

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
NOVEMBER 8, 2018**

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 8, 2018 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:** Commissioner Catherine Bostick-Tullius and Commissioner Dave Sommerville.

**Also Present:** Ms. Caitlyn Habben, Rowe Professional Services Company Planning Consultant.

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 11, 2018 as presented. **MOTION CARRIED.**

**PUBLIC COMMENTS**

There were no public comments at this time.

**PUBLIC HEARINGS TO BE SCHEDULED**

There were no public hearings to be scheduled.

**PUBLIC HEARINGS SCHEDULED**

**Special Land Use – Puckett/Ya Eat Yet? Mobile Food Truck/Trailer – 1555 DeMille**

Ms. Habben reviewed the request form Alex Puckett for a Special Land Use in order to operate his mobile food truck/trailer in the Meijer store parking lot at 1555 DeMille Road in addition to the other two approved locations for his operation at Lapeer Wine & Spirits at 543 S. Main and Ray C's Harley Davidson at 1491 S. Lapeer Road. Ms. Habben reviewed the standards of Section 7.13.11 to be considered when approving a Special Land Use, the conditions required for Mr. Puckett's existing Special Land Use approval and the proposed location on the Meijer site at the northeast corner of the parking lot in approximately the same area approved for the fireworks sales tent.

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

There being no comments, the public hearing was closed.

It was moved by Commissioner Sprague and supported by Commissioner Jamison to **renew** the Special Land Use for Alex Puckett to operate a mobile food truck/trailer at 543 S. Main Street and 1491 S. Lapeer Road Alex Puckett to operate a mobile food truck/trailer 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 multiple sites concurrently.

**MOTION CARRIED.**

It was moved by Commissioner Sprague and supported by Commissioner RaCosta to **approve** an additional Special Land Use location to allow Alex Puckett to operate a mobile food truck/trailer at 1555 DeMille 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 multiple sites concurrently.

**MOTION CARRIED.**

**SITE PLAN REVIEWS**

**McLaren Hospital – New Ambulatory Care Center Building – 1375 N. Main St.**

Ms. Habben reviewed the site plan received from McLaren Lapeer Region for construction of a new three-story 93,135 sq. ft. Ambulatory Care Center building with additional improvements including parking lots, landscaping and utilities to be located adjacent to and west of the existing hospital building at 1375 N. Main Street. Ms. Habben reviewed the site location, aerial photos of the area to be impacted by the project, plans to remove existing homes and a portion of Barry Drive in order to construct a new private access drive relocated south of the existing public street and plans to combine the existing hospital parcels into one parcel.

Ms. Habben reviewed site plan issues to be addressed including landscaping dimensional ratio requirements and buffer zones, parking lot island width, the request to waive the required sidewalk along the new private access drive, light pole height and loading space screening. Discussion was held regarding whether or not to waive the requirement for sidewalk or a pathway along the newly constructed access drive.

Mr. Chris DeGood, of Beckett and Raeder, Inc. civil engineering firm, was present and introduced various members of McLaren Lapeer Region organization in attendance and provided an overview of the proposed site plan and the area to be developed to create a McLaren campus.

Mr. Greg Koenig, of Integrated Design Solutions architectural firm, was present and reviewed the uses proposed to operate in the new ambulatory care building such as physician clinics, outpatient labs, rehabilitation facilities and administrative offices and stated no emergency services or overnight patient stays will be conducted in the new building. Mr. Koenig reviewed the exterior design elevation of the new building which will consist of brick masonry of contrasting colors designed to blend with the existing hospital building exterior. Mr. Koenig also reviewed the floor plans each of the three levels and stated there will be some vacant space available for future uses.

Mr. Chris Candela, McLaren Lapeer Region CEO, was present and stated the hospital has been a part of the Lapeer community since 1954, that McLaren is invested in the Lapeer community and needs to be able to recruit and accommodate new specialists to serve the community. Mr. Candela reviewed plans for tenants in the existing Knollwood clinic across from the hospital to relocate to the new building and stated the Knollwood clinic building needs work to be used in the future. Mr. Candela stated McLaren is all in and excited about the project and that the project will create a major healthcare campus to provide the community a high level of patient care.

Discussion was held regarding the various determinations and waivers requested, whether to waive the requirement for sidewalk or some type of pathway along the new access drive, the location of the wetland south of the access drive, topography of the area which slopes toward the wetland and the new private access drive which will not be closed to public traffic. Discussion was also held on the loading space screening, the type of vehicles to utilize the loading space and location of the main entrance and staff entrance to the building.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Kerbyson approve the following:

- Modification of the dimensional ratio requirement to the whole proposed landscape buffer area in Section 7.15.02 (f);
- Modification of the dimensional requirement from 20 feet width parking lot island to be 10 feet for a parking lot of this size in Section 7.15.02 (g);
- To waive the construction of a sidewalk along Barry Drive (Sec. 7.15.04);
- To allow the proposed free-standing lighting poles to be a maximum height of 25 feet (Sec. 7.15.05); and
- To deem compliance with the screening of the loading space area is adequate to satisfy Section 7.15.06(j).

**MOTION CARRIED.**

Ms. Habben reviewed various additional outstanding site plan issues relating to water main construction and connection locations, property lines, storm water drainage, utility easements, the applicant's request not to require a landscaping buffer along the south border of the parcel until that area is developed in the future, required rezoning of the 1211, 1217 & 1225 Barry Drive parcels from R-2 to OS-1 and City Commission approval required for the vacation of a portion of Barry Drive between Adams Street and Knollwood Drive.

Mr. DeGood stated the project engineers have reviewed the water main connection location issues and have some proposed alternatives. Mr. DeGood requested the Planning Commission allow the project engineers the ability to work with the DPW Director on the new water main connection location alternatives rather than require exactly what is described in the DPW Director's staff comment memo.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner RaCosta to approve the site plan submitted for the new McLaren Ambulatory Care Center located at 1375 N. Main Street because it does meet site plan standards (Sec. 7.18.04) contingent upon:

- The landscape buffer zone on the remaining south side of the parcel shall be installed when the property west of the proposed service drive is developed;
- Approval of the rezoning on 1225, 1217, and 1211 Barry Drive from R-2 Single Family Residential to OS-1 Office Service along Barry Drive;
- City Commission approval of the vacation of Barry Drive between Adams Street and Knollwood Drive and require the roadway not be gated; and
- All outstanding staff comments to be addressed in the engineering site plan.

**MOTION CARRIED.**

### **OTHER BUSINESS**

#### **Pier Provisioning Center – 2401 W. Genesee St. – Alternative Air Filtration Proposal**

Ms. Habben reviewed the City's requirements regarding odor control and air filtration standards for medical marijuana facilities and stated the City's ordinance includes more restrictive requirements than the minimum standards required by the State LARA Marijuana Licensing Board. Ms. Habben stated City staff has had discussion with MSU Extension staff which developed the template on which the City's ordinance is based as well as State Marijuana Licensing Board Regulation Officer and Regulation Agent staff members concerning product packaging requirements, odor control and air filtration. Ms. Habben also reviewed the City's ordinance language in Section 7.13.12(j)a allowing an applicant to submit an alternative odor control system for the Planning Commission acceptance demonstrating the system will control odor as well or better than the activated carbon filtration required in Section 7.13.12(j).

Ms. Habben reviewed the request submitted by Steven Segal, P.E. on behalf of The Pier Provisioning Center to be located at 2401 W. Genesee Street to the Planning Commission to allow an alternative system to control odor at the provisioning center. Ms. Habben reviewed the proposed floor plan of the facility, State packaging requirements and the Building Official's review of the alternative odor control system submitted for acceptance.

Mr. Steven Segal, P.E. was present and reviewed various reasons in his opinion the City's odor control and air filtration requirements are fundamentally flawed, extravagant and unnecessary. Mr. Segal reviewed Building Code odor control and air filtration requirements for other types of uses and stated in his opinion three air changes per hours should be required.

Mr. John Gumma was present and reviewed the product packaging plan stating that for the most part the product will be prepackaged and zip locked resulting in minimum if any odor and that he is State approved and ready to go.

Discussion was held on the need to require medical marihuana facilities to control interior and exterior odors, the Building Official's review and recommendation on the alternative plan as submitted and extensive discussions held by the Planning Commission on odor control when developing the ordinances regulating medical marihuana facilities.

After discussion, it was moved by Commissioner RaCosta and supported by Commissioner Shenck to **deny** the proposed alternative air filtration system for The Pier Provisioning Center located at 2401 W. Genesee because it **does not** meet Section 7.13.12(j)a as an alternative air filtration system that controls odor as well or better than the required system.

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

**Nays:** Commissioners Sprague and Austin.

**Absent:** Commissioners Sommerville and Bostick-Tullius.

**Abstain:** None.

**MOTION CARRIED.**

**Pure Lapeer Provisioning Center – 1330-1332 Imlay City Rd. – Alternative Air Filtration Proposal**

Ms. Habben reviewed the request submitted by Joseph Rockwood, P.E. on behalf of Ivan Ammori and the Pure Lapeer Provisioning Center to be located at 1330-1332 Imlay City Road to the Planning Commission to allow an alternative system to control odor at the provisioning center. Ms. Habben reviewed the location of the facility within in a multi-tenant commercial building and the Building Official's review of the alternative odor control system submitted for acceptance.

Mr. Mike Bahoura, the State license holder for the provisioning center to be located in the commercial building owned by Ivan Ammori at 1330-1332 Imlay City Road was present and stated the odor will be controlled through an activated carbon filter, that the calculations included in the City's ordinance must be a mistake, that the requirements are impossible to achieve, that he wants to be a good neighbor and hold onto his license, that the City is requiring the retail facilities to have the same air filtration system as grow facilities which is not possible and that he wants to work with the City.

Mr. Jason Pirosko, of JMP Design & Build architectural firm was present and stated the existing code is counter-intuitive, that he has not been given an answer as to where the required calculations in the ordinance came from and reviewed the reasons in his opinion the ordinance requirements are so excessive, will not work as written and which no one can meet.

Mr. Joseph Rockwood, P.E. was present and reviewed various aspects of the alternative design submitted and stated the system required by the City ordinance will not work as written, that the applicant is trying to be the best neighbor possible and there is options to appeal the requirements to the Construction Code Board of Appeals.

Discussion was held regarding what the odor control air filtration calculations were based on, staff discussions with MSU Extension and State Marijuana Licensing Board staff, requiring the same level of odor control in provisioning centers as grow and processing facilities and the Building Official's review of the alternative plan submitted. Discussion was also held on avenues available to the applicant to resolve the issue including applying to the Zoning Board of Appeals for a variance to the ordinance air filtration requirements and requesting a text amendment to lessen the requirements included in the current ordinance language.

After discussion, it was moved by Commissioner RaCosta and supported by Commissioner Jamison to **deny** the proposed alternative air filtration system for Pure Lapeer Provisioning Center located at 1330-1332 Imlay City Road because it **does not** meet Section 7.13.12(j)a as an alternative air filtration system that controls odor as well or better than the required system.

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

**Nays:** Commissioners Black, Austin and Sprague.

**Absent:** Commissioners Sommerville and Bostick-Tullius

**Abstain:** None.

**MOTION CARRIED.**

Further discussion was held regarding options available to the applicants including appealing to the Zoning Board of Appeals and requesting an ordinance text amendment as well as the need for City staff to contact representatives from the State and other professional consultants with experience in odor control to research options for designing an alternative system to control odor in the provisioning center facilities. After researching the issue with the professional consultants, City staff will meet with the involved parties to discuss options for design of an air filtration system acceptable to the applicants and which will satisfy the City's odor control regulations to submit for consideration by the Planning Commission.

### **ADJOURNMENT**

There being no further business, it was the consensus of the commission to adjourn the meeting at 8:30 p.m.

**MEETING ADJOURNED.**

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Ms. Anne Shenck  
Secretary