



City Hall
208 North First Avenue
Alpena, Michigan 49707
www.alpena.mi.us

Planning, Development, & Zoning

City of Alpena Planning Commission

Regular Meeting

Tuesday, January 11th, 2021 @ 6:30 p.m.

This meeting will be held in Council Chambers as well as virtually.

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofAlpena/planning-commission>

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AGENDA

CALL TO ORDER:

Welcome of Ashley Peterson to the Planning Commission

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting December 14, 2021

PUBLIC HEARING #1 AND COMMISSION ACTION:

Case # 22-Z-01 124 E Clark St Rezone Request

1. Rezoning Finding of Facts (Appendix A)
2. Site Plan Documents (Appendix B)

PUBLIC HEARING #2 AND COMMISSION ACTION:

Case # 22-TXT-01 Adult Use Marihuana Text Amendment (Appendix C)

UNFINISHED BUSINESS:

Planning Commission Meeting Time
By-laws Review (Appendix D)





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Planning, Development, & Zoning

NEW BUSINESS:

COMMUNICATIONS:

REPORTS:

Conditional Rezoning passed City Council 5-0
Outdoor Dining Ordinance in the works

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
December 14, 2021
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. by Paul Sabourin, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Vanwagoner, Gilmore, Sabourin, Kostelic, Bauer (virtual),
Boboltz (arrived at 7:04pm)

ABSENT: Peterson

STAFF: 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.

APPROVAL OF AGENDA:

Agenda was approved.

APPROVAL OF MINUTES:

Meeting November 9, 2021, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

Public Hearing #1 - Case # 21-SU-03. 703 W. Chisholm St.; Mary Catherine Hannah, on behalf of the County of Alpena, is requesting a Special Use permit for a new monopole telecommunications tower to be located at the 911 center at 703 W. Chisholm St. to improve communications for public safety personnel. The property is in the OS-1 district. The proposed tower is 190 feet in height and requires approval for Special Land Use and has supplemental development regulations.

All submittal requirements have been met.

Montiel Birmingham, Director of Planning, Development and Zoning, presented the staff report and recommendations to the Commission. See Appendix A & B.

Mark Hall, 911 Director and Emergency Manager for Alpena County, provides the Commission with a presentation explaining the importance of the telecommunications tower. He explains the history of the current tower, and that it is gauged off of the 800 MHz system. He says that law enforcement migrated to this system first, followed by EMS and then central dispatch and the fire service just finished migrating to this system a year ago. He goes on to explain the topography and elevations above sea level and where Alpena stands in correlation to other counties surrounding us. He states that Manning Hill in Green Township is the highest elevation in our area at 791 feet above sea level, while downtown City of Alpena is the lowest elevation at 591 feet, which may not seem like much of a difference, but it has a significant effect on the way the radios work inside buildings such as City Hall, the Courthouse, MMMC – Alpena, Meijer, Walmart, District Court, Public Safety Building, and the former Alpena Mall. He informs the Commission that currently it is impossible for police to call out for help while within the District Court house. Matt Wojda asked Hall if the impact is within the City or the city and the surrounding townships? Hall responded by saying that initially, they were trying to fix the downtown district, all the places where someone could have a radio inside a building and be able to reach out for help if needed. It will have positive effects and improve other communities as well. Hall explains how they know that this solution will work. He explains that in early 2021, MPSCS deployed a 73-foot mobile communications tower, the same height as the existing tower, allowing them to emulate radio performance. They then did radio checks while moving from building to building, using an 800 MHz radio on the existing tower, and a 700 MHz radio to the mobile communications tower. It provided a direct correlation. The results showed significant improvement in the areas of concern. Wojda questions why the tower needs to be 190 feet tall, as opposed to 73 feet, such as the mobile tower they tested the system with. Hall states that at 73 feet, we are not getting the connectability into some of those locations in the current system and will be well above the bowl that the City sits within. Hall then shows the Commission what the tower will look like. Hall summarizes that this project is needed to improve the safety of our citizens, employees, and all levels of first responders. Other communities around the country are undertaking similar projects using ARPA funds. Taking into consideration the Ambulance & First Responders millage and 911 surcharge, Hall trusts that he has demonstrated the logistical and financial viability of a new central tower.

