

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
June 14, 2022
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

PRESENT: Boboltz , Kostelic, Sabourin, Gilmore Wojda, Peterson

ABSENT: Bauer, VanWagoner

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Donald Gilmet (Contractual Building Official), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda were approved as printed.

APPROVAL OF MINUTES: Meeting May 10, 2022, minutes were approved as printed.

Sabourin explained the procedures for the public hearing.

PUBLIC HEARING AND COMMISSION ACTION: **Case # 22-Z-04** – Jamie Murphy has requested a Conditional Rezoning for the property that he owns located at 933 Lockwood Street from R-2 to R-T to allow for a residential duplex rental dwelling.

Birmingham presented the Approval Standards and Findings of Fact report (See Appendix A & B).

FAVOR: Jamie Murphy, applicant and owner of subject property, stated that he bought the property with the impression that it was already a legal duplex, but it was not, and he inherited the mess. He stated that the building is already separated into two apartments, with occupants that live in each.

OPPOSITION: None.

Sabourin closed the public hearing at 6:10 pm.

Sabourin asked which has the higher authority, the Zoning Ordinance or the Code of Ordinances, for parking, and if the storage building at the back of the property could be removed to allow for a fourth parking spot. He suggested that it could be a condition of approval. Gilmet stated that on-street parking or right-of-way parking does not count towards required parking spaces for Zoning. Gilmet would like to see the storage building stay but give Murphy 24 months to pave the driveway to accommodate the required number of parking spots. Sabourin asked if a site plan was required for a Zoning change. Birmingham stated no. Boboltz said that he has noticed that a lot of properties where the right-of-way is very trodden down from people parking there and he felt there was conflict between allowing other residents to do it and suggesting it not be okay for this situation. Gilmet stated that in the pictures of the property, they can see that it is grass, and not dirt, so the parking is not currently an issue. Birmingham pointed out that parking requirements in apartments complexes only requires one-and-a-half parking spaces per apartment, but for duplexes the City requires two spaces per apartment. Murphy stated that the upstairs is only a one bedroom, so it is unlikely that there will be more than one car there but he is willing to have it paved in the future to accommodate four spaces. Sabourin said that the conflict between the Zoning Code and the Code of Ordinances needs to be addressed to align with one another on their requirements. Murphy asked what type of material it must be paved with. Response from several was concrete, asphalt or brick pavers. Peterson said she thought the two-year timeline for paving the driveway is reasonable because of how long it may take a contractor to do it.

Peterson ***motioned*** to approve the Conditional Rezone with the condition that the driveway must be paved with appropriate material within twenty-four months.

Wojda ***seconded*** the motion.

Motion ***approved*** by unanimous vote.

Case 22-SU-03 – 1105 W. Chisholm Street – Fadi Yousif, representing Zella Cannabis, LLC, has requested a Special Land Use for an Adult Use marijuana retailer.

The Site Plan Review Standards, Special Land Use Approval Standards, and Supplemental Development Approval Standards were all supplied in the packet provided to the board (appendix C). Birmingham presented her Findings of Fact Report (appendix D).

FAVOR: Fadi Yousif, applicant, stated that he would like to add curbside pickup for customers to order online and then be able to pick up at the drive-through. Birmingham informed Yousif that the City of Alpena does not allow curbside pickup. He agreed to not have curbside pickup.

OPPOSITION: Debra Warner, owner of adjacent property directly behind the proposed location, is opposed to having a marihuana retail facility in that location as stated in the letter she sent to Birmingham. She said that the previous businesses located there did not pose any commotion to the currently quiet neighborhood. She stated she did not want anything that would disrupt the neighborhood and she feels this would disrupt the neighborhood and degrade her property which she has worked hard to keep nice. She said she does not disagree with the sale of marihuana, but not in this location adjoining her backyard which she has lived at for thirty-nine years, adding that many of her neighbors felt the same.

With no others wishing to speak in favor or opposition, Vice-Chairman Boboltz closed the public hearing at 6:39 p.m. for deliberation.

