

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
JULY 10, 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, July 10, 2008 at 6:30 p.m.

Members Present: Vice Chairman Bill Sprague, Commissioner Les Daum, Commissioner Jennifer Hubbell, Commissioner Jennell RaCosta, Commissioner Dave Sommerville, Commissioner Bill Ogden and Commissioner Dale Kerbyson.

Members Absent: Chairman Joe Black and Commissioner Mike Robinet.

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 June 12, 2008 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no comments from the public at this time.

PUBLIC HEARINGS TO BE SCHEDULED

Roach – Rezoning – 1048 S. Lapeer Rd. – R-5 to B-2

Ms. Jackman reviewed the request received from James Roach to rezone a 7.14 acre parcel known as 1048 S. Lapeer Road from R-5 One Family Residential to B-2 General Business. Ms. Jackman reviewed the site location and reported that the request is in compliance with the Master Plan.

After discussion, it was moved by Commissioner Daum and supported by Commissioner RaCosta to schedule a public hearing for 6:30 p.m. on August 14, 2008 to consider the request from James Roach to rezone the property known as 1048 S. Lapeer Road from R-5 One Family Residential to B-2 General Business. **MOTION CARRIED.**

National City Bank – Rezoning – 948 S. Main (West .75 Acres) – R-4 to B-2

Ms. Jackman reviewed the request received from National City Bank to rezone the west .75 acres of vacant land on the property known as 948 S. Main from R-4 One Family Residential to B-2 General Business. Ms. Jackman reviewed the site location, the split zoning designation of the parcel and stated that the rezoning would allow for the construction of an additional 20 space off-street parking area to meet the current needs of the bank operations and that the request is in compliance with the Master Plan.

After discussion, it was moved by Commissioner Daum and supported by Commissioner Hubbell schedule a public hearing for 6:30 p.m. on August 14, 2008 to consider the request from National City Bank to rezone the west .75 acres of the property known as 948 S. Main Street from R-4 One Family Residential to B-2 General Business. **MOTION CARRIED.**

PUBLIC HEARINGS SCHEDULED

United Building Center/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 rebuild and resume operations at their site located at 1245 Imlay City Road which recently experienced fire damage. Ms. Jackman reviewed the various conditions to be met for the special permit including yard storage, screening requirements, outdoor display of materials, display of buildings for sale and location on a major thoroughfare. Ms. Jackman also reviewed the conceptual site plan for the project, the location of the proposed outdoor storage area, the truss assembly operation, the surrounding properties, photos of the existing site and the location of the newly proposed building which is not in the same location as the building destroyed by fire.

Vice Chairman Sprague opened the public hearing at 6:41 p.m.

Mr. John Gill, 234 Law Street, was present and stated that he is the manager of Rowley's located adjacent to the United Building Center site, that rebuilding the site is good business for everyone and that his only concern is that there are no visual obstructions in the front yard area.

Mr. David Meyer, was present representing United Building Centers, and summarized the United Building Centers overall operations and truss assembly operation stating that the truss operation is assembly rather than manufacturing and that the screening requirements will be addressed.

There being no further comments, the public hearing was closed at 6:45 p.m.

Discussion was held regarding the assembly operation on site and screening requirements.

After discussion, it was moved by Commissioner Ogden and supported by Commissioner Hubbell to approve 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 and to re-examine the site screening during site plan review. **MOTION CARRIED.**

Clemens/Bahri – Master Plan Amendment – Lapeer Rd. Parcels – Office to Commercial

Ms. Jackman reviewed the joint request received from Ray Clemens and Steve Bahri to amend the Master Plan designation of 18.36 acres of land lying north of the City's southern corporate limits on the east site of S. Lapeer Road consisting of a portion of parcel #20-98-017-028-00 and the entire parcel known as 1583 S. Lapeer Road from

Office to Commercial. Ms. Jackman reviewed the site location, the Zoning map and Master Plan map designations for the parcels, aerial photos of the site and the reasoning for designating the properties for Office use on the Master Plan in order to create a buffer area for the properties to the south located in Lapeer Township.

Vice Chairman Sprague opened the public hearing at 6:53 p.m.

Mr. Ray Clemens was present and stated that having the property designated for commercial use is critical in order to market the property to a stronger buyer to cover development costs and that combining the properties for development would eliminate the need for construction of an additional access to the Bahri parcel. Mr. Clemens apologized for not being aware of the recent Master Plan process and thanked the commission for considering his request.

