

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
MARCH 10, 2016**

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, March 10, 2016 at 6:30 p.m.

Members Present: Chairman Joe Black, Vice Chairperson Jennell RaCosta, Commissioner Bill Sprague, Commissioner Dale Kerbyson, Commissioner Jennifer Hubbell, Commissioner Dave Sommerville, Commissioner Anne Shenck and Commissioner Catherine Bostick-Tullius.

Members Absent: Commissioner Ed Jamison.

Also Present: Mr. Doug Piggott and Mr. Scott Kree, Rowe Professional Services Company Planning Consultants.

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

MINUTES

It was moved by Commissioner Sprague and supported by Commissioner RaCosta to approve the minutes of the regular meeting held on February 11, 2016 as presented.

MOTION CARRIED.

PUBLIC COMMENTS

DTE / Inovateus Solar Farms

Mr. Mark Calvert, 4453 Havens Road, Dryden, stated the City is constructing the solar farm development at the southern gate of the community that is located on industrial sites elsewhere for DTE, that the project has not been handled transparently, that there is no lease in place, that his FOIA request was not answered properly, that the residents have no knowledge and need to know what is going on, that the equipment is there, that it is unbelievable, that it creates no jobs, that is taking up prime real estate and the whole process is flawed.

Jeff Childers, 1386 Turrill Road, stated he was told by Lapeer Township officials no trees would be removed and that 70 fifty to sixty foot tall pine trees have been cut down since yesterday.

Ray Burke, 1393 Turrill Road, stated he will be looking at 200,000 solar panels, that there has been no input from the community, that articles been tucked in the back of the newspaper, that the township said there would be very little disturbance to the landscaping, that his property values are getting ready to plummet and inquired if any information will be provided on easements, buffers, layout, distance from property lines and input from DTE.

Pat Morris, 1393 Turrill Road, stated he just bought the house, that he is concerned on how the view will be blocked, that the flora and fauna is being cut down and inquired on what the beautification plan for the area is.

Bernard Swift, 3989 Weir Road, stated he lives in Mayfield Township, that this is the best thing that has ever happened to town, that no big manufacturing operations with \$9 hour jobs are going to come to town, that Mayfield Township has a place for it and they will take the tax dollars, that it will not disturb the landscape, that it will be something spectacular that town has never seen before and will put the City on the map and everyone needs to think about down the road.

Bob Zella, 1112 Don Wayne Drive, stated he opposes all of this.

David Lutz, 1365 Turrill Road, stated he had not heard about any of this until someone knocked on his door and that the frustration is because the citizens just don't know.

Public comments were closed at 6:44 p.m.

PUBLIC HEARINGS SCHEDULED

Medstar Ambulance Station – Special Land Use – 971 Baldwin Rd.

Doug Piggott reviewed the request from Medstar Ambulance for a Special Land Use in order to operate a 24-hour ambulance station at 971 Baldwin Road stating the property is zoned OS-1 Office Service, Master Plan designated General Commercial and that this is a new request for a location further south of the previously requested location at 911 Baldwin Road. Mr. Piggott stated the site is a former doctor office and reviewed the surrounding uses, zoning designations and the original site plan for the doctor office. Mr. Piggott reported the site has 14 parking spaces, reviewed photos of the site and surrounding area and the location of the Powers Street access drive to M-24 which is a main thoroughfare.

Chairman Black opened the public hearing at 6:50 p.m.

Bernard Swift, 3989 Weir Road, stated Medstar wants to serve the south end of town and inquired what guarantee the citizens have that Medstar won't hike their rates after they put the other non-profit ambulance services out of business and that they should guarantee their rates for the next 10-15 years in writing. Mr. Swift stated Medstar is owned by McLaren and they are attempting to take over the whole area.

David Lutz, 1365 Turrill Road, stated he has concerns with traffic and that the Baldwin Road/M-24/Meijer intersection is already congested.

Colleen Coulter stated she works at the doctor office across the street and it is already a very congested area.

Kolby Miller, Medstar CEO, stated the previously requested location raised concerns with the neighbors on the ambulance parking area and the intersection traffic, that the new location addresses all the neighbor issues, that Baldwin Road widens just south of the site, that all adjacent neighbors are commercial uses and that the Baldwin Road/Meijer/M-24 intersection will only be used when necessary during a response, that there will not be an issue with parking and reviewed the proposed ambulance parking location on the site.

There being no further comments, the public hearing was closed at 6:59 p.m.

