

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
November 9, 2021
Alpena, Michigan

CALL TO ORDER:

The joint meeting of the Planning Commission/City Council was called to order at 6:00 p.m. by Mayor Waligora. When the joint meeting was concluded, City Council adjourned but Planning Commission continued without adjournment.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Vanwagoner, Gilmore, Kostelic, Werda, Bauer, Boboltz

ABSENT: Sabourin

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development and Zoning Director), Donald Gilmet (Contractual Staff appeared virtually), Kathleen Sauve (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited at the beginning of the joint meeting.

APPROVAL OF AGENDA:

Agenda was approved at the beginning of the joint meeting.

APPROVAL OF MINUTES:

Meeting October 12, 2021, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

Public Hearing #1 - Case # 21-SU-02. Kevin Currier, of Currier, LLC has requested a Special Use Permit to allow for a Medical Marihuana Provisioning Center located at 909 W. Washington Ave. The property is in the CCD zoning district. Medical marihuana provisioning centers require a special use permit in this zoning district.

Denise Kline of Northeast Michigan Community of Governments presented the staff report and recommendation to the Commission.

All submittal requirements have been met.

Kevin Currier, 240 S. State Ave, stated that he is speaking on behalf of the applicant, Currier, LLC, doing business as Neighborhood Provisions. He stated they provided all of the required materials including the buildout, layout, what they hope to accomplish in Alpena. He thanks the Commission for giving them the opportunity to present his proposal.

FAVOR:

Kathy Schiemke, 427 S. State Ave., has known the family for many years and supports what Kevin is proposing. She feels it is time to make the decision to allow the facility to open.

Linda Currier, 8408 Greenwood St., mother of Kevin Currier. She states that her family loves this community, they have worked hard, and volunteered. She feels it is time to allow the provisioning center to open. She feels her family are good business people. She stated that she has painted the building and plans to continue to do nice things to the building.

Dr. Robert Currier, 240 S. State Ave. He states that for the community, what he feels is important here, is we have an opportunity. He states that he has been in medical cannabis since 2008 when it was first legalized in the State of Michigan. He states that it has been phenomenal for his patients, and that is what they are after. They just want to put something together that will help the patients. He states his patients come to him in confidence and ask for prescribed medical marijuana to help them. He says that the people who have come to him have had autoimmune issues, medical/surgical issues to name a few. Some people have been able to suppress hypertension and diabetes issues, also with cancer. He says that this is a benefit to the people, and he loves it because he sees the benefit and, when he sees that, he looks at it as something good. He feels that many people may look at marijuana just as they do alcohol. He says the black market in Alpena right now is rampant, and so whether you approve the center or not, it will still be sold and grown in the home next door to you. He feels that now we have a chance to highly regulate it. He says that everything he does, whether it be eyeballs, airplanes, pot, is so regulated whether it be the State or the Federal Government, that there is no way that this could leak out. He is looking at it to be a controlled thing that is open, honest, and for the benefit of the patients.

Donald Gilmet, Contractual Staff, 220 E. Crapo St. He states that he knows the Currier family. He states that he is looking at this as the zoning ordinance, and if you look back over the history of what we have been trying to do in Alpena, we had spent a lot of time on the scoring matrix and tried to get two of these in Alpena. He feels it is a great opportunity, not only to realize something that the City has been struggling to get opened, and it is just a benefit that it is actually a local physician and local family with strong ties to everything that are before us now trying to get this application approved. From the building side of it, anybody driving by can see

the vast improvement already based just on what has been done to the exterior of the building. He states that he can assure everybody that when the permits are finalized out, the interior will match the exterior. They have taken an old building and really beautified it and it spruced up that entire corner.

OPPOSITION:

None.

Public Hearing closes at 7:29 p.m. for deliberation.

Member Wojda addresses the board and states that he has known the Currier family for many years. He stated that a few years ago, Kevin had asked Wojda to represent him in preparation for this day, but he declined based upon his position on the Planning Commission. He says that he has never had access to any confidential information. He didn't have nearly as much information as we have now. He does not believe it causes a conflict for him, but if anyone does believe it causes a conflict, he would abstain from the vote.

Vice Chairman Boboltz addressed the board asking if anyone was in opposition of Wojda voting. All Planning Commission member are in favor of allowing Wojda to participate in the vote.