Wojda stated that he thought it was a good and thorough plan. He addresses Debra Warner and thanked her for addressing the board with her concerns because they need to hear from the public and where they stand on these matters. Wojda said that from the Commission's perspective, they have to follow the conditions that are out there and the issue of the proximity to residential is something that would concern him if he were in her shoes, and it disturbs him as well. He said that it was something that the Commission considered and took public comment on during the meeting on whether or not to allow this, and Council considered it as well. He went on to say that if they had not allowed them near any residential, there would have been nowhere for the recreational marihuana businesses to go and that is the challenge before them. Wojda stated that all the standards have been met.

Wojda ***motioned*** to adopt the findings with regard to approval standards, to approve the application with two conditions that there be final review of the trees to be installed by City staff, and that the site plan be amended to remove curbside services in accordance with our Ordinance.

Motion ***seconded*** by Kostelic.

Boboltz addressed Warner telling her that he feels for her as well regarding her concerns of the proximity of these businesses to residential neighborhoods. He reiterated that City Council did consider whether or not to allow these in close proximity to residential areas and made the decision that they would allow them within proximity; it is not the job of the Planning Commission to legislate and make that law different; City Council would have to do that. Sabourin informed everyone that the Planning Commission has three master documents that they must produce – the Comprehensive Master Plan, the Zoning Ordinance, and the Capital Improvement Plan. He went on further to explain that the City Council has reviewed and

approved all three documents, making the Planning Commission obligated to support the Ordinance that has been approved. Wojda stated his appreciation for the public who have voiced their opinions so that they may have a better understanding of what some of the public think about this. Sabourin said that the Planning Commission is always looking at redoing the Comprehensive Plan and Zoning Ordinance and they often hold public hearings for the public's input and encouraged people to attend.

Motion **approved** by unanimous vote.

UNFINISHED BUSINESS: Comprehensive Plan goals – Birmingham addressed the Commission and updated them on Staff thoughts on the topics of focus identified by the Planning Commission at the May 15, 2022 meeting. Wojda stated that he is on the DDA board, and they had to amend the by-laws to allow participation from students. He said we might need to wait until the school year is back in session to recruit students to participate in Planning Commission meetings. Gilmore asked when the Housing Task Force meets, to which Birmingham stated that any of the Planning Commission members are welcome to attend their monthly meetings. Boboltz asked why there is such a housing crisis. Birmingham said it could be the types of housing are an incorrect mix in terms of people and what they are looking for; does the elderly population have the ability to age in place, or the ability to go somewhere that allows them to have the standard of living that they want. Birmingham said the City is looking into a housing study called a Needs Assessment which would identify what types of housing specifically the City would need. Gilmet stated that the City is having a hard time getting professionals to come to Alpena to fill the vacancies within the Building Department because they cannot find the homes they want. He said that the studies that have been done in the past make it very clear that the City needs more ground level housing, affordable housing, and tiny houses to name a few. He said that he thought Brownfield will eventually come into play, along with Landbanks. Birmingham stated that some houses are being rented as Airbnb units, which is not necessarily a bad thing for the City, but there is a balance to all of that and when you start pulling those out of the market, now someone cannot live there. Gilmet said that other cities have entire blocks of Airbnb units, which has altered the character of those entire blocks, and how does Alpena keep that from happening to us. Sabourin said he can understand why people want to own Airbnb units because they make a lot of money.

Birmingham said she would start picking some of the Comprehensive Plan Goal topics off of the list if they did not have any particular priority or order, and she would come back with some questions about specifics that the members would like to see.

NEW BUSINESS: Election of Officers

Wojda ***motions*** to nominate Randy Boboltz for Chairman, Steve Gilmore for Vice Chairman, and Clay VanWagoner as Secretary.

Kostelic ***seconded*** the motion.

Boboltz asked Sabourin what his intentions are following this election. Sabourin stated he plans to not hold any type of Officership but stay an active member of the Planning Commission until the end of his term in December, at which point, he would not accept another appointment from Council.

Motion ***approved*** by unanimous vote.

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: None.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:15 p.m., by Sabourin, Planning Commission Chairman.

Clay VanWagoner, Secretary