

CITY OF CHEBOYGAN PLANNING COMMISSION
Regular Meeting October 18, 2021

Present: O'Brien, Horntvedt, Kopernik, Khan-King
Absent: Granger, Rogers, Vacant
Admin: Sabolsky, Clear

Call to order at 6:59 by Vice Chair Kopernik.

O'Brien made motion to approve September 20th, 2021, meeting minutes with a correction to Page 2, 2nd to last paragraph, correcting "remined" to reminded".
Seconded by Horntvedt. Minutes approved unanimously.

New Business, Site Plan Review: Mullet Lake Property Holdings, LLC - 600 MM Riggs. Sabolsky pointed out #8 on checklist, building on adjacent parcel is close. Structures are already existing, won't be using back building. #11, 15 parking spots are required. Parking calculated on main building. No sidewalks required. Need to submit Stormwater Flow Control Permit. O'Brien inquired why Site Plans are needing to be approved without the drainage plan. Sabolsky stated Site Plan is easier to prepare than drainage plan, drainage plans are often backed up. Zoning Permit not issued until all conditions met. Horntvedt inquired on trench build running on north side of property, running east to west, if it was for utilities. Dan Laroque, representative of Mullet Lake Property Holdings said intention is to carry across the road into ditch via culvert. O'Brien inquired if they have met the State permit requirements. Laroque, believes they are, permits were filed before he came on board. Sabolsky explained process of prequalification and State to inspect building before issuing final permit. Sabolsky mentioned #22, No dumpster shown on drawing, needs to be included.

Khan-King made motion to recommend Council approve Mullet Lake Property Holdings site plan subject to obtaining a stormwater runoff permit and submitting updated drawings showing screened dumpster location. O'Brien seconded. Motion carried unanimously.

Site Plan Review: Harvest Energy Solutions, LLC - 428 Garfield Ave: Luke Olinyk from Harvest Energy spoke regarding the proposed development Power Purchase Agreement. Harvest Energy will build arrays, Investor will purchase arrays, Cheboygan Area Schools will purchase the power. Khan-King inquired who will complete operations and maintenance on arrays, Olinyk responded Harvest Energy. Horntvedt questioned if a fence was part of the plan, Olinyk indicated array will be north of the playground, it would be up to the school district and investor to require fence. Kopernik inquired of the life span of solar arrays. Olinyk indicated the agreement is for 25 years, solar lifespan is generally 30-40 years. Horntvedt inquired if contract was with board of education and if they would remove and restore land to the way it was after agreement ended. Olinyk explained buy out option, end of life sale, or they can request equipment removed. O'Brien inquired how much % does it replace of Consumer's Energy. Olinyk explained usually they like to offset 80-90%.

Kopernik inquired how high the poles will be, concerned about the location to the playground. Khan-King commented that the playground is huge, on a far side that is not used. Olinyk responded post 5ft out of ground. Included panels, the low end will be around 2-3 feet and the high end will be around 9 feet.

O'Brien asked who Solar Harvest is regulated by. Olinyk responded they are regulated by any jurisdiction they go to.

Khan-King made a motion to recommend Council approve Harvest Energy's Site Plan. Horntvedt seconded. Motion carried unanimously. Sabolsky stated there would be a public hearing regarding this at next council meeting.

Special Use Permit Review: Harvest Energy Solutions - 428 Garfield: Khan-King made a motion to recommend approval by the City Manager/Zoning Administrator, subject to Public Hearing. Seconded by Horntvedt. Motion carried unanimously.

Site Plan Review: JTY Realty, LLC/Northern Michigan Engineering - 399 Riggs Dr: Dave Drews with Northern Michigan Engineering introduced himself. Project is a grow facility with a cold storage building. Drews stated the plans will include landscaping as outlined in ordinance. Horntvedt inquired if the cold storage was 10 feet from property line, Drews indicated it is 20 feet. Drews indicated building grades raised due to poor soil. Storm water is an issue due to runoff potentials, drainage zones established to retain onsite. Existing drainage ditch would be an overflow in a major event.

Horntvedt asked if retentions 3 and 5 were connected to 4, Drews responded if filled, 3 will run into 4 and 4 will run into the ditch. Sabolsky commented he requested a gap to allow for loading facility. Drews explained landscaping will go all the way to the west in case they expand it is more useful landscape buffering.

