

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
JUNE 12, 2008**

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 12, 2008 at 6:30 p.m.

Members Present: Chairman Joe Black (arrived 6:40 p.m.), Vice Chairman Bill Sprague, Commissioner Dale Kerbyson, Commissioner Bill Ogden, Commissioner Jennifer Hubbell, Commissioner Jennell RaCosta and Commissioner Dave Sommerville.

Members Absent: Commissioner Mike Robinet and Commissioner Les Daum.

Also Present: Ms. Linda Jackman, Planning Director, Mr. Brent Bajdek, Planning Administrator, and Mr. Tom Hubbell, City Assessor.

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

MINUTES

It was moved by Commissioner Ogden and supported by Commissioner Hubbell to approve the minutes of the regular meeting held on May 8, 2008 as presented.
MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARINGS TO BE SCHEDULED

United Building Centers/Pro-Build North – Special Use Permit – 1245 Imlay City Rd.

Ms. Jackman reviewed the request from United Building Centers/Pro-Build North for a Special Conditional Use Permit in order to re-establish the Home Center and Lumber Yard use, including truss assembly, at 1245 Imlay City Road which existed prior to a fire on the site. Ms. Jackman reported the site is zoned B-2, that lumber yards are a use permitted by special permit and that the truss assembly is a major component of the operations on the site.

After discussion, it was moved by Commissioner Kerbyson and supported by Commissioner Ogden to schedule a public hearing for 6:30 p.m. on July 10, 2008 to consider the request from United Building Centers/Pro-Build North for a Special Conditional Use Permit in order to re-establish the Home Center and Lumber Yard use including truss assembly at 1245 Imlay City Road. **MOTION CARRIED.**

PUBLIC HEARING SCHEDULED

Bahri – Rezoning Request – 1583 S. Lapeer Road – R-7 to OS-1

Mr. Jackman reviewed the request from Steve Bahri to rezone the property known as 1583 S. Lapeer Road from R-7 One Family Residential to OS-1 Office Service. Ms. Jackman reviewed the site location, the split zoned parcel located north of the subject site and stated that the new Master Plan designates the site as Office, therefore, the request is in compliance with the Master Plan.

Discussion was held regarding the joint request from Mr. Bahri and Mr. Ray Clemens to amend the Master Plan and rezone both the 1583 S. Lapeer Road parcel and the adjacent OS-1 zoned parcel to Commercial/B-2 General Business scheduled for a public hearing on July 10th.

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

There being no comments, the public hearing was closed.

It was moved by Commissioner RaCosta and supported by Commissioner Ogden to recommend the City Commission approve the request from Steve Bahri to rezone the property known as 1583 S. Lapeer Road from R-7 One Family Residential to OS-1 Office Service. **MOTION CARRIED.**

McDonald's – Special Use Permit for Drive-Thru – 486 S. Main Street

Ms. Jackman reviewed the request from McDonald's USA, LLC for a Special Conditional Use Permit for the drive-thru operation of the site redevelopment project at the McDonald's restaurant site located at 486 S. Main Street. Ms. Jackman reviewed the site location and stated that the site plan for the redevelopment project was approved at the May meeting and that the drive thru meets all required conditions of the permit.

Vice Chairman Sprague opened the public hearing at 6:37 p.m.

Mr. Tim Denney, attorney representing the Ochadleus Family, was present and stated that his clients own the parcel located north of and adjacent to the McDonald's site, that the new configuration of the site will be nicer, will provide a wider landscape buffer between the buildings and will be an upgrade to the area. Mr. Denney also reviewed various concerns of the Ochadleus' including the need for his client's patients to be able to access the building from Home Depot's eastern access drive located west of the Ochadleus parcel and the McDonald's site during construction, the increased traffic to utilize the access drive from McDonald's and maintenance costs and responsibilities associated with the easement agreement with Home Depot. Mr. Denney stated it would be nice if the stubbed drive was completed and that the Ochadleus family feels the maintenance costs should be shared in a fair and proportionate manner.

Mr. Tom Gergich, McDonald's Area Real Estate Manager, 1021 Karl Greimel Dr., Brighton, Michigan, was present and stated that the construction will be contained on the McDonald's site, that access drives will not be blocked and that the access easement with Home Depot has been in existence for a number of years but not acted on until now.

There being no further comments, the public hearing was closed at 6:44 p.m.

Discussion was held regarding the fact that the difference in maintenance cost responsibilities for the Ochadleus family and McDonald's in the agreement with Home Depot is a civil matter between the parties, the configuration and operation of the double drive-thru lane, the increased distance and vehicle stacking spaces between the pick up window the curb, the reduced number of curb cuts on M-24, whether the existing tree near the curb will be removed, the signage plan and the project's improvement to the current situation.

After discussion, it was moved by Commissioner Kerbyson and supported by Commissioner Ogden to approve the request from McDonald's USA, LLC for a Special Conditional Use Permit for the drive-thru operation of the site redevelopment project at the McDonald's restaurant site located at 486 S. Main Street. **MOTION CARRIED.**

Chairman Black arrived and began chairing the meeting.

Walgreens – Special Use Permit for Drive-Thru – 571/591 S. Main Street

Ms. Jackman reviewed the request from Walgreens for a Special Conditional Use Permit for the proposed drive-thru pharmacy operation at the Walgreens proposed to be located at 571/591 S. Main Street. Ms. Jackman reviewed the site location and stated that the existing buildings which include the former Taco Bell, a car wash and a gas station will be removed and reviewed the conceptual site plan stating that the request meets all conditions required for the permit. Ms. Jackman reviewed the two proposed curb cuts on the site, the location of the access drive to Oak Street and the traffic circulation on the site.

