

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
FEBRUARY 21, 2008**

A special 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 21, 2008 at 6:30 p.m.

Members Present: Chairman Joe Black, Commissioner Les Daum, Commissioner Dave Sommerville, Commissioner Bill Sprague, Commissioner Dale Kerbyson, Commissioner Jennifer Hubbell and Commissioner Bill Ogden.

Members Absent: Commissioner Mike Robinet and Commissioner Jennell RaCosta.

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 6:32 p.m.

PUBLIC HEARING SCHEDULED

NEW CITY WIDE MASTER PLAN

Ms. Jackman introduced the Master Plan project consultants Mr. Rob Nesbitt of LSL Planning and Mr. Doug Piggott of Rowe Incorporated and stated that the new plan represents the first comprehensive overhaul of the Master Plan in 21 years.

Mr. Nesbitt, of LSL Planning, provided an overview of the process and actions undertaken in developing the new Master Plan which have led up to the scheduled public hearing.

Chairman Black reviewed the format for the meeting stating each area of the proposed Master Plan representing a significant change will be reviewed separately with public comments taken on each item.

Ms. Jackman reviewed the items listed in the public hearing notice to be discussed.

Expansion of the Office Land Use Category in the Vicinity of Lapeer Regional Medical Center

Ms. Jackman reviewed the proposed expansion area of the Office land use designation on the Master Plan map further south continuing from Second Street south to Oregon Street on both the east and west sides of Main Street extending west to Jefferson Street and east to an area located mid block between Main Street and Madison Street.

Discussion was held regarding the designation of the gas station located north of the hospital site.

Chairman Black opened the public hearing on this area at 6:46 p.m.

Mr. Scott Atyeo, 1238 W. Genesee Street, was present and requested clarification of the expansion area being considered for the Office designation.

Mr. Alex Lebedovych, 1021 W. Genesee Street, was present and inquired if there would be a buffer zone between the residential and commercial use areas and the facts used to make the determination to make the proposed change. Mr. Lebedovych stated he officially objects to the addition to the plan due to the reducing of property values and the change in complexity and character of the neighborhood that currently exists.

There being no further comments on this issue, the public hearing was closed at 6:55 p.m.

Discussion was held regarding the natural border created by Jefferson Street and the economic growth in medical related fields.

It was moved by Commissioner Kerbyson and supported by Commissioner Daum to expand the Office area designation on the Master Plan Map south from the Lapeer Regional Medical Center to include the areas located south from Second Street to Oregon Street on both the east and west sides of Main Street extending west to Jefferson Street and east to an area located mid block between Main Street and Madison Street. **MOTION CARRIED.**

Limiting Extension of Commercial Uses Westward from M-24 Along DeMille Road

Ms. Jackman reviewed the Master Plan map designations of the area along DeMille Road west of the Meijer and Kohls sites, the need to limit the extension of the commercial uses westward from Meijer and Kohls, the potential for the area to develop as a PUD and the buffer area created by the natural drain running through the subject area.

Chairman Black opened the public hearing on this area at 7:02 p.m.

Mr. Alex Lebedovych, 1021 W. Genesee, stated that he supports the idea of limiting commercial expansion west on DeMille Road.

There being no further comments, the public hearing was closed at 7:03 p.m.

The Commission proposed no changes to this section of the Master Plan.

Mixed-Use Land Use Category for Existing Uses South of the Downtown to the Railroad

Ms. Jackman reviewed the proposal to create a Mixed-Use Land Category to allow the existing mix of uses in the area located south of the Downtown to the railroad tracks to continue. Ms. Jackman reviewed the various existing uses in the area which include single family residential, multiple family residential, office, commercial and industrial and the non-conforming status issues property owners are faced with when attempting to re-mortgage and insure properties in the subject area.

Chairman Black opened the public hearing on this issue at 7:08 p.m.

Mr. Alex Lebedovych, 1021 W. Genesee, inquired if the ratio of the various uses and economic makeup of the homes in the proposed mixed use area has been determined and stated the Commission may be dooming the existing homes in the area.