Kopernik inquired when they will break ground. Drews responded as soon as they are able. Discussion on size of parking spots. Sabolsky wants to be on record that it has to be paved. Drews said he would remind the owner that once the site plan is approved it needs to be built as approved. Sabolsky stated building elevations have yet to be submitted. Drews included what he was given, waiting on architect to provide further detailed elevations. Sabolsky responded that we would need the detailed elevations.

Horntvedt inquired about the Storm Water Flow Control Permit, Clear indicated it is still pending. Horntvedt asked if the possible expansion building would be west of cold storage building and north of grow facility. Drews confirmed if expanded, drainage would need to be redone.

Horntvedt questioned if housing would be allowed. Sabolsky responded housing would not be permitted. Sabolsky further stated that a few of the developers have inquired about greenhouses being permitted. Greenhouse use would have to be reviewed by City and State, if permitted need to know how odor control would be handled.

Hornrtvedt commented without seeing elevations, unable to determine if the light control portion of the ordinance will be met. Sabolsky stated multiple developers have come to him with concerns about licensing requirements and ordinances, it is likely that we will need to review current ordinances.

Drews stated he has done a few of these projects in the Gaylord area, Planning Commission is really for land-use density. Developer has hired an attorney who indicated State of Michigan requirements. Drews will reiterate to developer that Site Plan approval is not a blanket approval and that State of Michigan requirements would still need to be met. If they are not met, they would have to redo plans. Hornrtvedt commented when they wrote the ordinance, they had in mind the atmosphere of Cheboygan & adjacent neighbors. Kopernik stated security lighting is very important and asked Sabolsky to clarify conditions: Sabolsky responded, 10x20ft parking spots, paved, building elevations including side view and storm water flow control permits.

O'Brien made a motion to recommend Council approve JTY Realty Site Plan subject to 10x20ft parking spots, paved, elevations submitted to Council and approved by Sabolsky and pending Storm Water Flow Control permit. Seconded by Hornrtvedt. Motion carried unanimously.

Staff Report: Sabolsky stated more site plans would be coming before commission. There may be some cases coming to Zoning Board of Appeals. Staff has taken a new approach to the process and will continue to do so. Buildings approved will be an improvement in the area. City needs to improve ditch in some areas. Sabolsky indicated several things in code need to be addressed as it is unclear what is meant. Hornrtvedt asked if he was referring to the sign ordinance as he noticed there is a lot of signs not in compliance in town. Sabolsky responded he keeps a list of things that need to be clarified or revised and requested Planning Commission does the same.

Hornrtvedt asked if the street/alley vacation process will be changed to go to Planning Commission prior to Council. Sabolsky confirmed that the process is an operating document and needs to be tweaked but will make sure it includes that vacations will come to Planning Commission for recommendation to Council. Hornrtvedt asked if Tom Bishop revisits the alley, will it come back to Planning Commission. Sabolsky confirmed it would.

Sabolsky confirmed that processes may take longer, but it is better in the long run. Several more site plans in the works including two processing facilities and the old armory. Hornrtvedt mentioned a previously approved Site Plan at Eastern and Lincoln that was abandoned and moved to the industrial park, inquired if Sabolsky knew what is going to happen to that site. Sabolsky speculated that it would have to be retrofitted, but uncertain of what will happen. Discussion was held on various EGLE programs and environmental surveys available to developers.

No Public Comments

Commissioner Comments:

Khan-King discussed some issues a food truck was having with the licensing process. This food truck would be located on property owned by the owner of the former Big Dipper Building, which has given the food truck owner permission to operate. The owner was being required by Department of Safety to get Alice's Restaurant approval to operate each time they are open.

Discussion was held regarding the Mobile Food Vendor License process and that memos do not constitute ordinance. Sabolsky stated he would like a recommendation to look into and come back with a draft on this issue. Kopernik requested that the memo be forwarded to planning commission. Sabolsky stated that the memo is confusing, whether if it's a memo or adopted ordinance and he would like to come up with an actual ordinance.

Hornvedt made a motion to adjourn the meeting, seconded by O'Brien. Unanimously approved, meeting adjourned at 7:59pm.

Submitted by,

Linda Rogers, Secretary

*Notes taken by C. Clear

Audio recording on file