

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
MAY 14, 2009**

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, May 14, 2009 at 6:30 p.m.

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

Members Absent: Chairman Joe Black, Commissioner Mike Robinet, Commissioner Dave Sommerville and Commissioner Bill Ogden.

Also Present: Ms. Linda Jackman, Planning Director, and Mr. Brent Bajdek, Planning Administrator.

Chairman Black called the meeting to order at 6:31 p.m.

MINUTES

It was moved by Commissioner Kerbyson and supported by Commissioner Hubbell to approve the minutes of the regular meeting held on April 9, 2009 and the special meeting held on April 30, 2009 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

Lapeer Grain Site – 155 S. Saginaw – Class A Nonconforming Use Designation

Ms. Jackman reviewed the request from Lapeer Grain for a Class A Nonconforming Use designation for the southern portion of their property located at 155 S. Saginaw in order to construct a 60 ft. by 144 ft. pole building south of the southernmost existing pole building with a side yard setback of 10 feet from the western property line. Ms. Jackman reviewed the site location, the two separate zoning parcels of which the northern parcel is zoned I-1 Industrial and the southern parcel is zoned R-2 Residential, and an aerial map of the site showing the location of existing structures and the proposed building. Ms. Jackman stated the current grain storage operation on the southern parcel is a legal nonconforming use which cannot be expanded and that by granting the Class A Nonconforming Use the expansion would be allowed and conditions may be applied. Ms. Jackman also reviewed the zoning designations of the adjacent parcels located west of the subject site and stated that rezoning the subject parcel cannot be considered until approval of an amendment to the Master Plan.

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

Mr. Greg Matas, 303 S. Saginaw, was present and stated that he purchased his home 3 or 4 years ago based on the premise that the parcel behind him was zoned residential and that if the zoning is changed he is concerned about flooding, changes to the watershed and his property value. Mr. Matas also stated he has already lost money on his home, that if the Lapeer Grain property is rezoned to Industrial he should not have to incur more loss of value, that expansion of the operation comes with more rodents, noise, flying debris and that he is not in favor of the request based on the stated negative effects.

Mr. Greg Jarvis, of Lapeer Grain, was present and stated the proposed building site is currently used for storage of wet grain, that the building will provide a roof to keep the grain dry, that no excavating or moving of dirt will be done to affect the existing flow of water and that he has never seen a rat on the property only muskrats from the river.

Mr. Seth Groat, 317 S. Saginaw, was present and reviewed the area that floods every year and stated he has the same concerns as Mr. Matas, that the building should be constructed in a presentable way with walls, that no dirt should be moved and that currently the water comes up to his back deck.

Ms. Holly Hill, 265 S. Saginaw, was present and inquired if the site will be fenced in, what type of fencing will be used and stated that her neighbor has seen very large rats on the site.

Mr. Joe Herr, 109 S. Saginaw, was present and stated that he has no problem with the request, that he has never seen any rodents on the site, that he has not received any complaints from his tenants and that Lapeer Grain runs a good business.

Mr. Greg Jarvis, of Lapeer Grain stated they would be willing to construct a fence.

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

The following correspondence was received:

Dear City Planning Commission

My name is Russell Peller and I am the owner of 403 S. Saginaw. I will not be attending this evenings hearing due to work. For the record I am very against this expansion. There are too many reasons why it should remain as is, just to name a few my house is the new build and let me tell you it is not a good feeling to have your new house depreciate just after you build it due to the economy let alone the change of a residential zone into nonconforming use to put up eye sore storage units. Might I remind them and you that it is a flood zone and it always floods there. So for the sake of us home owners and for the sake of those fine people at Lapeer Grain don't rezone that property you will be doing us all a favor.

Sincerely,
Rusty Peller

Discussion was held regarding the necessity of the request, the fact the building will be completely enclosed, the existence of the grain operation on the site for the past 80 years, the location of flood zone areas on the property, the elevation drop on the southern portion of the site and the site plan review process for the proposed building.

After discussion, it was moved by Commissioner Kerbyson and supported by Commissioner RaCosta to designate the industrial use on the R-2 zoned southern portion of the Lapeer Grain property located at 155 S. Saginaw as a Class A Nonconforming Use contingent upon limiting the expansion to the one building currently proposed and verifying construction of a fence and that no excavation work will take place.

