

**CITY OF LAPEER  
MINUTES OF A REGULAR  
PLANNING COMMISSION MEETING  
SEPTEMBER 10, 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, September 10, 2009 at 6:30 p.m.

**Members Present:** Chairman Joe Black, Vice Chairman Bill Sprague, Commissioner Mike Robinet, Commissioner Les Daum, Commissioner Dave Sommerville, Commissioner Jennell RaCosta, Commissioner Jennifer Hubbell and Commissioner Dale Kerbyson.

**Members Absent:** Commissioner Bill Ogden.

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

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

**MINUTES**

It was moved by Commissioner Sprague and supported by Commissioner Kerbyson to approve the minutes of the special meeting held on August 4, 2009 and the regular meeting held on August 13, 2009 as presented. **MOTION CARRIED.**

**AGENDA AMENDMENT**

**Lapeer Grain – 155 S. Saginaw – Fence Clarification**

At Ms. Jackman's request, it was moved by Commissioner Kerbyson and supported by Commissioner Robinet to amend the meeting agenda to add an item under Other Business for clarification of fence requirement in the approval of the Lapeer Grain Class A Non-Conforming Use Designation. **MOTION CARRIED.**

**PUBLIC COMMENTS**

Mr. Greg Matas, 303 S. Saginaw Street, was present and stated that Lapeer Grain is putting up a fence, that his neighbor Seth Groat requested the item be added to the agenda, that he was of the understanding after the May meeting that no fence would be put up, that he thought the issue was resolved between Mr. Jarvis of Lapeer Grain and the three abutting neighbors, that he objects to a fence period, that he understood the property was zoned residential when he bought his house, that now Lapeer Grain has changed their mind, that the fence will go across the back of the three yards, that Lapeer Grain does not use the area and that the area floods. Mr. Matas further stated that Ms. Holly Hill who had inquired about a fence at the May 14, 2009 meeting has told him she does not want a fence and that the neighbors had talked with Lapeer Grain representatives in the hallway after the May 14<sup>th</sup> meeting and had agreed upon no fence being installed.

Mr. Seth Groat, 317 S. Saginaw Street, was present and stated that he owns 150 feet of property along where the fence is to be installed, that the fence is being located in a flood zone area, that he cannot get a permit from the MDEQ for a rear deck, that he would be surprised if Lapeer Grain got MDEQ approval within 24 hours, that Lapeer Grain does not use the property to be fenced, that he has been mowing and trimming trees on the property for 20 years for free, that as soon as the building went up the fence markings came along, that he doesn't understand why Lapeer Grain has turned into a Donkey, that he knows it's their property and it has never been a problem.

### **PUBLIC HEARINGS TO BE SCHEDULED**

#### **Lapeer Transmission & Gear – Class A Non-Conforming Use – 48 W. Genesee**

Ms. Jackman reviewed the request from Lapeer Transmission & Gear for approval of a Class A Non-Conforming Use Designation in order to operate a major automotive repair facility in a portion of the former Peterson's auto dealership located at 48 W. Genesee Street. Ms. Jackman stated it was determined that the prior major auto repair use was permitted at the subject site location as an accessory use to the auto dealership, that Lapeer Transmission Gear is currently located in the City on an Industrial zoned parcel, that the subject site is zoned B-2 General Business and that the existing building at the proposed site is configured for the major auto repair use.

Discussion was held regarding applying restrictions and imposing conditions to the approval, the fact that other industrial zoned sites are available in the City, the residential zoned areas surrounding the subject site and the appearance of the Beckwith's Body Shop site which is also a major auto repair facility.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Hubbell to schedule a public hearing for 6:30 p.m. on October 8, 2009 to consider the request from Lapeer Transmission & Gear to grant a Class A Non-Conforming Use Designation for the existing auto repair building located at 48 W. Genesee Street for use as a major auto repair facility.

**Yeas:** Commissioners Sprague, Hubbell and Black.

**Nays:** Commissioners Daum, Sommerville, Robinet and RaCosta.

**Absent:** Commissioner Ogden.

**Abstain:** Commissioner Kerbyson.

**MOTION DENIED.**

### **PUBLIC HEARINGS SCHEDULED**

There were no public hearings scheduled.

