

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
SEPTEMBER 11, 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, September 11, 2008 at 6:30 p.m.

Members Present: Chairman Joe Black, Commissioner Les Daum, Commissioner Jennell RaCosta, Commissioner Jennifer Hubbell, Commissioner Mike Robinet, Commissioner Bill Ogden and Commissioner Dale Kerbyson.

Members Absent: Vice Chairman Bill Sprague and Commissioner Dave Sommerville.

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

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

MINUTES

It was moved by Commissioner Robinet and supported by Commissioner Kerbyson to approve the minutes of the regular meeting held on August 14, 2008 as presented.

MOTION CARRIED.

PUBLIC COMMENTS

There were no comments from the public at this time.

PUBLIC HEARINGS TO BE SCHEDULED

There were no public hearings to be scheduled.

PUBLIC HEARINGS SCHEDULED

Engelman – Rezoning – 538 E. Genesee St. (Parcel #21-36-502-040-00) I-1 to B-2

Ms. Jackman reviewed the request from Thomas & Janet Engelman to rezone their vacant property located at 538 E. Genesee Street (Parcel #21-36-502-040-00) from I-1 Industrial to B-2 General Business stating that the City Assessor recently issued the new address for the parcel which was split from the adjacent parcel known as 524 Imlay City Road. Ms. Jackman reviewed the preliminary site plan submitted for construction of a new commercial building on the parcel proposed to be occupied by Dollar General and reported that the Zoning Board of Appeals has granted a parking variance of 15 spaces for the property in order to increase the amount of on-site green space.

Chairman Black opened the public hearing at 6:34 p.m.

There being no comments, the public hearing was closed.

It was moved by Commissioner Kerbyson and supported by Commissioner Robinet to recommend the City Commission approve the request from Thomas & Janet Engelmann to rezone their property known as 538 E. Genesee Street (Parcel #21-36-502-040-00) from I-1 Industrial to B-2 General Business. **MOTION CARRIED.**

Felton – Special Use Permit – Restaurant Operation – 524 Imlay City Rd.

Ms. Jackman reviewed the request from John Felton for a Special Conditional Use Permit in order to permit a restaurant operation at his property located at 524 Imlay City Road. Ms. Jackman reviewed the site location and stated the I-1 Industrial zoned property is the former location of the Krane Chrysler dealership and reviewed the site plan submitted in 2003 showing the various lease spaces and the prior action by the City Planning Commission approving a Barbershop operation in a lease space and the Felton Body Shop in the main portion of the existing building. Ms. Jackman reviewed the existing tenants and uses in the building, Article 7.17(C)(10) of the ordinance permitting other uses within the I-1 Industrial District and stated that the option of split zoning the parcel is not desirable by City Staff.

Chairman Black opened the public hearing at 6:39 p.m.

Mr. Howard Hansen, owner of the Dawg Haus restaurant, was present and reviewed his proposal to relocate from his existing building at 224 W. Genesee Street to a space in Mr. Felton's building stating that the occupancy load will be between 35 and 40 seats, that he has 17 parking spaces at his current site which are never full, that he is not renewing the lease at his current location of 16 years due to maintenance issues with the landlord, that if he is not permitted to relocate 6 employees will be out of a job and that the relocation will require approvals by the Health Department.

Mr. John Felton was present and stated that body shop operation is controlled by the EPA, that a wall will divide the operations, that the parking area will be shared and reviewed other similar situations of restaurant uses housed with auto operations. Mr. Felton stated the body shop operation is a different environment than a mechanical repair shop, that the interior of the building will be renovated to accommodate the restaurant operation, that he is paying high taxes on the property, that the body shop use is not a large operation and that he doesn't see a problem with the proposal.

Discussion was held regarding the parking calculations for the site, the fact that an administrative review of the site plan to insure the parking demands are met based on the occupancy load of the restaurant will be required and the situation of having a restaurant in the same building with an auto body repair operation.

There being no further public comments, the public hearing was closed at 6:51 p.m.

Discussion was held regarding Health Department approvals required, the requirement for the interior renovations to be submitted to the Building Department for compliance with building codes, the required administrative review for zoning compliance and the various options available including approving a special use permit for the proposed use only, split zoning the existing parcel and allowing all general commercial uses in the lease area of the building.

Discussion was also held regarding various uses permitted in the General Business districts, issues with allowing general business uses in industrial districts, various combined gas station/restaurant uses in existence in past years, the location of the new Lake Nepessing Road CMS gas station in the industrial park, the need to keep the Dawg Haus restaurant open in town, the transition of the subject area to commercial uses and the benefit of having each use proposed for the site apply for a special permit rather than approving all general commercial uses to operate on the subject site.

After discussion, it was moved by Commissioner Ogden and supported by Commissioner Hubbell to approve the request from John Felton for a Special Conditional Use Permit in order to permit a restaurant operation in an I-1 Industrial District at 524 Imlay City Road. **MOTION CARRIED.**

SITE PLAN REVIEWS

There were no site plans to be reviewed.

CORRESPONDENCE

Discussion was held regarding the status of various development projects included in the development activities report.

OTHER BUSINESS

Ms. Jackman updated the commission on the status of the Clemens/Bahri request to rezone their properties located on M-24 at the southern City limits from Office to Commercial which the Planning Commission previously recommended for denial stating that the request is scheduled to be submitted to the City Commission for final consideration at the September 15th City Commission meeting.

ADJOURNMENT

There being no further business, it was moved by Commissioner Kerbyson and supported by Commissioner Black to adjourn the meeting at 7:10 p.m. **MOTION CARRIED.**

Mr. Dale Kerbyson
Secretary