Yeas: Commissioners Kerbyson, RaCosta, Hubbell and Sprague.

Nays: Commissioner Daum.

Abstain: None.

Absent: Commissioners Black, Robinet, Sommerville and Ogden.

MOTION CARRIED.

M-24 Corridor Access Management Plan

Ms. Jackman reviewed the history and timeline for development of the proposed M-24 Corridor Access Management Plan, the contents of the Plan which include the written plan, aerial maps, various appendices and the proposed overlay district ordinance which is to be considered for approval as part of the Zoning Ordinance update project. Ms. Jackman also reviewed the purpose and strategies of the Plan, the recommended coordinated site plan review process with MDOT and recommended revision of the map text from "road" to "drive". Ms. Jackman stated the Plan is an incremental plan to be realized over a period of many years and that it is important to note that none of the recommendations in the Plan will require any property owner to undertake changes to their site until development or redevelopment of the site is proposed by the owner.

Vice Chairman Sprague opened the public hearing at 6:58 p.m.

Dr. Mark Ochadleus, owner of 498 S. Main, was present and stated that his property consists of two separate parcels with separate tax identification numbers, that the front parcel with access on M-24 is developed and the back parcel with frontage on the access drive constructed by Home Depot along the rear of his property is undeveloped and inquired whether in the event he develops the rear parcel if the proposed Plan would require changes to the front parcel. Mr. Ochadleus also inquired if there were any plans to reopen vacated Water Street.

There being no further comments, the public hearing was closed at 7:02 p.m.

The following two pieces of correspondence were received:

5-13-09

RE: M-24 (Main) N. of Nepessing St.

The M-24 single S/B and double N/B with a turn lane is a mess and dangerous.

N/B traffic sometimes tries to turn W/B from the inside N/B land (crossing both the turn lane & the S/B lane).

During peak times a person cannot turn from any street east of M-24 to go South. The turn lane is illegal to use to join S/B traffic.

It needs to be returned to a two lane in each direction.

Mark Reaves
Owner – 340 N. Main, Lapeer, MI

May 14, 2009

RE: Draft M-24 Access Management Plan Maps (RACO Property)

Linda,

RACO Associates has reviewed the aerial photos for the MDOT Access Management Plan (Conceptual Plan) dated 1-30-09 showing the properties impacted. Speaking on behalf of RACO Associates LLC we have no objection to the Conceptual Plan as presented to us in the two drawings (because we have not reviewed any additional documents we DO NOT have any comment on the balance of the plan detail as it may exist).

We would however, be amenable to moving the drive on RACO's property more north (adjacent to the Mobile Gas Station), but NOT to the south of the location as indicated on Conceptual Plan. We are also amenable to working with MDOT and the City regarding the location of what may be considered a "frontage road" or access drive to the properties immediately to the south and north. In the event there are any public comments or discussions about moving the "RACO" entrance further south from the conceptual plan we voice our strong objection to that suggestion or position.

As always we will work in a collaborative manner to ensure an acceptable solution consistent with our objective of a successful development. Thank you,

Robert Lawrence
For RACO Associates LLC
The Lawrence Company
330 E Maple #411
Birmingham, MI 48009

Discussion was held regarding whether funding is available through MDOT for property owners to enact the designs in the Plan now during the M-24 Corridor Utility Expansion Project.

Mr. David Geiger, of MDOT, was present and stated that closing or relocating access drives are normally performed during a road construction project on a consent basis.

Discussion was also held regarding concerns with implementation of the Plan and its potential hindering or hamstringing of future economic development and the language specifically built into the plan to allow flexibility and various options for development.

After discussion, it was moved by Commissioner Daum and supported by Commissioner Hubbell to recommend the City Commission adopt the M-24 Corridor Access Management Plan after the recommended changes to the aerial map language and correction of remaining typographical errors in the Plan and on the maps.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

ADJOURNMENT

There being no further business, it was moved by Commissioner Daum and supported by Commissioner Hubbell to adjourn the meeting at 7:16 p.m. **MOTION CARRIED.**

Mr. Dale Kerbyson
Secretary