

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
NOVEMBER 9, 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, November 9, 2017 at 6:30 p.m.

Members Present: Chairman Joe Black, Vice Chairperson Jennell RaCosta, Commissioner Dale Kerbyson, Commissioner Bill Sprague, Commissioner Ed Jamison, Commissioner Anne Shenck and Commissioner Austin Kelly.

Members Absent: Commissioners Catherine Bostick-Tullius and Dave Sommerville.

Also Present: Mr. Scott Kree, Mr. Doug Piggott, and Ms. Caitlyn McGoldrick, Rowe Professional Services Company Planning Consultants.

Chairman Black called the meeting to order at 6:30 p.m.

MINUTES

It was moved by Commissioner Sprague and supported by Commissioner RaCosta to approve the minutes of the meeting held on October 12, 2017 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

Mr. Gabe Fish was present and stated he is a security contractor who works in the Lapeer community, that if passed the medical marihuana ordinance will affect his business in a positive fashion, that he offers safe protection for the industry, that the taxes and licensing fees will provide a revenue flow to help fix roads and will be a positive thing for the community.

PUBLIC HEARINGS SCHEDULED

Special Land Use – Puckett / Ya Eat Yet Food Trailer – 543 S. Main / 1491 S. Lapeer

Mr. Kree reviewed the request from Alex Puckett for a Special Land Use in order to operate a food truck/trailer at Lapeer Wine & Spirits located at 543 S. Main Street and Ray C's Harley Davidson located at 1491 S. Lapeer Road, both of which are zoned B-2 General Business, intermittently year round. Mr. Kree stated both property owners have provided written approval, that the food truck/trailer will be allowed in a designated loading space at 543 S. Main Street and be located at various spots on the 1491 S. Lapeer Road site depending on what events are taking place at Ray C's.

Mr. Kree reported the use is classified as an accessory portable structure and an other temporary use in the ordinance which should be reviewed administratively annually. Mr. Kree reviewed the correspondence received from Boutrous Companies objecting to the request. Mr. Kree informed the commission Mr. Puckett was operating at the two sites without approval and that the operation has the necessary Lapeer County Health Department permits. Mr. Kree reviewed the standards to be met in order to approve the special land use and various aspects and conditions to consider regarding the request.

Discussion was held that approval of the request will only allow the use at the two subject sites and that the request is similar to the windshield chip repair and fireworks tent operations.

Chairman Black opened the public hearing at 6:45 p.m.

Mr. Alex Puckett was present and stated he currently has only one truck in operation, that he will be operating at the Ray C's location for special events and otherwise will be mainly located at Lapeer Wine & Spirits.

There being no further comments, the public hearing was closed at 6:46 p.m.

Discussion was held regarding the anticipated hours of operation at both sites.

After discussion, it was moved by Commissioner RaCosta and supported by Commissioner Kerbyson to approve the request from Alex Puckett for a Special Land Use in order to operate a food truck/trailer on the properties known as 543 S. Main Street and 1491 S. Lapeer Road intermittently year round contingent upon:

- The location of the food truck/trailer being in compliance with the submitted site plan when operating at 543 S. Main Street;
- That the operation be reviewed and renewed annually utilizing the Outdoor Merchandise Display & Sales Permit process;
- The use shall not affect an adjacent property or ADA parking standards; and
- The use shall not operate on both sites concurrently.

And based upon:

- The commercial accessory use is in compliance with the Master Plan for both sites;
- The use is consistent with the intent of the ordinance and zoning district for both sites;
- The use will not change the existing character of the property or general vicinity;
- The use will not negatively change public safety in the area; and
- The use is consistent with the ordinance and other standards are upheld and there is no more intensity as it pertains to the use being detrimental to the natural environment, public health, safety and welfare for both sites.

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. Kree reviewed the Commission's direction to staff to date regarding preparation of an ordinance to regulate medical marijuana facilities, the current buffer zone maps, the use matrix and stated the facilities may require approval of a special land use if located within the Mixed-Use zoning district and reviewed the Special Land Use approval process. Mr. Kree reviewed the summary of the 15 sample/draft ordinances and how the uses are regulated whether a permitted or not permitted use or permitted as a special land use stating the majority of the facilities are permitted as a Special Land Use. Mr. Kree stated by requiring the uses to obtain approval of a Special Land Use it will provide transparency and notification to the neighboring property owners.

Discussion was held by the commission on whether or not to require the facilities to obtain a Special Land Use and control odors and how to enforce odor control. Discussion was also held regarding odor control performance standards currently included in the industrial district, the potential for odors to permeate into adjacent suites or properties, other communities which have experienced issues with odors from marijuana facilities and the fact that if the odor control is not included in the ordinance the issue cannot be retroactively enforced and applied to existing facilities. Discussion was held regarding the method of enforcement of odor control rules, certain equipment available to capture and detect odors, potential costs associated with the equipment and user certification to operate the equipment and correspondence received from the City's Police Chief and Director of Public Works recommending odor control.

Discussion was also held by the commission on comments made by the City Commission at the time the decision was made to opt in to allow the medical marijuana facilities which included the need to review each placement and category of use and the fact the City Attorney will review the draft ordinance which will be available for public review 15 days prior to the public hearing. Further discussion was held on single-family and multi-family uses located in the Mixed-Use zoning district, boundaries of the existing Mixed-Use zoning district and current buffer zone areas in the downtown area which could change in the event the post office closed in the future.

Mr. Kree reviewed various uses in the Industrial zoning districts which require Special Land Use approvals and the zoning violation process utilized to enforce and possibly revoke a Special Land Use. Discussion was held regarding the need to determine what requirements will be included in the Special Land Use approvals for each facility type and whether to require each type of facility to obtain a Special Land Use approval.

It was moved by Commissioner Kerbyson and supported by Commissioner RaCosta to add the Special Land Use approval requirement to the draft MMFLA ordinance and to identify the potential requirements and standards for each of the five types of facilities for review at the next meeting.

Yeas: Commissioners Kerbyson, RaCosta, Shenck, Black and Jamison.

Nays: Commissioners Sprague and Kelly.

Absent: Commissioners Bostick-Tullius and Sommerville.

Abstain: None.

MOTION CARRIED.

Discussion was held regarding the definition of Outside Use in the draft ordinance and potential issues with cash handling and storage associated with the secure transport facilities/uses.

It was the consensus of the commission to review the requested information further at the next meeting and not to schedule a public hearing on the potential draft ordinance at the December meeting.

Commissioner Sprague requested information be provided at the next meeting on how to define and enforce odor control on a subjective basis.

ADJOURNMENT

There being no further business, it was moved by Commissioner Kerbyson and supported by Commissioner Shenck to adjourn the meeting at 7:58 p.m. **MEETING ADJOURNED.**

Ms. Anne Shenck
Secretary