Mr. Doug Piggott, of Rowe Incorporated, reviewed the issues facing property owners in the area due to non-conforming status of various properties and the ability to track the area to determine the future development trend of the area.

There being no further comments on this issue, the public hearing was closed at 7:12 p.m.

The Commission proposed no changes to this section of the Master Plan.

Encourage Gradual Relocation of Auto-Oriented Commercial Uses to the Imlay City Road Corridor East of Saginaw Street

Ms. Jackman reviewed the goal of the new plan to continue encouraging the gradual relocation of auto-oriented commercial uses from Main Street to the Imlay City Road corridor east of Saginaw Street.

Chairman Black opened the public hearing on this issue at 7:13 p.m.

There being no comments, the public hearing was closed.

The Commission proposed no changes to this section of the Master Plan.

Identifying Rolling Hills Golf Area as Future Planned Unit Development (PUD) Area

Ms. Jackman reviewed the PUD map designation of the Rolling Hills Golf Course area, the previous conditional rezoning approved for the development of the golf course area which did not occur, the potential for development of the area in the future as completely residential and the intent to designate the area as a potential PUD development area to encourage high quality development while preserving the open spaces between the existing homes.

Chairman Black opened the public hearing on this issue at 7:16 p.m.

Discussion was held regarding the definition of a Planned Unit Development.

There being no public comments, the public hearing was closed at 7:18 p.m.

The Commission proposed no changes to this section of the Master Plan.

Identifying Parcel of Land Located at Southwest Corner of M-24 and I-69 as Future Planned Unit Development (PUD) Area

Ms. Jackman reviewed the PUD map designation for the parcel located at the southwest corner of I-69 and M-24 recently annexed into the City from Lapeer Township and the City's agreement to accept the concept plan approved by Lapeer Township for development of the parcel with a mix of residential and commercial uses.

Chairman Black opened the public hearing on this issue at 7:19 p.m.

Mr. Phil Thick, member of the Lapeer Township Planning Commission, was present and stated the Lapeer Township Planning Commission has submitted a letter commenting on the City's Master Plan, encouraged the commission to review the Township's comments and suggested the City Planning Commission and Township Planning Commission meet to review a couple of issues.

Mr. Alex Lebedovych, 1021 W. Genesee, requested a copy of the Lapeer Township letter to the City Planning Commission.

There being no further comments on this issue, the public hearing was closed at 7:22 p.m.

The Commission proposed no changes to this section of the Master Plan.

Identifying the West Portion of the Lashbrook Farm Property Recently Annexed from Lapeer Township as a PUD Area

Ms. Jackman reviewed the PUD map designation of the west portion of the Lashbrook Farm property recently annexed to the City from Lapeer Township due to its location in a transitional area between M-24 and Township residential property.

Chairman Black opened the public hearing on this issue at 7:24 p.m.

There being no comments on this issue, the public hearing was closed.

The Commission proposed no changes to this section of the Master Plan.

Extent of Commercial Use Designation Area on South Side of West Genesee

Ms. Jackman reviewed the map designation for the area at the southwest corner of W. Genesee and M-24. Ms. Jackman reviewed the intention of the new Master Plan to continue the Residential map designation for the properties located in the area at the southwest corner of M-24 and West Genesee Street while including provisions in the policies and text of the Master Plan to allow for consideration of commercial development of the area in the event significant land assembly were to occur.

Chairman Black opened the public hearing on this area at 7:30 p.m.

Mr. Mike Higgins, 1109 W. Genesee Street, was present and stated that a group of property owners located at the southwest corner of M-24 and West Genesee Street have filed a petition asking for a commercial designation of their properties on the Master Plan map. Mr. Higgins stated that the property consists of 5 acres with 350 feet of frontage on Main Street and 500 feet of frontage on Genesee Street owned by 8 different property owners and that the property owners are not sure the proposal of the master plan to designate the property to remain residential while addressing the potential commercial use in a footnote is what a master plan should do. Mr. Higgins stated the commercial map designation should be done now and that the current proposal is not a good way to plan.

