resignation and that he has been a phenomenal City Manager.

ADJOURNMENT

Motion by Shenck.

Adjourn the meeting at 8:17 p.m.

MEETING ADJOURNED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary