

CITY OF CHEBOYGAN PLANNING COMMISSION
Regular Meeting February 22, 2021 Via Zoom Audio
Audio Recording will also be available at City website

Present: Kopernik, Granger, Rogers, Horntvedt, Kronberg, Khan-King
Absent: O'Brien
Admin: Eustice

Meeting called to order at 7:00 p.m.

Several persons were on call, Granger clarified that this was not a public hearing, but the public could make comments at the end.

Kopernik motioned to approve minutes of 12/21/20 and 01/24/21, Horntvedt seconded. Horntvedt commended Rogers for clear concise minutes. Motion passed unanimously.

Discussion of temporary closure of Pine Street. Khan-King abstained from voting. Khan-King clarified that last year Pine Street did not close, they used the sidewalk for outdoor seating. Looking to close Pine just from the alley behind the Hive to Main street. No residences are affected.

Groff discussed the concept of a Social Distance area downtown. Cities like Gaylord, Petoskey and Boyne have established Social Distance areas. Horntvedt asked if Chief Jones had anything to say about shutting the street from Memorial Day to Labor Day. Groff advised that Planning Commission was the first step, had not discussed with public safety. Horntvedt questioned if the closure would be permanent from Memorial Day to Labor Day or if the road would be open when businesses not open. Khan-King stated that there is not staff or storage area to set up and take down on a daily basis. Khan-King stated there is large community support for shutting Pine Street. Kronberg would like to hear from public safety regarding emergency services.

Kopernik is not in favor of closing the street for such a long period of time. He could see closing it for a weekend or long weekend for a special event but Memorial Day to Labor Day too long. Questioned if we were to make a motion. Khan-King stated they were looking for support from Planning Commission before going to Council.

Granger questioned whether Planning Commission took action on this last year. Eustice stated the business decided to use the sidewalk not the street so no action.

Planning Commission can make a recommendation to council. Council adopts a resolution, there would be no requirement of a public hearing. Eustice stated it was pretty simple and there was time to get the matter to council. The liquor control commission has temporary guidelines effective until 2024.

Kopernik stated that people use Pine street every day and he has not wrapped his mind around people walking around town with open alcohol.

Granger stated this is 2 issues, 1) closing Pine Street from Memorial Day to Labor Day and 2) Establish a Social Distance Area. He would like to see information in writing on both items. The written information should state days, hours, and more details.

Horntvedt stated he uses Pine Street every day but there are several other streets he could take. He supports the closure to help businesses that have put a large investment in the City. Granger again stated he wanted information in writing, to discuss in March.

Rogers stated she didn't see a need to discuss further. Rogers made motion to close Pine Street from Memorial Day to Labor Day contingent upon Public Safety approval. Motion seconded by Horntvedt. Roll Call Vote: Kopernik No, Granger No, Rogers Yes, Khan-King Abstain, Horntvedt Yes, Kronberg No. Motion failed.

Hive North and Cheboygan Brewery to supply written information for March meeting.

Preliminary Site Plan Review – Marihuana Processing Center: Waterway Plaza, LLC.

Granger stated he learned this morning that property in question is not properly zoned for this type of facility. Although on assessment and tax bill it says industrial, that is incorrect. The property is zoned residential. Proposed use would require zoning change.

Lange (representing Waterway Plaza, LLC) stated she has spoken with Eustice, paid taxes on industrial. County maps show as industrial. Lots of misinformation, asked Eustice to clarify. Eustice stated the property in question is zoned residential, but he does not know why it is not zoned industrial due to it's use by proctor and gamble and the paper plant. Eustice stated that Lange could go through the process of rezoning.

Lange questioned how to follow up on getting the tax roll cleaned up. Kopernik stated the city map marked the property residential. Rogers questioned why we were looking to change to R1 and Residential Multiple Family when Hope development was proposed. Kopernik thought we were looking at a "layover".

Lange stated that as of 4 this afternoon Eustice called her to make sure she knew meeting was virtual. He went on to tell her that he thought the proposed development was a fantastic use of property. He did not provide clarity, very poor way to conduct business.

Discussion of Vacation of 20-foot-wide alley right-of-way and Benton Street in the Plat of Patterson's Addition to Cheboygan Village, now City, Block No.4.