### **SITE PLAN REVIEWS**

#### **Commercial Building – Lapeer Commons PUD – 1048 S. Lapeer Rd.**

Ms. Jackman reviewed the site plan received from Hakaw Enterprises for a new 12,384 sq. ft. commercial building to be located at the southeast corner of the Lapeer Commons PUD development located at 1048 S. Lapeer Rd. Ms. Jackman stated the

plan indicates three of the seven tenant spaces will be dedicated for restaurant use and the remaining four spaces will be dedicated for retail uses at this time, that the utility and landscape plans have been reviewed, that a screening wall will be constructed along the south side of the site and reviewed the proposed building design elevations.

Discussion was held regarding the appearance of the building as seven separate spaces, the high quality appearance of the building, the exterior masonry materials on all sides of the building, the fact that seven separate utility taps are shown on the plans, concerns with the need to insure the first PUD development in the City is a high quality development, whether the water storage pond, fountain and road will be constructed throughout the site at the time the commercial building is built and the phasing plan for the development.

Discussion also held regarding restricting use of the building as seven separate spaces by limiting the number of utility taps, whether the commercial building site plan is in substantial conformance to the approved conceptual plan for the PUD and the fact that seven units was not envisioned at the time the conceptual plan was considered.

Dr. Kevin Robertson, of Hakaw Enterprises, was present and stated that if the building is divided into seven equally sized spaces they would be approximately 1,700 sq. feet, that it is not feasible to be developed as seven small spaces and that usually a larger business anchors the building at one end.

It was moved by Commissioner Sprague and supported by Commissioner RaCosta to approve the site plan received for the proposed Commercial Building to be located at the southeast corner of the Lapeer Commons PUD at 1048 S. Lapeer Road.

**Yeas:** Commissioners Sprague, Kerbyson, Hubbell and RaCosta.

**Nays:** Commissioners Black, Daum, Sommerville and Robinet.

**Absent:** Commissioner Ogden.

**Abstain:** None.

**MOTION FAILED.**

Further discussion was held regarding approval of the revised conceptual plan including the proposed commercial building, concerns with seven units being shown on the plan and restricting the number of utility taps allowed.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Sommerville to approve the site plan received for the proposed Commercial Building to be located at the southeast corner of the Lapeer Commons PUD at 1048 S. Lapeer Road contingent upon only allowing five utility taps and all remaining staff comments being addressed during engineering review.

**Yeas:** Commissioners Sprague, Sommerville, RaCosta, Hubbell, Black and Kerbyson.

**Nays:** Commissioners Robinet and Daum.

**Absent:** Commissioner Ogden.

**Abstain:** None.

**MOTION CARRIED.**

## **OTHER BUSINESS**

### **Lapeer Grain – 155 S. Saginaw – Fence Clarification**

Ms. Jackman reviewed her request for clarification of the Planning Commission's intentions regarding the fencing requirements as part of the May 14, 2009 approval of the Class A Non-Conforming Use Designation for the additional storage building site at Lapeer Grain located at 155 S. Saginaw Street. Ms. Jackman stated discussions were held with Lapeer Grain regarding the fencing, that Lapeer Grain decided to construct a chain link fence along the west property line, that chain link is allowed on the interior yard, that no screening is required and that Lapeer Grain was advised to contact the Michigan Department of Environmental Quality for approval of fencing located in flood plain areas.

Discussion was held regarding the fact that a fence was not required by the Planning Commission, whether the commission can place restrictions on the type of fencing to be constructed, the fact that the property is being utilized for an industrial use on a residential zoned parcel and the neighbors concerns regarding the fence.

After discussion, it was moved by Commissioner Sommerville and supported by Commissioner Daum to send a letter to Lapeer Grain indicating the fact that a fence is not required and request consideration of the neighbors concerns regarding the fence.

**MOTION CARRIED.**

### **Zoning Ordinance Update – Draft Review – Part 3 - Signs**

Ms. Jackman briefly reviewed part three of the updated Zoning Ordinance which included Article 7.16 Signs. Ms. Jackman reviewed the results of the visual preference survey and the detailed chart showing regulations for various type of signage in the current ordinance and the regulations proposed in the new ordinance.

Discussion was held regarding the proposed regulations for temporary and portable signs and Ms. Jackman requested the commission submit their comments to her to be forwarded to Rob Nesbitt at LSL Planning for further review and discussion at the October meeting.

## **ADJOURNMENT**

There being no further business, it was moved by Commissioner Sommerville and supported by Commissioner Daum to adjourn the meeting at 7:57 p.m. **MOTION CARRIED.**

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Mr. Dale Kerbyson  
Secretary