Bill Forbush, Fire Chief for the City of Alpena, and the EMS Chief for Alpena County addresses the board. He states that he has been involved with Michigan Public Safety Communications System since it started 30 years ago. He shows a topographic map of the City of Alpena and the surrounding counties. He explains that there are towers on Manning Hill because of its topographical location and coverage of the entire area. It is where one of the existing MPSCS

sites is located. He informs the Commission that there is a tower located on East Grand Lake Rd., and it is the primary site that they talk from with their radios in Northern Alpena County. There is also a tower of Scott Rd. Forbush shows a map of the current indoor radio coverage in our area, followed by a map of what the coverage area would look like with a new tower located at Central Dispatch. He explains that not only would the coverage area completely envelop the City of Alpena, but it would also cover all of the urbanized and much of the rural area of Alpena Township, Maple Ridge, Wilson, and down into Sanborn. Forbush explains that the new tower would be as tall as the Ninth Ave. water tower. He goes on further to explain that it will have no impact on cellular, tv or broadband. It could be used later because there is a lot of room on that tower lower down, while all the public safety stuff is on top. So, lower down, if that was going to be a hub to a broadband network down the line, that would be an investment that we could get double benefit from. At this point in time, it would be operating only on the Public Safety only frequencies between 700 and 900 MHz, no cellular phone, internet, broadband, tv, nothing near any of those things. There is no radio frequency exposure at the ground level, and that is why it is 190 feet tall. He goes on to state that the most critical thing the government has a responsibility for is to assure safety of the public; and the most critical thing that public safety needs is communications. He then shows pictures of what the base will look like. He explains that below ground there is a massive base of concrete, it is all properly engineered, and these do not fall over. Forbush says there will be no access to it from the public. It would benefit the MPSCS because anyone on the state radio system in Alpena would benefit from it, including the State Police, FBI, Border Patrol, MDOT, every state agency and all local public safety at this point. It would benefit the County of Alpena, who provides our emergency communications system, and it would benefit the City of Alpena the most because our buildings would be communicable from inside. Probably the most important building being the hospital because 10 feet inside the door they cannot talk on radios, which poses a huge problem if an emergency happens there or we need to run a fire operation, we cannot communicate with the current system; however, there will still be communication difficulty in the basement of the hospital. Forbush is asking for help from the Commission to allow someone else to pay the money to make this happen.

Joel Jett, City of Alpena Police Chief, addresses the board. He states that radios are their (police) lifelines, also for first responders and the community that they serve. He says that the most important piece of equipment that they carry is their radios so that they can summon help for themselves, or the people that they were sent to aide. He says that the radios make a certain noise that they call a “bonk”, which means nobody hears you and when you are fighting with somebody, literally sometimes, for your life, or if you have somebody bleeding on the floor and you are trying to get the ambulance here right away, and that radio is not getting out, that is about the worst feeling you are ever going to experience. But, he says, that is the world that we live in and this project is a godsend for us. He says this is something that he has been begging for and praying for since they went to the 800 MHz system, and he hopes the Commission is in support of this program.

FAVOR:

Donald Gilmet, Contractual City Building Official and County Commissioner, 220 E. Crapo St., explains to the Commission that he has already seen this presentation about 6 weeks ago, and so he has had time to look up any issues with this particular type of an antenna. He says he looked across the country for failures because obviously that is something we're looking at with it being taller than the setbacks that are required, and there have been no failures with the exception of monopoles that were made out of wood and rotted at the ground level or were hit by something and knocked over. There have not been any failures with the newer metal constructed monopoles.