Discussion was held regarding traffic trip generations for a doctor office and an ambulance station and the need to improve response times to areas located south of the City.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Shenck to approve the request from Medstar Ambulance for a Special Land Use and the site plan in order to operate a 24-hour ambulance station at 971 Baldwin Road contingent upon the following:

- Back-up alarms will not be active during parking;
- Ambulances will not be left running when unattended;
- To keep engine noise to a minimum, a gas rather than a diesel ambulance will be utilized; and
- Crews will be directed and are expected to only utilize emergency lights and sirens once they have reached a main thoroughfare.

MOTION CARRIED.

SITE PLAN REVIEWS

DTE / Inovateus Solar Farm – DeMille Boulevard

Scott Kree reviewed the site plan received for construction of a 137 acre solar farm at 2625 DeMille Boulevard on portions of City-owned property located south of DeMille Boulevard and extending southward to the I-69 Highway. Mr. Kree stated he met with representatives from Inovateus to review the site plan issues and an updated drawing is being provided by Inovateus tonight. Mr. Kree reviewed the project area which is zoned B-2 General Business, surrounding land uses and zoning designations and the proposed development which includes 160 rows of 8 foot high, 8 ft. by 8 ft. solar panels located east of Farmers Creek. Mr. Kree summarized staff comments and additional information needed on the plan including topography, right-of-way dimensions, legal descriptions, natural features, the DeMille access, easements for the sanitary lift station and other utilities, construction staging areas and fencing. Mr. Kree reviewed tree clearing areas due to shadows cast on the panels, the current tree removal and documentation underway and stated that trees over 8 inches in caliper are to be replaced in the landscape buffer area which includes a 4 ft. berm with trees on the southeast end of the project area. Mr. Kree also reviewed the inverter, frame structure and panel designs and the ratio for tree replacement. Mr. Kree stated the fence was not requested by the City, that the fence will be used for security measures and the solar panel field will not be lighted.

Carla Gribbs, DTE Regional Manger, introduced representatives present from Inovateus and DTE and stated DTE is excited to partner with the City to develop the largest solar array east of the Mississippi River and that the Lapeer development will power 9,000 average homes with clean efficient energy. Ms. Gribbs stated that since 2009 DTE has invested \$67 million in solar energy and stated the Lapeer projects along with other solar projects underway will help DTE and the State of Michigan diversify their energy portfolio by increasing solar energy generation from 2% to 5% bringing the total amount of energy generated from renewable sources to 10%.

Mr. Peter Rienks, of Inovateus Solar, distributed updated site plans for both the DeMille and Turrill project sites and stated the project has been a three way collaboration between Inovateus, DTE and the City of Lapeer since the beginning, that Inovateus has been taking every precaution to meet the City's requirements, that they are committed to a safe project during the 10 month construction period and they will put every effort forth to respect the community of Lapeer.

Justin Johnson, Inovateus Solar Project Designer, reviewed the updated site plan for the DeMille project site including access to the sanitary sewer lift station which will not be restricted by the project fencing, access road materials, the approved Lapeer County Soil Erosion & Sedimentation Permit, the construction staging area, easements, legal descriptions, bench marks, right-of-way information, flood plain and wetland delineation lines, wooded areas and stated the project will not encroach onto the flood plain or wetland areas. Mr. Johnson also reviewed the buffer areas, contractor equipment, parking, office and restroom areas, the inverter and transformer locations, the panels and racks, spacing between the panels, the driving lanes intended to be grass and stated Inovateus will work with the City on the driving lane material. Mr. Johnson stated a tree survey will be provided and a replacement plan will be put in place.

Mr. Rienks stated a 25 foot natural barrier is planned on the south east portion of the project, that tree replacement will be concentrated in that area to provide a 100% visibility barrier and there is 150 feet between the solar panels and the property lines. Mr. Rienks reviewed photos of various other solar project developments, photos of the racks and panels and stated the grassy areas and weeds will be mowed as necessary.

Nate Johnson, Inovateus Solar Construction Manager, reviewed the perimeter fence, and stated no lighting will be included in the solar array area, that the DTE substation equipment located on the northern end of the project area will include lighting, that security will consist of roaming guards, the gates will be locked and the equipment cabinets feature locked doors. Mr. Johnson stated Inovateus will work with the City on any other requirements that may arise.

Discussion was held regarding the approved Lapeer County Soil Erosion and Sedimentation Control permit, the approval status of the MDEQ Wetland Delineation Survey and the fact a joint permit is not required due to the project not encroaching into the natural barrier. Discussion was also held regarding the low noise level of 50 decibels created by the inverter equipment, the fact the equipment contains no harmful chemicals, is grounded and there is no risk of electrocution.

