

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

**Members Present:** Chairman Joe Black, Vice Chairperson Jennell RaCosta, Commissioner Bill Sprague, Commissioner Dale Kerbyson, Commissioner Ed Jamison, Commissioner Dave Sommerville, Commissioner Anne Shenck and Commissioner Catherine Bostick-Tullius.

**Members Absent:** None.

**Also Present:** Mr. Scott Kree, Rowe Professional Services Company Planning Consultant.

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

**MINUTES**

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Kerbyson to approve the minutes of the meeting held on October 20, 2016 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments.

Chairman Black arrived at 6:32 p.m.

**PUBLIC HEARINGS SCHEDULED**

**Security Credit Union – 1061 & 1073 S. Main and 1073 Cliff – Rezoning R-2 to B-2**

Mr. Kree reviewed the request from Security Credit Union to rezone the properties known as 1061 & 1073 S. Main Street and 1073 Cliff Drive from R-2 Single Family Residential to B-2 General Business. Mr. Kree reviewed aerial and street view photos of the property locations, the existing structures on the parcels and the current zoning and master plan map designations of the subject sites and surrounding properties. Mr. Kree stated the 1073 Cliff Drive parcel is located in the Annexation by Choice Area, was annexed to the City of Lapeer and approved by the State of Michigan on January 6, 2017. Mr. Kree noted the correspondence received February 7, 2017 from Trey Brice of Jaffe, Raitt, Heuer & Weiss Attorneys & Counselors representing Richard Witek who resides at 1080 Cliff Drive which states the residential neighborhoods located east of M-24 are not identified to be commercial use in the City's Master Plan is incorrect. Mr. Kree stated the parcels on the west side of Cliff Drive are designated for Commercial – General Business uses on the City Master Plan map.

Chairman Black opened the public hearing at 6:35 p.m.

Mr. Richard Witek, 1080 Cliff Drive, was present and stated he resides immediately south of the 1073 Cliff Drive parcel and inquired if there will be access through the property from M-24 to Cliff Drive, whether there will be easements for water and sewer utilities and whether connection points for his property to utilities will be on M-24 or Cliff Drive.

There being no further comments, the public hearing was closed at 6:37 p.m.

Discussion was held regarding the completed annexation process for the property, the fact utility issues will be addressed during site plan review and whether curb and gutter improvements are planned for Cliff Drive.

After discussion it was moved by Commissioner Sommerville and supported by Commissioner RaCosta to recommend the City Commission approve the request from Security Credit Union to rezone 1061 S. Main Street, 1073 S. Main Street and 1073 Cliff Drive from R-2 Single Family Residential to B-2 General Business based on the determination that the request is consistent with the City's Master Plan. **MOTION CARRIED.**

**Prime 1 Properties (ZeerCO) – Special Land Use – 885 Baldwin - #21-60-100-040-00**

Mr. Kree reviewed the request received from Prime 1 Properties, LLC (formerly referred to as ZeerCO) for approval of a Special Land Use in order to allow a drive-thru operation on Parcel #21-60-100-040-00, currently known as 885 Baldwin Road. Mr. Kree stated the property was rezoned to B-2 and reviewed the Zoning and Master Plan map designations for the subject site and surrounding properties. Mr. Kree reviewed the variances granted by the Zoning Board of Appeals for the proposed drive-thru's window and speaker locations and vehicle stacking spaces, the conditions and standards to be met in order to approve the Special Land Use and stated the Special Land Use approval will only apply to the subject parcel.

Discussion was held regarding the access drive locations on the site.

Chairman Black opened the public hearing at 6:48 p.m.

Cindy Labaza was present and stated her husband is part owner of the property located at 1040 S. Main Street and inquired where to find the ordinance standards required to approve the Special Land Use.

There being no further comments, the public hearing was closed at 6:49 p.m.

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Kerbyson to approve the request from Prime 1 Properties, LLC for a Special Land Use in order to allow a drive-thru establishment on Parcel #21-60-100-040-00 only known as 885 Baldwin Road based on the zoning, future land use and the request meeting the required conditions contingent upon the site plan review and approval and any other site plan conditions being met. **MOTION CARRIED.**

