

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
NOVEMBER 13, 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, November 13, 2008 at 6:30 p.m.

Members Present: Chairman Joe Black, Vice Chairman Bill Sprague, Commissioner Les Daum, Commissioner Mike Robinet and Commissioner Dave Sommerville.

Members Absent: Commissioner Dale Kerbyson, Commissioner Bill Ogden, Commissioner Jennell RaCosta and Commissioner Jennifer Hubbell.

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 6:34 p.m.

MINUTES

It was moved by Commissioner Daum and supported by Commissioner Sprague to approve the minutes of the regular meeting held on October 9, 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

Robertson – Rezoning – 1048 S. Lapeer Rd. (7 Acre Parcel) – R-5 to PUD

Ms. Jackman reviewed the request from Kevin Robertson to rezone the 7 acre parcel known as 1048 S. Lapeer Road from R-5 One Family Residential to PUD Planned Unit Development. Ms. Jackman reviewed the site location which is part of the newly annexed property from Lapeer Township consisting of several parcels to be combined into one parcel and reported the original concept plan included a coffee shop which has been removed from the revised plan as well as additional retention pond/open space which has been revised to underground retention and additional parking on the revised plan. Ms. Jackman reported the proposed uses include an assisted living facility, a restaurant with a drive-thru operation and two medical office buildings and that no special use public hearings are required for the PUD development.

Ms. Jackman informed the commission the proposal represents the first PUD development in the City, that the new Master Plan prohibits drive-thru operations on M-24 between Turrill Road and Tower Drive which includes the subject site and that the parking calculation estimates have been reviewed resulting in 301 spaces being required and 296 being provided on the revised conceptual plan. Ms. Jackman reported the Planning Commission has the right to relax parking requirements during site plan review of PUD developments, that the number of units in the assisted living facility and the market needs information has not been provided and reviewed the various staff comments received concerning utilities, sidewalks, parking spaces, MDOT approvals required and the PUD rezoning procedure which includes a public hearing at the City Commission.

Ms. Jackman reported the proposal is in compliance with the exception of the drive-thru operation not being permitted and recommended the parking requirements be reduced to provide additional open space as shown on the original concept plan and an easement for future access to the adjacent property to the north of the proposed development be provided.

Discussion was held regarding the difference between a drive-thru and a drive-up operation and the underground detention area shown on the revised concept plan.

Chairman Black opened the public hearing at 6:47 p.m.

Mr. Kevin Robertson was present and stated that the project will add value to the community, that the commission recently recommended rezoning the property for general commercial use, that the medical offices provide a buffer to the residential areas on the west and south sides of the development, that the local economic impact of the project is huge, that hundreds of new jobs will be created and that the design of the development is highly fluid. Mr. Robertson further stated that Culver's restaurant is interested in the site which is primarily a sit down restaurant with a drive-up rather than a drive-thru, that development deals are currently hard to come by, that he will be incurring the expense to install the utilities on the site, that he is asking for permission for the drive-up carve out, that he does not want to start the deal with his shoe laces tied and that the commission needs to be aware of the development cost as well as the local economic impact.

Mr. Jim Sporer, the project architect with CHMP, Inc., was present and reviewed the development plan including the site location stating the development is on a prime location with frontage on M-24 and Baldwin Road, reviewed aerial photos of the subject site and surroundings areas, existing uses surrounding the site, the conceptual plan and stated the medical building and assisted living facility provide a good transition from the residential areas to the south and that the restaurant use is proposed on the northern end of the site with the drive-up located on the north side of the building. Mr. Sporer stated that only one access drive is proposed on M-24 and one on Baldwin Road, that the detention area is located adjacent to the assisted living facility, that there will be shared parking between the assisted living facility and the larger medical office, that the site features good pedestrian access and circulation, that the developers concur with the parking requirement reduction in order to gain more open space and eliminate the underground storm detention area, that the access drive on the site is designed to

prohibit the use of the drive as a cut-through between M-24 and Baldwin Road, that the smaller medical office and restaurant meet the City's parking requirements and reviewed the loading areas. Mr. Sporer also reviewed photos of a similar medical office building constructed in Romeo which features rock waterfalls and landscaping and the phasing plan for the development which indicates phase one as the access road and detention area, phase two as the medical building and parking, phase three as the restaurant and phase four as the assisted living facility.

There being no further comments, the public hearing was closed at 7:01 p.m.

Discussion was held regarding the need for a drive-up operation where they bring the food out as opposed to a normal drive-thru operation, the need to reconfigure the conceptual design showing the drive-thru lane removed, the need to provide an easement for a future connection to the adjacent property to the north, approving a reduction in the parking requirements to create additional open space, the fact that when the drive-thru lane is removed from the design additional parking areas may be created and Culver's restaurants in other locations which include drive-thru operations.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Robinet to recommend the City Commission approve the request from Kevin Robertson to rezone the property known as 1048 S. Lapeer Road from R-5 to PUD contingent upon:

- Removal of the drive-thru use for the proposed restaurant;
- Allowing the Planning Department flexibility during site plan review to reduce the number of parking spaces required; and
- Obtaining a legal agreement to ensure provision of a future access to the property to the North.

