

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
January 10, 2023
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Randy Boboltz, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Peterson, Boboltz, VanWagoner, Moses, Sundin

ABSENT: Wojda, Gilmore, Kostelic

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary), Rachel Smolinski (City Manager)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting (December 13, 2022), minutes were approved with one correction on page 4, under Communications or Reports, the last sentence should read 'Commissioners all decided that the previous Monday, November 13th would be a good alternative.'

PUBLIC HEARING AND COMMISSION ACTION: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: Marihuana Updates - Review of first reading of Ordinance 23-484 – Birmingham addressed the Board and explained that they would be discussing curbside service and site plan review if it was added, drive throughs, micro-businesses, growers and processors. She stated that she had also received an email from a local resident requesting a distance buffer be reviewed. She began to review the proposed changes to the Ordinance, beginning with curb side service. She stated that she surveyed some other retailers around the area including Oscoda, East Tawas, Gaylord, Traverse City, and Cheboygan, and all of them offer curbside pickup except Gaylord. All others have not had any problems with allowing curb side

pickup. She explained they are looking at the possibility of splitting up the definitions of “Drive-thru pickup” versus a traditional “Drive-thru” because it is a little bit different – pickup only does not order at the window and does not need as much room for stacking of cars. One might be more appropriate than the other in certain situations. Moses responded by pointing out that it seems they are treating marijuana facilities differently than regular businesses. He stated that his concern would be site specific as it relates to drive-thrus and curbside pickup both for traffic flow. Peterson agreed that site specificity is important and that they need to consider the stacking of vehicles and the space they have for that. Moving forward, she said that each business will have to be very clear. Peterson stated that as far as curbside goes, she does not see cash versus debit or theft being a major concern. Birmingham stated that it will be required to have a camera wherever the pick-up area is. VanWagoner asked Birmingham for clarification on the definitions of ‘drive-thru’ and ‘pick-up’, to which she responded that currently there are not definitions and that she and Denise Cline were working to create those for some differentiation. Her opinion was that there is not as much of a need for car stacking at a pick-up window versus a traditional drive-thru window. Boboltz stated that he is not as interested in the writing of more definitions, if they can handle it like they did with JJ’s pick-up window, adding stipulations to their approval. VanWagoner believed that orders will still be taken at pick-up windows if there is not anybody in line in front of them and as the property owner, it would be hard to control. He did not think that business owners would be inclined to turn people away. Sundin said that JJ’s is unique in that their pick-up window is in a public alleyway but most pick-up windows would be on private property. Sundin stated that he did not see an issue with traffic blocking, but rather to make sure there is a sufficient number of parking spaces. He said he felt pick-up would take a lot less time than someone going inside to look at different products. Moses and Sundin felt that Neighborhood Provisions had very limited parking. Birmingham stated that they are renting parking space from the neighboring business. Sundin went on to talk about the citizen email received by Birmingham with regard to Marijuana facilities and setbacks from residential zones. He said that the way the Ordinance is written currently, the Ripley corridor could potentially have several Marijuana establishments right near one another, and all butting up to residential. Birmingham presented the Board with the current approved Marijuana location maps along with a map which would prohibit the use (micro businesses, growers, processors, provisioning centers, safety compliance establishments) next to residential zoned properties. Another map with a 250-foot buffer adjacent to residential areas was prepared but not presented because it wiped out most of the City; the option was also discussed for an overlay zone. Boboltz stated that he felt the Board had reached a favorable consensus to go ahead with language that would allow for curbside service and would allow pick-up or drive-thru with some defining of those two scenarios. Boboltz then entertained comments from the other Commissioners on the subject of the concentration of marijuana facilities. Peterson expressed that she would like provisions in the Ordinance that would limit concentration. VanWagoner suggested that they are possibly treating Marijuana businesses differently than other businesses such as gas stations where sometimes they are right across the street from each other. Birmingham responded that the State does have in their language that the City is allowed to place reasonable restrictions on them. Boboltz stated that he did not think that the email received from Matt Leavesley,