Josh Franklin, of DTE, stated DTE is making a significant investment in the community, will remain in the community once the project is complete, will address any concerns that arise, that the plan is to block the project's view from the residential areas, that the substation will be secured similar to others located in the area and reviewed plans to construct an educational array north of DeMille Boulevard for the sole purpose of interacting with and educating students in the technology. Mr. Franklin stated the array will be visible from I-69, that the City of Lapeer is now on the map when searching Google for solar developments, that the project will produce no electrical sensitivity or stray voltage, that the energy produced by the project will be routed to the general electrical grid and then spread out to be used in the areas of most demand.

Mr. Kree stated the fence is required to be 4 foot high and was desired by the developer for safety and security.

Discussion was held regarding the fact the project will produce enough energy to power 9,000 residential homes, financial benefits, jobs created by the project, the current work underway allowed by the Lapeer County SESC permit, tree removal to be compiled by the end of the month and the process for site plan approval.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Hubbell to approve the site plan for the DTE / Inovateus Solar Farm to be constructed on City-owned property located at 2625 DeMille Blvd. located south of DeMille Blvd. and extending southward to the I-69 Highway contingent upon:

- Legal description and property lines must be clearly marked, identified and dimensioned, including an easement to access existing utilities.
- All setback and right-of-way information must be provided;
- Entry to Site - Must provide proper construction documents and permits with approvals from City Engineer, DPW and Police for location;
- Submission of accurate topographical and wetlands information;
- Submission of tree survey for trees over 8" caliper and replacement calculation ratio per the Zoning Ordinance;
- Resubmission of a more detailed berm and landscaping layout at buffer area between applicant's property and all adjacent residential properties;
- Fence information/design is to meet ordinance standards: Provide a 4'-0" or lower vinyl coated fence at perimeter of property or within landscape buffer (behind berm); No barb wire permitted; Gate to site to be accessible to Fire Department via a Knox Box and provide spacing between panels including access drives withstanding a minimum weight of 22,000 pounds.
- All existing utilities to be located and shown on resubmitted plans.

MOTION CARRIED.

The Chairman recessed the meeting from 8:19 p.m. to 8:26 p.m.

DTE / Inovateus Solar Farm - Turrill Road

Scott Kree reviewed the site plan received for construction of a 90 acre solar farm at 350 Turrill Road on portions of City-owned property located on the south side of Turrill Road and extending northward. Mr. Kree stated the project is divided into west and east sections due to Hunters Creek and reviewed the surrounding uses and zoning designations of properties located in the City and within Lapeer Township. Mr. Kree stated the project will consist of 70 rows of panels with the same equipment design as the DeMille project, that many of the same issues have been raised as with the DeMille project, that additional information is required on the field drain tile system, legal descriptions, topography, wetlands, right-of-way, the access road to the project site, tree removal, fence design and landscape buffering.

Nate Johnson, of Inovateus Solar, reviewed the existing north access from DeMille Road and stated he is working to obtain the necessary permits and agreement with the Lapeer County Road Commission.

Justin Johnson, of Inovateus Solar, reviewed the changes addressed in the revised site plan including site access controls, legal descriptions, right-of-way information, adjacent parcel information, topography, field drain tile information, flood plain and wetland boundaries and stated no joint permit is required due to the project not encroaching into the flood plain or wetland areas. Mr. Johnson also reviewed the tree removal areas necessary due to shadows being cast on the panels, the structural design of the racks and panels, fencing, lighting, security, the interconnection area with DTE equipment at the northwest corner of the project area and plans to bore under Hunters Creek. Mr. Johnson stated both sites will be seeded for grass after construction is completed, that the security guards will not be armed and will report any issues to the City Police and that security cameras will be installed on both sites.

Peter Rienks, of Inovateus Solar, reviewed the buffer areas, the existing natural buffer at the southern edge of the project site, tree replacements to focus on the visual barrier areas where needed and additional investigation and survey work to be conducted on the field drain tiles. Mr. Rienks stated Inovateus will also be working with the City Police to mitigate traffic during construction.

Josh Franklin, of DTE, stated the overhead DTE line #91-11 at the Turrill Road project site has been in service since the 1950's, that the line has had many issues and that DTE will be making an investment to improve the reliability of the line which will benefit the community.

