

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
FEBRUARY 14, 2019**

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 14, 2019 at 6:30 p.m.

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

Members Absent: Commissioner Joe Black and Commissioner Dave Sommerville.

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

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

MINUTES

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Sprague to approve the minutes of the meeting held on January 10, 2019 as presented.

MOTION CARRIED.

PUBLIC COMMENTS

Mr. Mark LaBaza submitted and read the following statement:

Feb. 14, 2019

To: City of Lapeer Planning Commission

Good evening, I am the property owner of 1040 S. Lapeer Road which is directly north of Belle Tire. My property touches Belle Tire and Taco Bell. The property borders south Lapeer Road and Baldwin Road. The property is approximately one mile from the highway interchange.

I provided a short statement at the January Planning Commission meeting and passed out some notes expressing concerns regarding how the property is being classified.

What this commission decides directly impacts my ability to sell this property.

Preventing new, vibrant business that residents may want such as Panda Express, Panera Bread, Culvers, Chipotle and many others as examples based under the guise that they are not "aesthetically pleasing" has no basis in fact and is discriminatory on these businesses when they can be built to certain standards you decide on.

Is Belle Tire aesthetically pleasing? A bank with a drive through? What is the criteria for aesthetically pleasing?

Also – the concern of migration of businesses from other areas has what basis in fact? Taco Bell moved? One restaurant? Why? Was it too crowded where they were? If the other businesses wanted to move could they not have already done so? It appears many have already spent significant investment updating their interiors and exteriors to stay where they are such as McDonalds and Burger King. What about Dunhams, Aldi, Michaels, Kmart, did empty space not become new business? Lapeer has the energy to re-invent any vacant buildings with new business.

What if Rite Aid/Walgreens wants to move into this location and vacate their current buildings. Are you going to try and block that too?

Again – you are eliminating many new businesses from wanting to come to Lapeer due to a no drive thru ordinance targeting “fast food” – even pizza places like Little Caesars are now utilizing drive thru options – i.e.: Davison, Swartz Creek as near town examples...what about “fast Casual”?

Not everyone has the luxury to spend an hour for lunch to go somewhere and sit and eat – having numerous options for the residents of Lapeer is a bonus – and if I can get my food by either going in or using a drive thru in under a half hour that opens up more people getting out for lunch hours and spending money in Lapeer.

The commission also needs to think about future demographics of the area and what those needs are for growth.

If you do truly want to block certain classes of restaurants from coming to M-24 in Lapeer, perhaps instead limit these businesses to a 2 acre parcel. I know another city recently did that and a Panera Bread was allowed in, but other restaurants that didn’t want to invest in a 2 acre parcel did not.

I respectfully ask that the Planning Commission re-consider their prohibiting of drive-thrus between Tower and Turrill. If the Commission wants no fast food by the highway, then it should think about the areas from Turrill to 69 only.

Thank you.
Mark and Cindy LaBaza
1040 S. Lapeer Road

PUBLIC HEARINGS TO BE SCHEDULED

There were no public hearings to be scheduled.

PUBLIC HEARINGS SCHEDULED

There were no public hearings scheduled.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

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

Ms. Habben informed the Commission a revised alternative air filtration system plan for controlling odor at the Pier Provisioning Center, a medical marijuana provisioning center to be located at 2401 W. Genesee Street, has been submitted for consideration. Ms. Habben stated the alternative plan has been reviewed by the City's Building Official who has determined the system will control odor as well or better than the system requirements of Section 7.13.12(j). It was moved by Commissioner Sprague and supported by Commissioner Kerbyson to approve the proposed revised alternative air filtration system for The Pier Provisioning Center located at 2401 W. Genesee St. because it does 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, Austin, Sprague, Kerbyson, Jamison, Shenck and Bostick-Tullius.

Nays: None.

Absent: Commissioners Black and Sommerville.

Abstain: None.

MOTION CARRIED.

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

Ms. Habben informed the Commission a revised alternative air filtration system plan for controlling odor at the Pure Lapeer Provisioning Center, a medical marijuana provisioning center to be located at 1330-1332 Imlay City Road, has been submitted for consideration. Ms. Habben stated the alternative plan has been reviewed by the City's Building Official who has determined the system will control odor as well or better than the system requirements of Section 7.13.12(j). It was moved by Commissioner Sprague and supported by Commissioner Bostick-Tullius to approve the proposed revised alternative air filtration system for the Pure Lapeer Provisioning Center located at 1330-1332 Imlay City Rd. because it does 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, Austin, Sprague, Kerbyson, Jamison, Shenck and Bostick-Tullius.

Nays: None.

Absent: Commissioners Black and Sommerville.

Abstain: None.

MOTION CARRIED.

Master Plan – 5 Master Plan – 5 Year Review

Ms. Habben continued the review process for the Master Plan and evaluation of the restriction prohibiting drive-through restaurant establishments between Tower Drive and Turrill Road along M-24 including the option of keeping the restriction as is, removing the restriction and expanding/modifying the restriction. Ms. Habben reviewed information obtained from Clarkston, Rochester and Holly on drive-through restrictions as well as various classifications of restaurants including drive-through, drive-in, carry-out, open-front and standard sit-down.

Ms. Habben reviewed various maps and aerial photos of the restricted area. Discussion was held regarding previous interest expressed by Panda Express in locating on Mr. LaBaza's property at 1040 S. Lapeer Road and the option available for the Zoning Board of Appeals to determine whether a drive-through restaurant could locate on that particular property due to the shape of the parcel which borders the restricted area.

Discussion was held regarding the restriction including the potential for existing drive-through restaurants to close their current location and relocate in the restricted area if the restriction were to be removed, the difficulty of marketing properties in the restricted area for new development, the ability of the Planning Commission to expand the aesthetic design requirements for new drive-through restaurant establishments and the possibility of expanding the restricted area to include the area between Turrill Road and I-69. Ms. Habben stated she will provide proposed language for further consideration at the next meeting.

ADJOURNMENT

There being no further business, it was moved by Commissioner Sprague and supported by Commissioner Bostick-Tullius to adjourn the meeting at 7:12 p.m.

MEETING ADJOURNED.

Ms. Anne Shenck
Secretary