requesting at least 500 feet in between such businesses, was unreasonable. Birmingham informed the board that Traverse City, Michigan did an overlay in their City for Marihuana specifically which restricted the amount of facilities they can have according to the overlay. She said the City of Alpena could do something similar, without having a maximum, which would identify specific properties that the City felt would be reasonable locations. In addition to current buffers, they could limit where within the available zones they could establish. Sundin said that he believes Marihuana businesses should be treated differently than other businesses because they are different, and the State of Michigan believes they are different, otherwise they wouldn't have umpteen pages of regulations overseeing it; many people still perceive it as different as it is a drug. He said that he feels a 500 foot buffer may be too much, as it would be too restrictive, but maybe around 200 feet would be more reasonable from property line to property line. Boboltz said he thinks that they have reached a consensus as far as feedback to the Council that they are generally in favor of the notion of curbside with the additional specifics and definitions, and also drive up and/or thru with appropriate zoning regulations and site plan requirements that go along with that; that they are conducive to the possibility that the City take another look at concentration in a given area where they would be allowed, keeping in mind the suggestion that citizen Leavesly brought forth about distance buffers from residential properties as little as 200 feet or as far as 500 feet. Sundin was interested in seeing what an overlay would look like. Moses said he is not hung up on footage from residential, but rather not allowing Marihuana businesses to pile on top of one another so that at the end of the work day, people are flooding to those particular businesses, further impeding traffic flow more than it already is which is a public safety issue. He also agreed with others in that an adult facility of any kind should not be near a residential neighborhood because his concern would be that alleyways could be used to consume the product. Sundin suggested that Birmingham relay to City Council that the Planning Commission has concerns regarding these uses adjacent to residential, and whether it is the concentration or separation from residential that should be looked at to see what would work best. He said that he thought a residential buffer is going to be the least workable, as it would overly minimize the areas where marihuana businesses could go, as currently, all three marihuana businesses in the City are adjacent to residential neighborhoods. Peterson asked to see schematics of what the map would look like with the buffers discussed to show what properties would be left available. Sundin asked for clarification on whether the changes would be to the Municipal Code or the Zoning Ordinance. Birmingham stated that the distance requirements would be changes to the Zoning Ordinance, and if the change was made to allow curbside pickup and the like, that would be in the Municipal Code. Birmingham went on to discuss micro businesses, growers, and processors. She said currently the City allows an unlimited number of them, and although there have not been any applications submitted, they should revisit where they could be located, and if the City even wants to allow them. Sundin asked what a micro business is. Birmingham explained that they grow it, process it, and sell it all at the same site; a regular microbusiness can grow up to 150 plants, but a Class A business can grow up to 300 plants. The State only allows growers in agricultural or industrial districts, but there is an exception for micro businesses. She said currently, microbusinesses are allowed in all of the business districts in Alpena, and they should reconsider that. Sundin agreed that they should reconsider. Birmingham researched other

Municipalities and they all require the grow operations to be indoor only except for one, but the one that did not was a much more rural area. They all confirmed that there have been no complaints or issues. Smolinski said that City Staff will be going to go look at a micro business in Onaway, and a grow operation in Harrisville to get a feel of what they are like to allow staff to be able to make educated recommendations to City Council about what they think is appropriate for the City. Moses asked how much Industrial District is along the railroad tracks. His concern was that growers should not be allowed near the railroad, as it would eat up space that an industrial business would use along the track, hindering Alpena's possible growth by rail, so the rail should be preserved. He stated that he used to work on the railroad and the reason that Alpena can't get heavy industry is because there is not enough trackage. Birmingham also mentioned the proposed DDA expansion and that the way the Ordinance is written right now, Marihuana establishments are not allowed within the DDA so they may need to consider changing that language in the future.

COMMUNICATIONS OR REPORTS: Birmingham informed the Board of proposed Sign Ordinance changes coming. As a Redevelopment Ready Community requirement, Staff is required to provide the Board with the 2022 Planning Commission Annual Report which was included in the Board's meeting packets, as well as posting it on the City's website.

CONTINUING EDUCATION: Birmingham provided the Board with information to attend two different educational opportunities – Housing in Four Parts Webinar Series, beginning January 18, 2023, and is free to RRC Communities; RRC Virtual Academy for Local Officials beginning in May 2023.

PUBLIC COMMENT:

MEMBERS' COMMENTS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:12 p.m., by Boboltz, Planning Commission Chairman.

Clayton C. VanWagoner, Secretary