Mr. Higgins further stated that with the commercial development of the Rite Aid site to the north and the previous approved plan to redevelop the Coffee Tree Café site to the south of the area should be consistent with the other commercial uses in the area, that the property owners have been advised by real estate representatives that the future residential use of the property is going down, that he will now be looking at the Rite Aid drive thru and that it is difficult to sell the properties as residential. Mr. Higgins stated he has lived at his home 10 years, that commercial developers have tried in the past to get the properties, that it makes sense to have commercial use south of the Rite Aid and that the highest, best and most practical use of the properties is commercial. Mr. Higgins also stated that Pleasant Street and Jackson Street have the potential to provide adequate ingress and egress and that the traffic in the area is no worse than in other areas of the City. Mr. Higgins stated the area should be designated as commercial now rather than have to go through two steps later.

Mr. Kinsler, 38 S. Main Street, was present and stated that he has been approached recently by developers with interest in the property and that he has thought about the ingress and egress issues.

Ms. Schlaud, 1231 W. Genesee Street, was present and stated that it doesn't seem like a good plan and the commercial area should extend to Pleasant Street.

Mr. Scott Atyeo, 1238 W. Genesee Street, reviewed homes on the north and south sides of W. Genesee Street that are non-owner occupied homes some of which are in foreclosure status and stated that Jackson Street would be the natural barrier in determining where to stop the commercial and that the homes on the north side of Genesee Street should be included in the proposed PUD area.

Mr. Alex Lebedovych, 1021 W. Genesee Street, identified the location of his home and stated that the home next to him on the southwest corner was demolished because the owners could only rent to socio-economically challenged people, that they could not sell the property as residential and that the owners were limited as to who they could rent the property to. Mr. Lebedovych further stated that in the past a gas station was told no to a potential development on the corner, that the steps to his home are on the right of way line, asked how much more close the road can get and expressed concern that the

City could possibly take his property by eminent domain. Mr. Lebedovych stated that the homes on the north side should be made PUD and the area on south side should be made commercial and that there is no one who would want to raise a family there so it should be changed to commercial.

There being no further public comments, the public hearing was closed at 7:47 p.m.

Mr. Rob Nesbitt, of LSL Planning, reviewed the strategy of the master plan to suggest in the policy section of the plan that the southwest corner of W. Genesee Street and Main Street be developed in a conservative manner as land assembly occurs and that the plan does not suggest the area should stay residential. Mr. Nesbitt stated that the State is currently in the process of conducting an Access Management Study of the M-24 corridor, that it would not be an appropriate process to show the area as commercial due to the traffic flow and number of driveways in the area and that an effort needs to be made to develop the southwest corner to be compatible with the nearby residential and downtown areas.

The following petition was received:

PETITION FOR MASTER PLAN DESIGNATION

To: Lapeer City Commission
Lapeer City Planning Commission

The undersigned, being the owners of property in the City of Lapeer, petition the City of Lapeer as follows:

1. We are the owners of property at the Southwest corner of South Main Street (M-24) and West Genesee Street, as shown on the attached sketch, consisting of approximately five acres of land with approximately 350 feet of frontage on South Main and 500 feet of frontage on West Genesee.
2. We are aware that the City is in the process of amending its land use master plan. A draft plan has been published that recommends a residential designation for our property.
3. The other corners of the South Main/West Genesee intersection are used for commercial/nonresidential purposes (muffler shop, library, pharmacy). Our property is located in the main commercial corridor of Lapeer. There is presently solid commercial use to the South and East of the intersection and significant commercial use to the West of the intersection.
4. Our property is located at the intersection of the main north/south and east/west arteries of Lapeer (both primary arterial roads) and near the Downtown Business District. The property is accessible from three streets, South Main, West Genesee and the undeveloped Pleasant Street. Jackson Street lies immediately to the west.

