

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
MAY 10, 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, May 10, 2018 at 6:30 p.m.

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

Members Absent: Chairman Joe Black.

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

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

MINUTES

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Shenck to approve the minutes of the meeting held on April 12, 2018 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS SCHEDULED

Rezoning – 1333 Imlay City Road LLC / Brikho – B-2 to I-1

Ms. McGoldrick reviewed the request from George Brikho representing 1333 Imlay City Road LLC to rezone portions of Parcel #L20-83-454-040-00, currently known as 1333 Imlay City Road, and Parcel #L20-83-454-050-00, consisting of a vacant parcel with an existing parking lot immediately east of 1333 Imlay City Road, from B-2 General Business to I-1 Industrial. Ms. McGoldrick reviewed the site location which was formerly used for a driver education training site, an aerial photo of the subject site and the proposed lot reconfiguration/split survey for the subject parcels.

Ms. McGoldrick stated the rezoning request is not consistent with the Commercial – Auto Master Plan designation for the subject parcels and reviewed the criteria for rezoning a parcel that is not in compliance with the City’s adopted Master Plan which requires that either 1) A determination is made that there was a mistake in the plan or there is a change in conditions or City policy or 2) That the property cannot be reasonably used as currently zoned and the proposed zoning requested is the most suitable alternative based on the City’s Master Plan.

Ms. McGoldrick reviewed the zoning designations of the surrounding parcels, the applicant's responses and rationale to Standards #1 and #2 including Master Plan Goals #1, #5, #6 and #7. Ms. McGoldrick stated the site has been vacant for some time and that the demand for large retail space has decreased in the retail industry which represents a change in condition.

Discussion was held regarding the correspondence received from the owner of the 1381 Imlay City Road located immediately east of the subject site which is currently leased to Lapeer Farm and Garden. Ms. McGoldrick stated the previous owner of the subject property proposed for rezoning entered into a shared parking agreement with Lapeer Farm and Garden for 20 spaces.

Vice Chairperson RaCosta opened the public hearing at 6:45 p.m.

Mr. Don Flory, owner of 1356 Imlay City Road, inquired what the use intent for the property is and why the proposed use is not included in the rezoning public hearing notice.

Mr. Justin Dunaskiss, of Dunaskiss Consulting 159 W. Clarkston Rd, Lake Orion, MI, was present representing the applicant and addressed how the proposal meets the Master Plan goals and objectives, the national and local retail marketing trends and stated the proposal for a flexible industrial space and a smaller retail space is justified. Mr. Dunaskiss stated the developer owns a number of other flex industrial sites and intends to honor the shared parking agreement with Lapeer Farm and Garden.

There being no further comments, the public hearing was closed at 6:50 p.m.

The following correspondence was received:

May 10, 2018

Lapeer City Hall
Attn: Planning Commission
576 Liberty Park
Lapeer, MI 48446

RE: City of Lapeer Planning Commission Notice of May 10, 2018, Hearing to Consider Request to Rezone 1333 Imlay City Rd.

Dear Planning Commission:

I received the notice regarding the Planning Commission meeting on May 10, 2018 to consider the request by Mr. George Brikho to rezone part of the lot split properties known as parcel nos. 83-454-04 and 83-454-05 ("1333 Imlay City Road") from B-2 General Business to B-1 Industrial (the "Notice"). Unfortunately, I am unable to attend the meeting, but I would like to submit written comments as provided for in the Notice.

I am a member of 1381 Imlay City, LLC, a Michigan limited liability company, which owns 1381 Imlay City Road. 1381 Imlay City Road lies adjacent to, and immediately to the east of, 1333 Imlay City Road. 1381 Imlay City, LLC currently leases 1381 Imlay City Road to Lapeer Farm & Garden, Inc. which operates a retail farm and garden store on the property.

Preliminarily, 1381 Imlay City, LLC does not object to the requested change in zoning described in the Notice. However, it has come to my attention that the Planning Commission may be under the misimpression that there are rights to ingress/egress to 1333 Imlay City Road over 1381 Imlay City Road and that is not the case. There are no recorded easements or other rights on the part of 1333 Imlay City Road LLC, or any other third party, to use 1381 Imlay City Road for purposes of accessing 1333 Imlay City Road. Enclosed in this regard is a copy of First American Title Insurance Commitment No. 811504 dated April 25, 2018, confirming the absence of any recorded easements for access.

If you have any questions, or if you need additional information, please do not hesitate to contact me.

Sincerely,
Lawrence R. Smith, Member
1381 Imlay City, LLC

It was moved by Commissioner Sprague and supported by Commissioner Kelly to recommend the City Commission approve the request from George Brikho representing 1333 Imlay City Road LLC to rezone the following properties:

Portions of Parcel #L20-83-454-040-00 (1333 Imlay City Road) and Parcel #L20-83-454-050-00 (adjacent vacant 6.16 acre parcel herein together described as Parcel A-1 per survey) both of which are currently zoned B-2 General Business and are proposed to be reconfigured resulting in Parcel #L20-83-454-060-00 (1.51 acre Parcel A-2 per survey) to be zoned B-2 General Business and Parcel #L20-83-454-065-00 (4.65 acre Parcel B-2 per survey) to be zoned I-1 Industrial.

The rezoning recommendation is contingent upon the City Assessor's approval of the required lot combination/split and is based on the standards in Section 7.23.06, specifically that while the proposed rezoning is not consistent with the Master Plan, there has been a change in conditions for retail uses affecting the north side of Imlay City Road that justifies approval of the rezoning. As part of this finding the Planning Commission proposes to review the impact of this change in conditions as part of the next 5 year review of the Master Plan.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

There being no further business, it was moved by Commissioner Sommerville to adjourn the meeting at 6:52 p.m. **MEETING ADJOURNED.**

Ms. Anne Shenck
Secretary