## **SITE PLAN REVIEWS**

### **Prime 1 Properties (ZeerCO) - Site Plan Review – 858/864 S. Main & 885 Baldwin**

Mr. Kree reviewed the site plan received from Prime 1 Properties for construction of a new commercial development consisting of two buildings on the properties currently known as 858 and 864 S. Main Street and 885 Baldwin Road. Mr. Kree reviewed the variances granted by the Zoning Board of Appeals relating to off-street parking spaces, loading/unloading location and screening, waste receptacle location, landscaping materials and buffering. Mr. Kree summarized the outstanding issues with the site plan including ADA parking space size and location, curbing and MDOT permit for the S. Main entrance, sidewalk along Baldwin Road, existing utility pole locations, utility easements, bollard locations, cross connection agreement, pavement markings, water and sanitary connection locations, property combination, Knox box and address locations and site lighting. Mr. Kree reviewed the proposed facade design elevations of the two buildings and stated the variances were necessary due to the three front yards on the site and were applied for prior to submitting the site plan due to effects on the site layout.

Mr. Mike Zeer of Prime 1 Properties was present and stated it has been nice to work with the City which is pro-development, that developing the site has been a challenge due to the three front yards on the site and that he has not applied for the MDOT permit for the S. Main access drive but has spoke with MDOT representatives regarding the drive design. Mr. Zeer stated the remaining issues with the site plan are mainly engineering related which have been addressed or will not affect the layout and flow of the development and requested the commission grant site plan approval contingent upon the remaining required issues being met.

Discussion was held regarding the pending MDOT Right-of-Way permit, the curbing design at the S. Main entrance, the cross connection agreement required due to the project abutting the adjacent Checkers development to the south pavement to pavement and the new utilities proposed on the site which will all be underground. Discussion was also held regarding the fact the City is not requiring the development to share access with the Checkers site.

After discussion, it was moved by Commissioner Sommerville and supported by Commissioner RaCosta to approve the site plan received from Prime 1 Properties, LLC for construction of a new commercial development consisting of two buildings on the properties known as 864/858 S. Main Street and 885 Baldwin Road contingent upon:

- All engineering standards and review items to be met and completed;
- All outstanding site plan review items as noted by the Planning Department to be met and completed; and
- The developer is not required to connect the site to the adjacent property to the south.

**MOTION CARRIED.**

## **OTHER BUSINESS**

### **Interstate Corridor Sign Ordinance**

Mr. Kree reviewed the proposed language of a text amendment to the City's Sign Ordinance Article 7.17 to allow signage along the I-69 corridor including the current restrictions on signage along I-69, areas along I-69 the ordinance amendment would permit signage to be located and stated the proposed ordinance language will be reviewed by MDOT. Mr. Kree reported the ordinance would only allow signage for businesses located in the City limits in B-2 General Business zoning districts, that the PUD development at the southwest corner of the M-24/I-69 interchange would not allowed signage, that the design of permitted signage is similar to the signage for Meijer and TSC at the Irish Road I-69 interchange and includes maintenance requirements.

Mr. Kree stated the amendment is written to insure the gateway to the City of Lapeer looks nice and uniform and reviewed the proposed signage height, setback and distance requirements. Discussion was held regarding the need to see examples of allowed sign designs and the required distance of 300 feet from residential properties.

After discussion it was moved by Mr. Jamison and supported by Mr. Sommerville to approve the draft language of the Interstate Corridor Sign Ordinance text amendment and to schedule a public hearing on the amendment for the March Planning Commission meeting. **MOTION CARRIED.**

### **Commission Vacancy**

Discussion was held regarding the vacancy on the Planning Commission due to the resignation of Jennifer Hubbell and the three candidates which have expressed interest in filling the vacant seat.

Mr. Austin Kelly was present and expressed his interest in serving on the Planning Commission stating he has resided in the City since 1995, that he works with the public through his position with Charter Communications, that he is strongly interested in the growth and future of the City in a positive way and that he keeps informed by reading the minutes of all the City boards and commissions posted on the City website.

After further discussion of the three interested candidates it was moved by Commissioner RaCosta and supported by Commissioner Sommerville to recommend the Mayor appoint Austin Kelly to the Planning Commission.

**Yeas:** Commissioners RaCosta, Sommerville, Shenck, Bostick-Tullius, Black, Kerbyson and Jamison.

**Nays:** None.

**Abstain:** Commissioner Sprague.

**Absent:** None.

**MOTION CARRIED.**

**March Meeting Date Change**

After discussion it was the consensus of the commission to change the March Planning Commission meeting date to March 16<sup>th</sup>.

**ADJOURNMENT**

There being no further business, it was moved by Commissioner Kerbyson and supported by Commissioner Bostick-Tullius to adjourn the meeting at 7:36 p.m.

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Ms. Anne Shenck  
Secretary