5. The City has recently approved new commercial developments to the north of our property (RiteAid), to the south (Coffee Tree) and has a recommendation in the draft master plan for the White Jr. High property to the north for a mixture of office/high density housing.
6. The 2007 rezoning of the northwest corner of the intersection (RiteAid) has extended the Main Street commercial corridor to the north which leaves our property as the only property in that continuous commercial corridor with residential designation. This pattern further leaves us with no buffers between our property and the commercial development all around us.
7. We are advised that the value and marketability of our property for residential use has significantly decreased due to commercial development all around us.
8. We have had continuous contact in recent years by realtors and developers interested in our property for commercial development.
9. We believe it is reasonable and desirable for the City that our corner be available for those commercial uses necessary to meet the business needs of the surrounding community. Commercial use is consistent with the adjacent surrounding uses.
10. It seems clear that the highest and best use for our property is commercial use. While we are not requesting any change in zoning at this time, we should have the option of seeking approval for non-residential uses in the future.

For these and other reasons, we hereby petition the City of Lapeer to designate our property for commercial use on the amended master plan.

Headley Harris
Willie Harris
Owners of 1209 W. Genesee and
56-58 S. Main

Anthony Kinsler
Owner of 38 S. Main

Howard Blazo
Owner of 1141 W. Genesee

Earnestine Dionise
Owner of 26 S. Main

Michael Higgins
Christine Higgins
Owners of 1109 W. Genesee

Jack Wright
Mary Wright
Owners of 12 S. Main

David Hodge
Lois Hodge
Owners of 1035 W. Genesee

Alex Lebedovych
Owner of 1021 W. Genesee

Filed with the City of Lapeer this 20th day of February, 2008.

Ms. Jackman reviewed the process that would be involved to rezone and approve a site plan for a commercial development in the area and suggested the possibility of amending the text in the policy section of the Master Plan to strengthen the language indicating that commercial uses will be considered for the area and placing a correlating notation on the map.

After discussion, it was moved by Commission Sprague and supported by Commissioner Daum to extend the area on the southwest corner of W. Genesee and Main Street to be considered for commercial use westward to Jackson Street and to designate the area as Commercial on the Master Plan map.

ON A ROLL CALL VOTE:

Yeas: Commissioners Daum, Sprague, Kerbyson, Hubbell, Ogden and Black.

Nays: Commissioner Sommerville

Absent: Commissioners RaCosta and Robinet.

Abstain: None.

MOTION CARRIED.

PUD Designation of White School Area on the North Side of Genesee Street

Ms. Jackman reviewed the area on the north side of W. Genesee in the White School and Perkins property area to be designated as PUD. Discussion was held regarding the need to determine the limits of the PUD area and whether the area should encroach into the existing neighborhoods surrounding the White School and Perkins properties.

Commissioner Sprague suggested the proposed PUD area on the north side of Genesee Street be expanded to include all properties within the section bordered by W. Genesee Street on the South, Harrison Street on the West, Liberty Street on the North and Main Street on the East.

Discussion was held regarding the difference between the Mixed Use and Planned Unit Development designations of the Master Plan, requirements to approve rezoning requests in the event the request is consistent with the Master Plan, the probability of new home construction in the area surrounding the proposed PUD area on the north side of Genesee Street, the amount of vacant residential land in the City, the buffer provided by Harrison Street, the low number of homes in the area with historical significance and the high number of rentals currently existing in the area. Discussion was also held regarding the possibility of the White school area transitioning as a natural progression relating to the downtown area, squaring off the proposed PUD area and the amount of commercially designated land in the City,

Discussion was held regarding the need to be specific on what uses to allow in a PUD district as a commercial use, reasons a mixed use designation would not apply to the area and amending the language in the strategy section of the plan to allow smaller scale commercial uses in PUD districts where no single land use will predominately exist.

Chairman Black opened the public hearing on this issue at 8:35 p.m.

