

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
APRIL 13, 2023**

A regular meeting of the City of Lapeer Planning Commission was held at 6:30 p.m. on Thursday, April 13, 2023 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

Members Present: Chairperson Jennell RaCosta, Vice Chairman Austin Kelly and Commissioners Kelly Hanna, Jeff Pattison, Anne Shenck, Debbie Marquardt and Catherine Bostick-Tullius (arrived 6:33 p.m.)

Members Absent: Commissioners Marty Johnson and Doug Roberts.

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

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

AGENDA APPROVAL

131 2023 4-13 Agenda Approval

Motion by Kelly. Seconded by Shenck.

To approve the agenda for the April 13, 2023 meeting.

Ayes: Commissioners RaCosta, Kelly, Hanna, Pattison, Shenck and Marquardt.

Nays: None.

Absent: Commissioners Johnson, Roberts and Bostick-Tullius.

MOTION CARRIED.

MINUTES

132 2023 4-13 Meeting Minutes

Motion by Kelly. Seconded by Shenck.

Approve the minutes of the regular meeting held on March 9, 2023 as presented.

Ayes: Commissioners RaCosta, Kelly, Hanna, Pattison, Shenck and Marquardt.

Nays: None.

Absent: Commissioners Johnson, Roberts and Bostick-Tullius.

MOTION CARRIED.

PUBLIC COMMENTS

Melissa Petrie gave an invocation.

Commissioner Bostick-Tullius arrived at 6:33 p.m.

Special Land Use - Bollman – Adult Novelty Store – 807-809 East St.

Planning Consultant Ball reviewed the request from Angela Bollman for a Special Land Use in order to locate an Adam & Eve franchise adult novelty store in a multi-tenant commercial building at 807-809 East Street. Ball reviewed aerial photos and a diagram of the subject site, street-level photos of the front and rear of the site, parking calculations for the site, the location of the Hunter's Creek Mobile Home Park east of the parcel, a map of the 500 ft. required buffer to the residential use and other various zoning requirements for adult uses.

Consultant Ball also reviewed the Standards for Approval for the request, the option to consider approving the request contingent upon Zoning Board of Appeals approval of the required variances from the residential use buffer and location on a major thoroughfare and suggested the Planning Commission indicate whether the requested variances are reasonable. Discussion was held on the distance from the business to the mobile home park, the intent of the buffer requirement, the existing fence with no access gates and tree line on the east side of the parcel and the interpretation of the proposed business as an adult entertainment use.

Chairperson RaCosta opened the public hearing at 6:46 p.m.

Angela Bollman, applicant, stated she has a lease in place with the landlord who has spoken with the other tenants in the center who have indicated they will welcome her business, that all other requirements in the City ordinances will be followed, that the store will be located in an area of other shopping & dining businesses and that all adult-oriented merchandise will be in the rear of the building and shielded from public walking by. Bollman reviewed photos of typical Adam & Eve storefronts stating the use is Federally considered a retail operation with 80% clothing & shoes and 20% adult novelties with an 18 & over age requirement to be in the building with discreet signage. Bollman stated the City Commission approved the hours of operation of 10:00 a.m. to 8:00 p.m. and books, magazines or videos will not be in stock. Bollman stated her request is on the April 24th ZBA meeting agenda for variances to the 500 ft. buffer from residential uses and the location not being on a major throughfare. Bollman stated the store's interior will be upscale and the windows will be blocked out. Bollman also stated she has lived in the Lapeer area for 37 years, has raised her child here, that she is not just a random person coming to town, that she has operated a business in town for 17 years, that she is heavily involved in the youth community, that her goal is to continue to contribute to the community, that she doesn't want to operate her business anywhere else because Lapeer is home and that she is asking the Planning Commission to grant the Special Land Use contingent on ZBA approval of the necessary variances.

Mike McGlothin, property owner, stated he has been in the Lapeer community for 50 years, that Bollman's business is not trying to peddle pornography, that he understands the emotional side of the issue, that the use will have a low impact on parking demands for the site and that people can walk by a Victoria Secrets in any mall. McGlothin further stated there is between 150 ft. and 170 ft. from the 807-809 East Street units to the 8 ft. wood fence at rear of site and 20 ft. tall Pine trees, that he has talked to other businesses in center, that a person can buy adult products at other stores in town and that the business will not be doing anything detrimental to the community.

Tony Keller, 257 Turrill Ave., stated he has worked for Bollman for 14 years, appreciates what he has been able to gain from his job and that he supports her.

Dave Matthews, 640 Bowers Rd., stated that change should be embraced, that he came from a broken home, that this business can help families stay together, that Bollman is an amazing person, that he is proud to call her a friend and he supports her.

Dylan Arndt, 25 S. Wilder Rd., stated the City wants to grow up, that the question is are we going to make it difficult or let business flourish and benefit the community.

Linda, Lapeer, no last name or address provided, stated the previous speakers will receive money because of the store, that she has been in the area for 75 years, that she is speaking for the children, that the town has a lot of trouble with the library books, a store with blacked out windows is curious to children, that there are other places for the business in Flint, Pontiac and Dort Highway, in the future the store could add prohibited merchandise, that people will not want to move to Lapeer with all the marihuana shops and now this type of business.

Jeremy Buller, 178 North Lake Rd., Lapeer, stated he has small children, that he can take his child to get a coke and see adult magazines, that his child cannot even go into this store, that this is absurd, that he knows Bollman, that he will not receive any money from her store, that she is awesome to the community and kids, that she is not doing anything to hurt kids or the community and he sees no issue with this request.

