

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
OCTOBER 12, 2017**

A regular meeting of the City of Lapeer Planning Commission was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Thursday, October 12, 2017 at 6:30 p.m.

**Members Present:** Commissioner Bill Sprague, Commissioner Catherine Bostick-Tullius, Commissioner Dave Sommerville, Commissioner Ed Jamison, Commissioner Anne Shenck and Commissioner Austin Kelly.

**Members Absent:** Chairman Joe Black, Vice Chairperson Jennell RaCosta and Commissioner Dale Kerbyson.

**Also Present:** Mr. Doug Piggott, Rowe Professional Services Company Planning Consultant.

Commissioner Sprague called the meeting to order at 6:30 p.m.

**Acting Chairman**

Due to the absence of both Chairman Black and Vice Chairperson Jennell RaCosta, it was moved by Commissioner Kelly and supported by Commissioner Shenck to nominate and elect Commissioner Sprague to serve as Acting Chairman of the meeting.

**MOTION CARRIED.**

**MINUTES**

It was moved by Commissioner Sommerville and supported by Commissioner Jamison to approve the minutes of the meeting held on August 10, 2017 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS SCHEDULED**

**Rezoning – D & D Properties (Ferguson Convalescent Home) – 239 S. Main –  
Parcels #21-54-501-040-00 & #21-53-301-040-00 – OS-1 to B-2**

Mr. Piggott reviewed the request from D&D Properties to rezone parcels #21-54-501-040-00 and #21-53-301-040-00 located at 239 S. Main Street from OS-1 Office Service to B-2 General Business in order to renovate and expand the existing Ferguson Convalescent Home. Mr. Piggott reviewed the Ferguson site location which is under new ownership and stated the site is comprised of 5 separate parcels, two of which are currently zoned OS-1, and that a convalescent home is a permitted use in both the OS-1 and B-2 districts.

Mr. Piggott reviewed the Future Land Use Map which identifies the site as master planned for commercial use and stated the request is consistent with the Master Plan and that all uses permitted in the B-2 district need to be considered when rezoning the properties, however, the owner has indicated the parcels will be used to renovate and add on to the existing facility.

Acting Chairman Sprague opened the public hearing at 6:36 p.m.

There being no comments, the public hearing was closed.

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Shenck to recommend the City Commission approve the request from D&D Properties to rezone parcels #21-54-501-040-00 and #21-53-301-040-00 from OS-1 Office Service to B-2 General Business. **MOTION CARRIED.**

### **SITE PLAN REVIEW**

There were no site plans to be reviewed.

### **OTHER BUSINESS**

#### **Medical Marihuana Facilities Licensing Act (MMFLA) Ordinance – Preparation of Draft Ordinance**

Mr. Piggott reviewed the five types of facilities addressed in the State of Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and the consensus of the commission to date to require the following buffer zones:

**K-12 Schools = 1,000 ft. buffer**  
**Registered Nursery Schools = 500 ft. buffer**  
**Federal Uses = 500 ft. buffer**

Mr. Piggott reviewed the buffer zone maps for parks with and without walking trails. After discussion it was the consensus to require a **200 foot buffer zone from parks and not include buffer zones from walking trails.**

Mr. Piggott stated in addition the State of Michigan is currently considering requiring a 500 foot buffer zone from churches, however, no official action has been taken to date. Mr. Piggott also reviewed the use matrix identifying the zoning districts in which each of the five licensed uses will be permitted to operate and reported the State of Michigan is considering permitting the stacking of licensed operations at a single growing facility as well as allowing joint licensed uses to operate on the same site.

Discussion was held regarding whether to require the MMFLA uses to obtain a Special Land Use in order to operate in the City of Lapeer and placing all required appropriate restrictions on the uses in the ordinance. After discussion, it was the consensus of the commission **to allow all MMFLA uses as a permitted use by right and not require a Special Land Use.**

Mr. Piggott reviewed various language options in order to prepare the ordinance regulating MMFLA uses/facilities for the following items:

Spacing  
Odors/Smells  
Outdoor Display, Sales & Storage  
Lighting  
Hours of Operation

After discussion on each of the items it was the consensus of the commission as follows:

**Spacing** – Not to require any spacing requirements in addition to the buffer zones.

**Odors/Smells** – Not to require any odor/smell control requirements in addition to what is required by the State of Michigan Department of Environmental Quality.

**Outdoor Display, Sales & Storage** – To require all MMFLA operations/uses to be conducted in a fully enclosed building and not allow outdoor display, sales or storage.

**Lighting** – Not to require any lighting restrictions for MMFLA facilities/uses in addition to the current photometric lighting regulations in the current zoning ordinance.

**Hours of Operation** – To restrict the hours of operation of Provisioning Center facilities to 7 a.m. to 11 p.m. and Safety Compliance Facility operations to 7 a.m. to 7 p.m.

Mr. Piggott reported the next step in the process will be to prepare the full draft ordinance for the commission's initial review at the November meeting.

### **OTHER BUSINESS**

Acting Chairman Sprague reminded the commission and public of the DTE Lapeer Solar Celebration scheduled on Saturday, October 14<sup>th</sup> from 11 a.m. to 4 p.m.

### **ADJOURNMENT**

There being no further business, it was moved by Commissioner Sommerville to adjourn the meeting at 7:31 p.m. **MEETING ADJOURNED.**

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Ms. Anne Shenck  
Secretary