Boboltz addresses the board stating he does not see any issues at all with the Finding of Facts report. He would like to hear if any commissioners had any issues with the report. VanWagoner addresses snow storage/removal. Kevin Currier explains their plan.

Motion made by Wojda to approve the proposed site plan and Special Land Use Permit for Neighborhood Provisions for a Marihuana Provisioning Center at 909 W. Washington Ave. based on the many standards that have been met with the many reasons set forth in the ten page Finding of Facts document.

Motion seconded by Bauer.

Birmingham addressed the board with one point of discussion prior to the final vote. She advised that one point to consider is the pickup location referenced on the site plan. The current ordinance states that all activity must occur indoors. We just need to understand, does that align with what the board would consider indoor because there is pickup, which in theory, the transaction would take place outdoors.

All members weigh in on the discussion.

Kevin Currier states that in 2020 Governor Whitmer made an emergency ruling that said transactions can be done curbside for pandemic purposes. He feels that curbside pickup for establishments has gone over so well due to health reasons for some people, he feels curbside is here to stay. He said that this is not a new law, but an emergency ruling that hasn't done away yet.

Smolinski states that our current Zoning Ordinance does not allow for Medical Marihuana outdoor service.

Kline states it should be clarified in the near future.

Dr. Robert Currier says that the transaction is highly regulated by the State. The transaction is done inside the building, it is a State regulation. He says the package is completely sealed tightly and you cannot tell what is in the bag at all. Many packages have double seals to protect children.

Wojda amends his motion to include that Neighborhood Provisions must follow the ordinance as it is written.

Bauer seconded the amended motion.

Motion approved 7-0.

Public Hearing #2 - Case # 21-Z-01. David and AnneMarie Smith, of 321 Charlotte St., has requested a parcel of land located at 1010 S. Eleventh Ave., be rezoned from RM-2 to B-1, to match the adjacent property to make it more useable/sellable.

Denise Kline, NEMCOG, presented the staff report and recommendation to the Commission.

David Smith, representing himself as the applicant. David feels both properties are too small to do anything with if sold separately. David informs the board that a realtor he consulted with has told him it is too hard to market this type of property. He says he feels that if the property was rezoned to match the others adjacent, it would be easier to market it for sale and to build a small business such as a café there. He would like to get it rezoned so something could go in there.

FAVOR:

None

OPPOSITION:

None.

Public hearing closed at 7:55pm

No comments from Planning Commission members.

Motion made by Wojda to approve the re-zoning request located at 1010 S. Eleventh Ave, changing it from RM-2 to B-1 as presented, to go to City Council for final approval, as all standards have been met.

Motion seconded by VanWagoner.

Motion approved 7-0.

Public Hearing #3 - Proposed Text Amendment to the City of Alpena Zoning Ordinance:

Public hearing opened for feedback about the proposed text amendments to the Zoning Ordinance to include Food Trucks and Veterinary Clinics.

Denise Kline, NEMCOG, reviews the proposed changes.

Having no public attend the meeting either in person or virtually, the public hearing was closed for deliberation.

Motion made by Kostelic to approve the food trucks definition and the resolving rezoning for food trucks and veterinary clinics, to go to City Council for final approval.

Motion seconded by Bauer.

Motion approved 7-0.

UNFINISHED BUSINESS:

Denise Kline presents the board with and explains in detail the proposed Zoning Ordinance text amendment to Section 10.2 Rezoning Standards, and a proposed new section 10.3 called Conditional Rezoning added to the Zoning Ordinance. Members share discussion and examples of situations when the ordinance would be used. It is agreed upon by all members to hold a public hearing at next meeting.

BUSINESS:

The revised site plan for the Bingham Senior Apartments is reviewed. Birmingham discusses the changes to the site plan in comparison to the site plans received in 2019. She explains that letters were sent to all property owners within 300 ft as a courtesy, not a requirement.

COMMUNICATIONS: None.

REPORTS:

Birmingham informs the members that there is an open seat on the Planning Commission, as Gretchen Kirschner's term has expired, and she has chosen to let someone else take her seat. There has been an applicant and Birmingham will forward her information to the board members.

CALL TO PUBLIC:

Gilmet takes a moment to thank Birmingham and Sauve for their hard work and service in the Planning, Development and Zoning Department during staff turnover.

MEMBER'S COMMENTS: Boboltz thanks the staff of the Planning, Development and Zoning Department as well.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:18 p.m., by Boboltz, Planning Commission Vice-chairman.

Steve Gilmore, Secretary