Carrie, no last name or address provided, reviewed the internet description of what Adam & Eve sells and stated that the store will provide something sexual that kids don't need to see, that Ted Bundy started his murder spree by being exposed to pornography and that the best place to buy this type of merchandise is online. Carrie stated she appreciates the property owner's difficulty in renting his space, that she begs the Commission to consider the consequences, that little things like allowing this business seems harmless to a town but it is dangerous and opens a whole new world.

Jane Beckwith, 4831 Lonsberry Rd., Columbiaville, stated she was raised in the area, that she has children that live in the area, that there are research studies listing statistics correlating adult stores to increased violent crime, that the zoning ordinance requirements are in place for a reason, that she is not against progression and that family-based businesses should be encouraged.

Lori Beach, 739 Sunset, Attica, stated that Bollman didn't miss a beat to hire her with her issues, that she cares, that she is involved in the community donating time and money, that she supported her when she had various family issues, that she cares about her employees and that anyone would be privileged to work for her.

Leslie Getz, 126 Davis Lake Rd., Lapeer, stated she has no problem with the adult store for adult customers.

Colleen, no last name or address provided, stated she moved back to the Lapeer community, that she gives credit to Bollman for investing in the community and youth, that she would encourage Bollman to look at other types of stores, that the Commission should consider the impact of increased crime, the center will lose tenants due to negative long-term impacts of this business, that the website doesn't list clothing as the main type of merchandise sold at this store. Colleen further stated that kids in the mobile home park will be climbing the fence to get to the store with blacked out windows, that the business is not a family store, that other stores in town will provide competition to the adult novelty merchandise sold, that the town has needs for other types of businesses that don't need variances and approving the variances for this store is a slippery slope.

Kendra Petty, Lapeer, stated the back of the parcel has a well-worn foot path to the mobile home park, that there were concerns with the previous potential location's proximity to sidewalk and residential uses, that this store rubs against the conscience with blacked out windows indicating it's an inappropriate use and inquired if the City will keep checking that the store is meeting all requirements.

The following email was received from Glen Rohn of Michele & Company Fine Jewelers, 757 S. Main Street stating:

"I adamantly oppose the approval of the Adult Novelty Store being proposed for a location on East Street. In my opinion it would be a major negative influence for all the businesses in the area on East Street and Main Street.
Thank you for your cooperation in this matter."

There being no further comments, the public hearing was closed at 7:17 p.m.

Discussion was held on the possibility of postponing a decision until the variance requests were acted on by the Zoning Board of Appeals.

133 2023 4-13 Special Land Use – Adult Novelty Store – 807-809 East St.

Motion by Marquardt. Seconded by Kelly.

To approve the special land use received from the applicant Angela Bollman for a proposed adult novelty store located at 807 & 809 East Street, Parcel #L21-33-100-050-00 because it meets all standards in Section 7-19.04 contingent upon:

- Receiving the requested Zoning Board of Appeals variances related to relief from the required location on a major thoroughfare and relief from the required distance from a residentially zoned parcel.
- Confirmation by the applicant that the use will meet all standards in Section 7-13.07 of the zoning ordinance.

Ayes: Commissioners Marquardt, Kelly, Hanna, Pattison and Bostick-Tullius.

Nays: Commissioners RaCosta and Shenck.

Absent: Commissioners Johnson and Roberts.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

111 W. Genesee – Building Appearance

Consultant Ball reviewed photos of changes made to the exterior building materials at marihuana provisioning center Exclusive located at 111 W. Genesee Street consisting of repainting the entire exterior black. Ball reviewed renderings of the previously approved building exterior colors consisting of neutral light brown/beige and the intent of the ordinance requirements for easy reuse and repurpose of commercial buildings and the option to use the black trademark color as an accent.

Discussion was held on the appearance of the building in person, other businesses located in the City which were required to comply with the exterior building material and color design requirements, future repurposing of the building, the reasoning for having the design standards in place and the appearance of the former building on the site which was demolished.

Jonathan Jury, of Exclusive, was present and stated the applicants are maintaining their original request to receive approval for the building exterior to remain as is due to black being a trademark color.

Discussion was held that no alternative design options were provided by the applicant for consideration, the enforcement process and the timeline for requiring the building to come into compliance with the ordinance.

134 2023 4-13 111 W. Genesee St. – Building Exterior Appearance

Motion by Hanna. Seconded by Pattison.

To deny the black building façade for the entire building located at 111 Genesee Street by Ox Tail / Exclusive Brands because black is not consistent with the trademark exemption and does not meet the building façade color intent or requirements.

Ayes: Commissioners RaCosta, Marquardt, Kelly, Hanna, Pattison, Shenck and Bostick-Tullius.

Nays: None.

Absent: Commissioners Johnson and Roberts.

MOTION CARRIED.

CORRESPONDENCE

The Development Activities Report was as submitted.

TRAINING REPORT

Consultant Ball reported the Joint Training session with the City Commission is tentatively being scheduled for June and discussion topics are being reviewed.

COMMISSIONER COMMENTS

Commissioner RaCosta inquired on the status of Caitlyn Habben as the Planning Consultant.

Consultant Ball reported Habben has resigned from Rowe and has moved on to a new opportunity with another firm.

Commissioner Pattison thanked Habben for her great job.

Commissioner Marquardt stated Habben did a wonderful job for the City.

Commissioner Hanna reported the new City Manager will be on board and in attendance at the May Planning Commission meeting.

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Commissioner Shenck inquired if there is any meet & greet event being planned with the new City Manager.

Commissioner RaCosta also inquired on the status of any follow-up performed on the previous marihuana odor complaint in the Court Street area.

ADJOURNMENT

Motion by Kelly.

Adjourn the meeting at 7:46 p.m.

MEETING ADJOURNED.

Commissioner Jeff Pattison
Secretary

Kimberly Hodge
Recording Secretary