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

Discussion was held regarding recent efforts to update and develop the new City-Wide Master Plan, Lapeer Township's desires for use of the property as office as a buffer from the properties in the Township, the current uses and wooded areas surrounding the subject site, utility access opportunities for properties located in the Township included in the Lapeer Township Inter-Local Agreement and the PUD designated site on the west side of Lapeer Road which includes commercial uses at the north end of the proposed development. Discussion was also held regarding the potential for a future developer to request rezoning of the area at the time a specific use is proposed and various marketing options of the area as existing.

After discussion, it was moved by Commissioner Daum and supported by Commissioner Kerbyson to Deny the request from Ray Clemens and Steve Bahri to amend the Master Plan designation from Office to Commercial for 18.36 acres of land consisting of a portion of parcel #20-98-017-028-00 and the entire parcel known as 1583 S. Lapeer Road.

ON A ROLL CALL VOTE:

Yeas: Commissioners Daum, Sommerville, Ogden and Kerbyson.

Nays: Commissioners RaCosta, Hubbell and Sprague.

Abstain: None.

Absent: Commissioners Robinet and Black.

MOTION CARRIED.

Clemens / Bahri – Joint Rezoning Request – Lapeer Road Parcels – OS-1 to B-2

Ms. Jackman reviewed the request from Ray Clemens and Steve Bahri to rezone 18.36 acres of land lying north of the City's southern corporate limits on the east site of S. Lapeer Road consisting of a portion of parcel #20-98-017-028-00 and the entire parcel known as 1583 S. Lapeer Road from OS-1 Office Service to B-2 General Business.

Vice Chairman Sprague opened the public hearing at 7:16 p.m.

Mr. Steve Bahri was present and stated that he was not aware of the recent Master Plan update and that business is a better use for the property.

There being no further comments, the public hearing was closed at 7:17 p.m.

Discussion was held regarding whether a time limit exists which would restrict an additional rezoning request for the subject properties.

After discussion, it was moved by Commissioner Ogden and supported by Commissioner Daum to Deny the request from Ray Clemens and Steve Bahri to rezone the 18.36 acres of land consisting of a portion of parcel #20-98-017-028-00 and the entire parcel known as 1583 S. Lapeer Road from OS-1 Office Service to B-2 General Business.

ON A ROLL CALL VOTE:

Yeas: Commissioners Daum, Sommerville, Ogden and Kerbyson.

Nays: Commissioners RaCosta, Hubbell and Sprague.

Abstain: None.

Absent: Commissioners Robinet and Black.

MOTION CARRIED.

Zoning Ordinance Amendment – Establish Mixed Use Overlay Zoning District

Ms. Jackman reviewed the proposed ordinance amendment establishing a Mixed Use Overlay District and summarized how the overlay district would be utilized, the discretion provided to the Planning Commission by the district concerning multiple uses for a site and the zoning map area proposed to be designated for the Mixed Use Overlay District.

Vice Chairman opened the public hearing at 7:25 p.m.

Mr. Barry Shoults was present and stated the he owns a business at 396 W. Nepessing Street, that when previously serving as City of Lapeer Mayor he recommended a master plan for the Genesee Street area to allow the mixed uses to continue and that there is a need to address the multiple uses in the area.

There being no further comments, the public hearing was closed at 7:27 p.m.

Discussion was held regarding the boundaries of the proposed Mixed Use Overlay District, whether special approvals would incorporate time limits or occupancy status restrictions, language addressing special use approvals and the need for the new City Attorney to review the proposed ordinance.

After discussion, it was moved by Commissioner Daum and supported by Commissioner RaCosta to recommend the City Commission approve the ordinance amendment establishing the Mixed Use Overlay District subject to the City Attorney's review.

Yeas: Commissioners Daum, RaCosta, Hubbell, Sprague, Kerbyson and Sommerville.

Nays: None.

Abstain: Commissioner Ogden.

Absent: Commissioners Robinet and Black.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Ms. Jackman updated the commission on the initial joint committee meeting with Lapeer Township representatives regarding various planning issues.

CORRESPONDENCE

The Commission reviewed the letter received July 7, 2008 from Donn Hoganson.

Discussion was held regarding the status of the Temporary Certificates of Occupancy for the new Taco Bell and the Lapeer Regional Medical Center Emergency Room Addition.

ADJOURNMENT

There being no further business, it was moved by Commissioner Ogden and supported by Commissioner Hubbell to adjourn the meeting at 7:42 p.m. **MOTION CARRIED.**

Mr. Dale Kerbyson
Secretary