

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
AUGUST 17, 2010**

A rescheduled meeting of the City of Lapeer Planning Commission, which was adjourned on Thursday, August 12, 2010 due to the lack of a quorum, was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Tuesday, August 17, 2010 at 6:30 p.m.

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

Members Absent: Chairman Joe Black and Commissioner Dave Sommerville.

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

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

MINUTES

It was moved by Commissioner Kerbyson and supported by Commissioner Ogden to approve the minutes of the regular meeting held on June 10, 2010 as presented.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments at this time.

PUBLIC HEARINGS TO BE SCHEDULED

There were no public hearings to be scheduled.

PUBLIC HEARINGS SCHEDULED

Andrew & Shannon Lanza – Master Plan Amendment – 235 & 993 Millville Road - Office to Commercial – General Business

Ms. Jackman reviewed the request from Andrew & Shannon Lanza to amend the Master Plan designation for the properties known as 235 & 993 Millville Road from Office to Commercial-General Business in order to establish a fruit & vegetable market on the southerly portion of their property. Ms. Jackman reviewed the case history of the site, the location of the property at the intersection of two collector streets, the lack of commercial uses in the area and the residential uses in the area.

Vice Chairman Sprague opened the public hearing at 6:33 p.m.

Ms. Shannon Lanza was present and stated her husband and herself own both properties, that she would like to bring more business to the area, that due to the amount of traffic at the site it does not have a residential appearance, that there is commercial at the corner of Genesee/Millville and that she would like to use the property for commercial use.

There being no further comments, the public hearing was closed at 6:35 p.m.

Discussion was held regarding the number of times the request has been before the Planning Commission, other farm markets currently operating in the area, concerns that in the event the proposed use fails a variety of commercial uses would be allowed on the site, keeping the site planned for office use, the close proximity of Lapeer West High School to the site, the distance of the West Side Market from the school, review of the site during the Master Plan amendment process and the fact that no specific project is proposed for redevelopment of the site.

After discussion, it was moved by Commissioner Daum and supported by Commissioner Hubbell to deny the request from Andrew & Shannon Lanza to amend the Master Plan designation for the properties known as 235 & 993 Millville Road from Office to Commercial-General Business. **MOTION CARRIED.**

Granger – 60 Old Carriage Lane – Special Use Permit – Day Care Operation

Ms. Jackman reviewed the request from Gary Granger in conjunction with Nancy Granger for a Special Conditional Use Permit in order to allow a day care home to be operated from the property known as 60 Old Carriage Lane. Ms. Jackman reviewed the site location and stated the property is zoned R-3 One Family Residential, that 6 children are allowed to be cared for on site and reviewed the conditions required for the permit.

Ms. Jackman reviewed the diagram sketch of the subject site and various photos submitted of the area. Ms. Jackman reported the applicant is requesting that a fence not be required due to the open character of the surrounding yards, that a fence is not required for the daycare by the State of Michigan and that the City zoning ordinance states the outdoor play area shall be fenced as required by the Planning Commission.

Vice Chairman Sprague opened the public hearing at 6:43 p.m.

Mr. Steven Wilson, 54 Old Carriage Lane, was present and stated he lives next door to the subject property, that he is opposed to approving the day care use, that the area is a quiet residential neighborhood and that he would like to keep it that way and that he believes if it is approved a privacy fence should be required. Mr. Wilson also inquired if anyone would live in the home and if there would be any cars on the street.

Ms. Nancy Granger was present and stated she plans to move into the home the first week of September, that she cares for 6 children consisting of 2 babies and 4 small children from 4 families, that she has two letters of support from surrounding neighbors, that the neighbors are not in favor of a cyclone fence and that she plans to install a fence in the future. Ms. Granger further stated the back yard area would be used for approximately 1½ hours a day, that the children are taken on walks and field trips, that she would not like to put up a fence now since there are no fences in the surrounding yards currently, that the driveway has space for four vehicles, that the parents would park in the driveway for drop off and pick up of children, that she would instruct the parents to obey the posted speed limit and that there are currently many children in the area playing and it is loud.

There being no further comments, the public hearing was closed at 6:47 p.m.

Discussion was held regarding who the property owner is, who will occupy the home, the letters received regarding the request some in support and some opposed to the day care operation and requiring a fence, Ms. Granger's current day care home operation at 205 Mason Street, controlling the children in the yard area, children in the area already, the minimal traffic created by four families, liability concerns created by not having a fence, the common space appearance of the rear yards in the subject area, the fact that the day care operation is regulated and inspected by the State of Michigan and the type of fencing to require.

After discussion, it was moved by Commissioner Ogden and supported by Commissioner Hubbell to approve the request from Gary Granger and Nancy Granger for a Special Conditional Use Permit in order to operate a day care home at the property known as 60 Old Carriage Lane contingent upon the outdoor play area being fenced consistent with the City of Lapeer Zoning Ordinance, subdivision deed restrictions and the character of fencing in the area.

Yeas: Commissioners Ogden, Hubbell, RaCosta and Sprague.

Nays: Commissioners Daum, Kerbyson and Robinet.

Abstain: None.

Absent: Commissioners Black and Sommerville.

MOTION CARRIED.

SITE PLAN REVIEWS

There were no site plans to be reviewed.

OTHER BUSINESS

Zoning Ordinance Update – Draft #3

Ms. Jackman updated the commission on the status on draft #3 of the updated Zoning Ordinance and reviewed various items concerning the zoning map. Ms. Jackman reviewed her recommendation to leave the majority of the City parcels zoned as is and continue to consider rezoning requests on a case by case basis with the exception of the parcels located at the northwest corner of Millville Road and Genesee Street. Ms. Jackman stated the parcels were recently annexed from Elba Township with residential zoning and that the area should be zoned to reflect the actual usage of the parcels to eliminate non-conforming use status for the parcels.

After discussion, it was the consensus of the commission to leave the City parcels zoned as is with the exception of the northwest corner of Millville Road and Genesee Street as recommended by the Planning Director.

Discussion was held regarding the residentially zoned properties at the Baldwin Road and Harrison Street intersection area.

ADJOURNMENT

There being no further business, it was moved by Commissioner Daum and supported by Commissioner Robinet to adjourn the meeting at 7:10 p.m.

Mr. Dale Kerbyson, Secretary