Chairman Black opened the public hearing at 7:00 p.m.

Chairman Black read the following letter received from Lapeer County Bank & Trust regarding the project:

June 12, 2008

City of Lapeer
Planning Commission
576 Liberty Park
Lapeer, MI 48446

Gentlemen:

I am in receipt of your Notice of Public Hearing scheduled for Thursday, June 12, 2008 to consider a request from Walgreens Pharmacy for a special conditional use permit to construct a new 14,500 s.f. pharmacy with a drive-thru at 571-591 S. Main in Lapeer.

As President & CEO of Lapeer County Bank & Trust Co., the owner of the property housing the branch office located adjacent and directly south of the proposed site, I am very concerned about the additional traffic the pharmacy will introduce to an already congested site. Specifically, an intolerable situation at certain times at the intersection of Oak St. and Demille will only get worse. Please consider very carefully how traffic will be routed for the proposed drive-thru. Customers of the Bank already have difficulty making either a southbound turn on S. Main when exiting the Bank parking lot or an eastbound turn on Demille. As a result, I strongly suggest a traffic/engineering study to determine all available courses of action.

Since the elevation of the Bank property is lower than the proposed site, I am also concerned about the additional paved surface area required for a store of that size and the resulting storm runoff and snow removal. Site plan work for the proposed pharmacy should included a detailed assessment of storm runoff and its path to the nearest storm drain.

Thank you for your consideration in this matter.

Sincerely,

Bruce J. Cady
President & CEO

Mr. Andy Shango, owner of 543 S. Main Street, was present and inquired if left turns will be allowed leaving the Walgreens site onto southbound M-24 and stated that there are many accidents in the area.

There being no further comments, the public hearing was closed at 7:05 p.m.

Discussion was held regarding the fact that Walgreens will generate less traffic than the existing businesses on the site, the improvements to the appearance and environment of the area, truck traffic and loading area.

Mr. Mark Drane, of Rogvov Architects, reviewed the truck traffic flow plan and stated that deliveries usually occur after hours and that deliveries can be restricted if conflicts arise.

Discussion was held regarding the width of the drive-thru and traffic lanes, issues with the Oak Street access, the greenbelt to be provided along Oak Street and whether a market analysis has been completed to determine the sustainability of an additional pharmacy in the area.

Mr. Larry Campbell, Walgreens Real Estate Representative of Century 21 Realty, 1186 E. 12 Mile Rd., Madison Heights, Michigan, reviewed the research and efforts by Walgreens to locate in the area which began four years ago, the drive thru operation and configuration which entails 5 or 6 customers per hour and the decreased number of curb cuts and traffic generation on the site. Mr. Campbell stated Walgreens is not a convenience store, that if Walgreens were not confident the site would accommodate the store they would not be locating there and that Walgreens is looking forward to having a presence in Lapeer.

It was moved by Commissioner Sprague and supported by Commissioner Kerbyson to approve the request from Walgreens for a Special Conditional Use Permit for the drive-thru pharmacy operation at the proposed Walgreens to be located at 571/591 S. Main Street. **MOTION CARRIED.**

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Mixed Use Zoning District

Ms. Jackman reviewed key items of the proposed Mixed Use zoning district which creates an overlay zoning district.

It was moved by Commissioner Sprague and supported by Commissioner RaCosta to schedule a public hearing for July 10, 2008 to consider the proposed ordinance amendment establishing the Mixed Use zoning district. **MOTION CARRIED.**

M-24 Access Management Study

Ms. Jackman provided an update on the progress of the M-24 Access Management Study including the overlay zoning district to be created along M-24, public informational meetings to be held and the required public hearing by the City Planning Commission.

CORRESPONDENCE

The monthly Development Activities Report was reviewed.

Commissioner Kerbyson welcomed County Treasurer election candidate Dana Miller to the meeting.

Rite Aid – Site Plan Amendment

Ms. Jackman updated the commission on a site plan amendment administrative review completed for the new Rite Aid project consisting of a change to the configuration of the building entrance, parking layout and efforts to save the existing tree at the northeast corner of the site.

McDonald's – Dumpster Issue

Ms. Jackman updated the commission on the dumpster issue at the existing Main Street McDonald's site stating that the new plan includes a larger enclosure to eliminate the need for dumpsters to be located outside of the enclosure.

Joint Committee with Lapeer Township

Ms. Jackman updated the board on the formation of a Joint Committee with Lapeer Township to establish uniform standards for development in the Annexation by choice area and requested Planning Commissioner volunteers to serve on the committee.

Zoning Ordinance Update

Ms. Jackman updated the commission on the Zoning Ordinance update to be performed by Rowe Incorporated and LSL Planning, Inc.

Master Plan

Ms. Jackman distributed copies of the newly completed City Master Plan and stated that one addition is needed to the Table of Contents.

Discussion was held regarding graffiti problems at various City parks and illegal signs and related enforcement efforts.

Commissioner and Mayor Sprague discussed recent Letters to the Editor and commended the Planning Commission on their efforts for the City of Lapeer.

ADJOURNMENT

There being no further business, it was moved by Commissioner Sommerville and supported by Commissioner Sprague to adjourn the meeting at 7:50 p.m.

Mr. Dale Kerbyson
Secretary