Yeas: Commissioners Sprague, Robinet, Black and Sommerville.

Nays: Commissioner Daum.

Absent: Commissioners RaCosta, Hubbell, Kerbyson and Ogden.

Abstain: None.

MOTION CARRIED.

Shah / Sonic Drive-In/Drive-Thru Restaurant – Special Use Permit – 977 S. Main Street

Ms. Jackman reviewed the request received from Ms. Sejal Shah for a Special Conditional Use Permit in order to construct a Sonic drive-in/drive-thru restaurant on the vacant property located at 977 S. Main Street. Ms. Jackman reviewed the site location immediately south of the Michigan State Police Post and stated the site is in an area further north of the Robertson PUD which permits drive-thru restaurant operations. Ms. Jackman also reviewed the conceptual site plan, the DTE owned parcel which contains a tower and maintenance building which prohibits connection to Cliff Drive, the on-site traffic circulation, the drive-up canopies, the drive-thru lane looping around the building, the various conditions required for the permit all of which have been met. Ms. Jackman reported the State Police Post to the north is zoned commercial, an office use is located to the south and the proposed development does not include the rear of the parcel which is adjacent to the Lashbrook Farm therefore no fencing or wall is required.

Chairman Black opened the public hearing at 7:21 p.m.

Michigan State Police Post Commander Patrick McGreevy was present and reviewed his concerns stated in his letter submitted to the commission including traffic safety due to the 50 mile per hour speed zone, the curve on M-24 at the site location, vehicles turning southbound out of the site, the 23,500 vehicles per day traffic count on M-24 in the area, the potential for traffic crashes and recommended the M-24 access be entrance only if possible. Commander McGreevy expressed his concerns with officer safety during activities on the rear portion of the Post site, the proximity of restaurant patrons to the rear area of the Post site and recommended a privacy fence be constructed on the north side of the site. Commander McGreevy also expressed concern regarding trash and debris from the Sonic site and stated he is looking forward to being a good business partner and the business growth of the community.

Mr. Bill Beckett, of WT Development, was present and reviewed the proposed development stating that the property is properly zoned for the restaurant use, that the site is located in an area that permits drive-thru operations, that traffic safety is important, that a traffic study is being required by MDOT before issuing a permit, that the access drive may be relocated further north to align better with the Taco Bell drive if additional land is purchased, that traffic is slowing down in the subject area, that the traffic counts include northbound and southbound traffic, that the site is narrow with no extra width to construct a fence and that trash is hard to manage for fast food businesses.

There being no further comments, the public hearing was closed at 7:33 p.m.

Discussion was held regarding Commander McGreevy's concerns, the possibility of working with State of Michigan representatives to accommodate room for a fence, the fact that a fence is not required by the City zoning ordinance, the required lot split which has not been completed, trash issues and the configuration of the State Police Post building site and the proximity of the rear entrance to the Sonic operation.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Daum to approve the request from Sejal Shah for a Special Conditional Use Permit in order to construct a Sonic drive-in/drive-thru restaurant at 977 S. Main Street. **MOTION CARRIED.**

SITE PLAN REVIEWS

Sonic Drive-In/Drive-Thru Restaurant – 977 S. Main Street

Ms. Jackman reviewed the site plan submitted for the construction of a Sonic Drive-In / Drive-Thru Restaurant on the vacant parcel located at 977 S. Main Street including the design elevations, the landscaping plan, trees to be cleared from the site, the existing large deciduous tree on the northwest corner of the site which should be preserved if possible, the eight new trees to be installed on the site and the canopy location. Ms. Jackman stated the Sonic does not include indoor seating, that DTE owns a parcel near the Cliff Drive right-of-way, the location of Tower Drive which appears to be part of the

Muir Funeral Home parking lot, the dumpster location on the site, the parking and loading areas which meet requirements, the traffic study being required by MDOT which is not expected to impact the interior of the site, the need to grant an easement for future connection to Cliff Drive and the need for the City to relocate the existing City Limits sign on the site.

After discussion regarding on-site traffic flow, it was moved by Commissioner Sprague and supported by Commissioner Daum to approve the site plan received for the construction of a new Sonic Drive-In/Drive-Thru Restaurant to be located at 977 S. Main Street contingent upon:

- Approval of the required land division;
- Granting of an easement for future connection to Cliff Drive; and
- All remaining staff comments being addressed during engineering review.

MOTION CARRIED.

OTHER BUSINESS

Ms. Jackman updated the commission on the recent Access Management Study public meetings held stating that the draft plan will be revised pursuant to the comments received.

CORRESPONDENCE

Ms. Jackman noted the correspondence included in the meeting packet concerning information pertinent to assisted living facilities.

ADJOURNMENT

There being no further business, it was moved by Commissioner Sommerville and supported by Commissioner Daum to adjourn the meeting at 7:56 p.m.

Mr. Dale Kerbyson
Secretary