Kopernik questioned whethe we had to act on Waterway Plaza, LLC proposal. Granger clarified that due to the property in question being R1, the proposed development was not a permitted use therefore no action necessary.

Horntvedt referenced council minutes from 10/20/20 regarding discussion of a proposed storage facility being constructed on State Street. Planning Commission voted 6-0 to NOT RECOMMEND rezoning to council stating they would like to see a residential development. Eustice advised council that he believes the storage facility is a good use for the property and that it would probably never be developed residential. At council meeting Couture asked Eustice if there had been any objection to the development. Eustice stated there had been nothing submitted. Horntvedt stated he had gone door to door asking residents if they were in favor. He stated there was strong opposition which was relayed to Eustice. Eustice stated he has to have objections in writing from residents, he can not take "hearsay" to the council. Horntvedt feels Eustice misrepresented the Planning Commission to the City Council.

Rogers indicated that when packet received late Thursday there was no information on the purpose to vacate the alley and the street. Would like more information with packet. Eustice stated the alley and street run through the parcel on the plat but have never been developed. He further stated that council had more information than the Planning Commission did. Lavigne's struggled with Zoom but provided more information to Council. Granger explained that if street and alley vacated only ½ of the street would go to Lavigne, the other ½ goes to residents. Should also reserve an easement for utilities, the only way to get a street completely off plat is to go to circuit court.

Kopernik made a motion to vacate the alley and ½ of Benton Street. No second, motion failed.

Horntvedt surprised to hear Granger and Eustice both state that parcel in question would probably never be developed residential. This property is on a beautiful stretch of trail, now all people will see is a giant steel building. Planning Commission nor council received adequate information. Eustice stated a lot of information provided to council was verbal.

Kronberg stated that to make effective use of the Planning Commission we need information to leverage what we have to offer.

Eustice stated he felt Planning Commission had adequate information. Need to rely on zoning administrator. Eustice thinks the storage facility is the highest and best use of property. Horntvedt questioned what happens when that project falls through. He also stated that highest and best is not a good term. That term should be used when there is very specific information. Eustice stated he makes educated opinions based on his zoning administrator training. He thinks the Lavignes will "do the right thing". Horntvedt stated that as lifelong resident of Cheboygan he is tired of seeing the "White Elephants" around town.

Granger questioned whether a site plan review would be required. Eustice stated it would not be required for this sort of use, but he is going to request one.

Kopernik emailed the commissioners the plat from 1869 then made a motion to approve vacation of the alley and ½ of Benton Street. No second, motion failed. Granger questioned why motion was for just ½ of Benton and clarified that the entire street would be vacated. Kopernik amended his motion but no second, motion failed.

Rogers made a motion to recommend to council to NOT vacate alley and Benton Street. Horntvedt considered a second but stated it would not be fair to the Lavigne's after going through rezoning process. Motion failed.

Commissioner Comments

Horntvedt would like Eustice to represent Planning Commission better. We take our volunteer roles seriously and spend a lot of time researching. He asks that when we make recommendations that there is a follow up to let us know what council did. Kopernik stated if council votes different than Planning Commission recommendation, he does not get upset about it.

Eustice explained that objections to proposed project must be in writing to the clerk, email is acceptable. Eustice apologized to Lange saying he knew the property in question was residential but didn't know why. He tried to investigate. Stated Lange could go for conditional rezoning. He said in the case of a liquor establishment not meeting setback for church, approval in writing from church and property owner accepted by Michigan Liquor Control Commission, not sure if that true for Marijuana facilities. Horntvedt reminded board that he was in favor of less than 500 ft set back from church.

Citizen Comments

Brandt stated as businessowner, has hard time seeing other business get free property. As council member, does listen to what Planning Commission says. Brisson stated area in discussion for Waterways project is in a "neighborhood" she knew it was zoned residential and realtor misled Lange. Lange feels Eustice misled her on this project. Also feels street closure for 2 business is not equitable for other businesses. Groff stated any business can apply for the Social Distance area once council approves.

Motion by Horntvedt to adjourn, second by Rogers, motion passed unanimously, meeting adjourned 8:44 p.m.

Respectfully submitted,

Linda J. Rogers, Secretary
City of Cheboygan Planning Commission