Mr. Scott Atyeo, 1238 W. Genesee Street, stated his is in support of the proposal to expand the PUD district on the north side of Genesee Street.

There being no further comments on this issue, the public hearing was closed at 8:36 p.m.

It was moved by Commissioner Ogden and supported by Commissioner Hubbell to expand the borders of the PUD designated area to include all properties within the section bordered by W. Genesee Street on the South, Harrison Street on the West, Liberty Street on the North and Main Street on the East and to include limited commercial uses in the text language of the master plan as a use permitted in the PUD designated area.

Yeas: Commissioners Ogden, Hubbell, Daum, Sommerville, Kerbyson, Black.

Nays: None.

Absent: Commissioners RaCosta and Robinet.

Abstain: Commissioner Sprague

MOTION CARRIED.

Ms. Jackman reported she had been contacted by Mr. Paul Parsch regarding the possibility of considering a commercial designation on the east of Main Street adjacent to the PUD area on the west side of Main Street.

Ms. Doreen Star, 888 Baldwin Road, inquired if her home was designated as commercial on the master plan if she would be able to sell it as residential and continue to live in the home.

Designating the Northeast Portion of the Lashbrook Farm Property near DeMille Road and Clark Road for Expansion of Existing Industrial Area

Ms. Jackman identified the location of the northeast portion of the Lashbrook Farm property near DeMille and Clark Road recently annexed to the City from Lapeer Township shown as designated Industrial for expansion of an the existing industrial area.

Chairman Black opened the public hearing on this issue at 8:43 p.m.

There being no comments, the public hearing was closed.

The Commission proposed no changes to this section of the Master Plan.

Encouraging Redevelopment of Underutilized Areas of the Downtown

Ms. Jackman reviewed various suggestions included in the Master Plan to encourage the redevelopment of underutilized areas in the downtown district.

Chairman Black opened the public hearing on this issue at 8:44 p.m.

There being no comments, the public hearing was closed.

The Commission proposed no changes to this section of the Master Plan.

Ensuring New Development in the I-69/M-24 Interchange Area Serves as a High Quality Entranceway Including Limiting Drive-Thru Fast Food Restaurants in a Transition Area along M-24

Ms. Jackman reviewed the recommendations included in the Master Plan to assist the City in ensuring the new development in the recently annexed areas in the I-69/M-24 interchange area and transition areas along M-24 serves as a high quality entranceway to the City and limiting drive-thru fast food restaurants in the annexation by choice area.

Chairman Black opened the public hearing on this issue at 8:47 p.m.

Mr. Joel Dann, owner of 1061 S. Lapeer Road, was present and inquired if financial institutions with drive-thrus would be limited, whether the requirements would require brick exterior fronts and if an upper end restaurant would be allowed.

There being no further comments, the public hearing was closed at 8:49 p.m.

The Commission proposed no changes to this section of the Master Plan.

Creating Enhanced Design Standards for Developments Throughout the City

Ms. Jackman stated the plan includes a recommendation to create enhanced design standards for new developments throughout the City.

Chairman Black opened the public hearing on this issue at 8:50 p.m.

There being no comments, the public hearing was closed.

The Commission proposed no changes to this section of the Master Plan.

Discussion was held regarding the remaining unresolved issues of the proposed Master Plan including clarification of areas identified as Institutional/Recreational along West Genesee Street west of the Big Lots plaza and the proper designations for the County Center Building and American Legion property.

Ms. Jackman stated the draft Master Plan will be amended and the Third Draft will be presented to the Planning Commission for final review in order to make a recommendation to forward the plan to the City Commission for approval.

It was moved by Commissioner Daum and supported by Commissioner Ogden to review the three remaining unresolved issues at the next meeting. **MOTION CARRIED.**

ADJOURNMENT

There being no further business, it was moved by Commissioner Sprague and supported by Commissioner Kerbyson to adjourn the meeting at 8:52 p.m.

Mr. Dale Kerbyson
Secretary