After discussion, it was moved by Commissioner Sprague and supported by Commissioner Bostick-Tullius to approve the site plan for the DTE / Inovateus Solar Farm to be constructed on portions of City-owned property located at 350 Turrill Road located on the north side of Turrill Road and extending northward contingent upon:

- Seal and signature of a licensed professional;
- Legal description and property lines must be clearly marked, identified and dimensioned, including benchmarks on submitted survey information and adjacent property information;
- All setback and right-of-way information must be provided;
- Entry to Site – Must provide proper construction documents and permits with approvals from City Engineer, DPW and Lapeer County;
- Submission of accurate topographical and wetlands information;
- Submission of tree survey for trees over 8" caliper and replacement calculation ratio per the Zoning Ordinance;
- Resubmission of a more detailed berm and landscaping layout at buffer area between applicant's property and all adjacent residential properties;
- Fence information/design is to meet ordinance standards: Provide a 4'-0" or lower vinyl coated fence at perimeter of property or within landscape buffer (behind berm); No barb wire permitted; Gate to site to be accessible to Fire Department via a Knox Box, and provide spacing between panels including access drives withstanding a minimum weight of 22,000 pounds;
- All existing utilities to be located and shown on resubmitted plans.

MOTION CARRIED.

ALDI Food Market – 815 East St. - Site Plan

Doug Piggott reviewed the site plan received for construction of ALDI Food Market at 815 East Street which will include demolition of the south portion of the existing building and construction of a new 18,324 sq. ft. space. Mr. Piggott reviewed the B-2 General Business zoning designation of the site, aerial photos of the site and existing building, parking area and access drive improvement areas and the new rear loading/unloading bay. Mr. Piggott stated no outdoor storage is proposed, that the exterior material requirements may raise an issue with the proposed steel/metal siding and that ALDI's design uses aluminum panels.

Mr. Piggott reviewed the landscaping requirements and stated the Planning Commission has the authority to modify the requirements and that the proposed business center sign will require a square footage variance from the Zoning Board of Appeals. Mr. Piggott also reviewed the staff and engineering comments received, the proposed path of tractor-trailers to access the loading dock and impacts on the existing shopping center to the south.

Chris Grzenkowicz, of Desine Inc., stated there will be 12 feet of separation between the ALDI building and the north wall of the building to the south, described the exterior materials as aluminum composite with good durability and longevity and stated the goal is to be open for business by Thanksgiving. Mr. Grzenkowicz reviewed the paved areas to be improved and the location of the proposed monument sign where the existing pylon sign is located.

Discussion was held regarding the need to minimize the effects of the demolition work on the other tenants in the building, the fact that the building has two property owners, however, acts as one shopping center, the vegetation to be removed and replaced around the monument sign location and additional landscaping to be installed along the East Street right-of-way. Discussion was also held regarding the parking demand for the center, the need to maintain as much parking as possible, sidewalk repairs to be completed with the project and the need for the developer to insure the entire length of sidewalk along East Street is in good condition.

Mr. Piggott reported the project meets the parking requirements based on the current uses, anticipated occupation of the vacant suites and the ALDI, that the exterior brick materials will match the sign and that split-face block will also be incorporated on the exterior.

David Kapusansky, of ALDI, Inc., stated the aluminum panels will be slate gray and bright silver and that ALDI is based in Chicago, operates 69 stores in Michigan and 1,500 stores across the U.S. Mr. Kapusansky reviewed the types of products offered at ALDI, that ALDI is rated the third favorite grocery store, that ALDI does not focus on advertising and that the Lapeer store will have approximately 20 employees. Mr. Kapusansky stated ALDI continues to grow, that other stores are being remodeled, that the closest new store is in Midland, that the sign will be illuminated and that the site lighting will be upgraded.

It was moved by Commissioner Sprague and supported by Commissioner Kerbyson to grant conditional approval of the site plan received for construction of the ALDI Food Market at 815 East Street contingent upon:

- Incorporation of standard detail sheets for water and sewer in plans for engineering review;
- All utilities are to remain private and as-builts of new utilities to be provided to the City; and
- Demonstration of adequate access to loading/unloading area in rear of ALDI and adjacent shopping center.

In granting this approval it is the Planning Commission's determination that the proposed exterior material complies with the requirements of Section 7.15.01(d)(3) and it grants a waiver from the parking lot and right-of-way landscaping requirements per Section 7.15.02.

MOTION CARRIED.

OTHER BUSINESS

CIP Meeting

After discussion, it was the consensus to conduct the review of the 2016-2022 Capital Improvement Program at the regular meeting scheduled for April 14, 2016.

ADJOURNMENT

There being no further business, it was the consensus of the commission to adjourn the meeting at 9:36 p.m.

Ms. Anne Shenck
Secretary