

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
JUNE 14, 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, June 14, 2018 at 6:30 p.m.

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

Members Absent: Chairman Joe Black, Commissioner Dave Sommerville and Commissioner Bill Sprague.

Also Present: Mr. Doug Piggott, 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 Kerbyson and supported by Commissioner Kelly to approve the minutes of the meeting held on May 10, 2018 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS SCHEDULED

Rezoning – Reed – 552 Imlay City Rd. – I-1 to B-2

Mr. Piggott reviewed the request from Thomas Reed to rezone 552 Imlay City Road, Parcel #L21-36-503-040-00, from I-1 Industrial to B-2 General Business. Mr. Piggott reviewed the criteria for approving the rezoning, the site location which is currently used for a commercial appliance store, the zoning designations of the surrounding parcels and the site's Master Plan designation of Commercial-Auto. Mr. Piggott stated the rezoning request is consistent with the Master Plan and that the current use of the industrial zoned site is considered a legal non-conforming use which can create limitations on future uses allowed on the site.

Vice Chairperson RaCosta opened the public hearing at 6:36 p.m.

There being no comments, the public hearing was closed.

It was moved by Commissioner Shenck and supported by Commissioner Kerbyson to recommend the City Commission approve the request from Thomas Reed to rezone Parcel #L21-36-503-040-00 known as 552 Imlay City Road from I-1 Industrial to B-2 General Business due to the request being consistent with the Master Plan. **MOTION CARRIED.**

Rezoning – Selective Real Estate/Berishaj – Vacant 11.46+/- Acre Baldwin Rd. Parcel #L20-94-902-040-00 – R-2/OS-1 to RM-1 Multiple-Family

Mr. Piggott reviewed the request from Gjon Berishaj of Selective Real Estate LLC to rezone the vacant 11.46+/- acre Parcel #L90-94-902-040-00 from the current split-zoned designation of R-2 Single-Family Residential and OS-1 Office Service to RM-1 Multiple-Family Residential. Mr. Piggott reviewed the site location on the north side of Baldwin Road west of the existing medical office development, the zoning designations of the surrounding parcels and the site's Master Plan designations of Multiple-Family and Office. Mr. Piggott stated the purpose of the RM-1 Multiple-Family residential district is to serve as a buffer/transition area between single family districts and other non-residential uses and reviewed the applicant's response to the request as related to various goals and objectives included in the City's current Master Plan.

Mr. Piggott reported during the 2008 Master Plan process it was anticipated the current medical facility development would expand westward and that during the 2014 Master Plan five year review there was no interest in the subject property to warrant an amendment to the Future Land Use Map. Mr. Piggott stated a split-zoned parcel is difficult to sell or utilize and that the request is generally consistent with the Master Plan.

Vice Chairperson RaCosta opened the public hearing at 6:44 p.m.

Mr. Clay Thomas of J.B. Donaldson Company and the applicant Gjon Berishaj of Selective Real Estate were present and Mr. Thomas stated they are looking forward to working with the City on moving forward with development of the property as quickly as possible.

Discussion was held on the 146 unit Multiple-Family Residential development proposed for the parcel, potential traffic impacts to Baldwin Road, the location of the entrance drive to the site and issues that will be addressed during the site plan review process for the project.

There being no further comments, the public hearing was closed at 6:47 p.m.

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Kelly to recommend the City Commission approve the request from Gjon Berishaj representing Selective Real Estate, LLC to rezone the split zoned vacant 11.46+/- acre Parcel #L20-94-902-040-00 located along Baldwin Road from R-2 Single-Family Residential and OS-1 Office Service to RM-1 Multiple-Family Residential due to the request being consistent with the Master Plan. **MOTION CARRIED.**

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Non-Required Fence – Zoning Ordinance Language Review

Mr. Piggott reviewed the request by the City Commission for the Planning Commission to review Section 7.15.03 of the Zoning Ordinance which allows only one fence between two properties. Mr. Piggott reviewed the various reasons for allowing only one fence between properties including preventing blight, noxious weeds, live vermin, maintenance issues and enforcement concerns as well as a list of 10 other communities with similar ordinances. Discussion was held on alternative fence provisions the fact that in the event two fences are permitted on a property line it is generally on larger lots.

Discussion was held regarding potential issues with lack of maintenance of an area between two fences, enforcement challenges, enforcement options for fences in blighted condition or in need of repairs, the right of a citizen to request a variance to the zoning ordinance and the standards and conditions required in order for the ZBA to approve a variance. Discussion was also held regarding the frequency of complaints regarding allowing only one fence between properties, revisiting the issue in three months to see if additional concerns are raised regarding the restriction and getting input from the three absent Planning Commissioners.

After discussion regarding various options it was moved by Commissioner Bostick-Tullius and supported by Commissioner Kelly to table the issue until the next meeting to allow input from additional Planning Commissioners. **MOTION CARRIED.**

Drive-Thru Restaurant Restriction – Tower Drive to Turrill Road

Mr. Piggott reviewed Section 7.13.04(b)(9) of the Zoning Ordinance and language included in the Master Plan prohibiting drive-thru restaurants on parcels fronting M-24 between Tower Drive and Turrill Road and an inquiry received for a determination on whether or not the restriction applies to the 5.85 acre parcel currently known as 1040 S. Lapeer Road. Discussion was held regarding the intent of the restriction, an aerial photo of the site, the location of the parcel within the restricted area and the odd-shaped configuration of the 1040 S. Lapeer Road parcel which has frontage on both M-24 and Baldwin Road.

Mr. Piggott reported the Planning Commission has the authority to determine whether or not the restriction applies to the subject site and the right of an applicant to appeal to the Zoning Board of Appeals for a variance and the conditions and standards required in order for the ZBA to approve a variance to the zoning ordinance. Discussion was held on concerns raised during the Master Plan development process including potential migration of existing drive-thru restaurant businesses closer to the M-24/I-69 interchange and maintaining the aesthetics of the area.

After discussion, it was moved by Commissioner Bostick-Tullius and supported by Commissioner Shenck to determine that the restriction of drive-thru restaurants between Tower Drive and Turrill Road applies to the subject parcel known as 1040 S. Lapeer Road and a variance from the Zoning Board of Appeals would be required in order to allow a drive-thru restaurant on the parcel. **MOTION CARRIED.**

Master Plan – Five Year Review

Discussion was held regarding the five year review of the Master Plan which is scheduled for 2019.

It was moved by Commissioner Shenck and supported by Commissioner Bostick-Tullius to revisit the language restricting drive-thru restaurants between Tower Drive and Turrill Road during the five year review of the Master Plan. **MOTION CARRIED.**

ADJOURNMENT

There being no further business, it was moved by Commissioner Shenck and supported by Commissioner Kerbyson to adjourn the meeting at 7:22 p.m.

MEETING ADJOURNED.

Ms. Anne Shenck
Secretary