OPPOSITION:

Angie Skiba, 635 River St., tells the board that she is not actually for it or against it, but she does have questions she would like answered. First, she asks where exactly it will be located. Wojda tells her it will be between the District Court and the 911 building. Secondly, she asks if the current tower will be replaced, and that it will not be located on top of a building, and just be much taller. Sabourin replied yes. Thirdly, she asks if or when it was to fall would it go into the road or into the FIA parking lot. Sabourin responds yes. Next, she asks about if the money to fund this project comes from the 911 surcharge. Tom Hall responded that the down payment will be coming from the ARPA funds, and then the Ambulance and First Responder millage brings in \$150,000 to 911, \$75,000 of which to fund the release payment on this because it is a very expensive project. Then the remaining \$14,000 will come out of the budget, which is revenue that come in from the 911 surcharge. Skiba asks if every person who owns a phone and pays a surcharge, will be paying for that. Hall states that they are already paying for that; that money comes in from the state, and it is then divvied up by the 911 Administrative Commission and that is how 911 is funded in general. Skiba asked what the gross cost was. Hall responds 1.27 million dollars. Skiba asks if it will interfere with cell phone usage, cable or internet, have blinking lights or outside alarms. Hall replies no. Skiba asks if it will affect her property value. Hall replies that he does not have any reason to believe that it will affect it because there is a tower there now and everywhere you go in every count, there are usually towers and it is what you have to do to make communications work. Vanwagoner states that if you were to have a property sale in that neighborhood for X number of dollars, and in the future if economic conditions remained the same, and another house in the same area sold for less money than the other one did, that would be an indication, but one sale does not make a mark; so you have to be careful there because those types of situation are very difficult and very hard to prove. Wojda states that it could be a good possibility that there could be an indirect benefit in the sense that there is an improvement in public safety throughout the community. Skiba asks for the questions in Joyce Oliver's letter to be answered. Forbush states that there is no 5G array and no way for it to interfere with her phone. He states that there is no ionizing radiation, but the only thing that there is is radio frequency energy transmitted off the tip of the tower but there is no exposure at the ground level.

Public Hearing closes at 7:46 p.m. for deliberation.

Wojda states that he spends a lot of time in the District Court building, and he has seen the communication issues firsthand and there have been times where it would have been more efficient to toss a paper airplane out the door than try a radio from the district court to the 911 center and we can't have that in this community. He states that 99.9% of the time, our courts are safe, but if there is an issue that comes up, medical or safety wise, we need to be able to address that and if these folks are going to tell us that it gives us better coverage and puts them in a better position to do their job effectively, he feels he is not in a position to disagree.

Randy Boboltz questions, not due to being in opposition, but out of sheer curiosity, how a tower 75 feet tall can not do the same thing as a tower 190 feet tall. Forbush explains that in order for communications to work on this system, transmission must come from the radio and travel to the nearest MPSCS site, and currently the radios travel through the airwaves to East Grand Lake Road. At the moment it hits that receiver, it is transmitted back out. It cannot go anywhere until it gets to that repeater. Currently, if the radios cannot make it to any of the three current towers, the radios are "bonking". He states that if there were the new tower in the city, the radios would travel there every time. Wojda asks if there were the same tower in the new location, would it still work, but be less effective. Forbush says yes, two-thirds of the population of Alpena County lives in the area that would be covered by this new tower.

Sabourin asks if the purpose of the new tower is for it to communicate to the other towers, or for you [public safety] to communicate with this tower. Forbush says it allows them to communicate with this tower, and then that in turn communicates with the other towers. Sabourin asks if there was a tower that could be shorter, but just as effective. Mary Catherine Hanna, Alpena County Administrator, says that was a consideration the commissioners looked at, options of different tower heights. She says the cost analysis of the 70 foot tower versus the 90 foot tower and then the 190 foot tower, and then the impact, it just made so much sense to go all the way to 190 feet because of the level of impact, and also we are looking at the county level and not just the city, and wanting to be sure that they are impacting as many people as possible. She says the basic answer is yes, you could do a shorter tower and it would have the impact they are looking for, but in a much smaller and much more concentrated area, whereas, doing the taller tower impacts more people at a cost differential that did not make a lot of difference to spend a couple more thousand dollars when you are already spending so much.

Forbush explains that the towers communicate with each other by microwave, and so once you get to the closest tower, if the person we are trying to talk to is not local, it goes by microwave from tower to tower to tower, until it gets to wherever it needs to go. He says if they need to call the Emergency Operations Center in Lansing, we can do that in a millisecond, but you have to get to one first, and this is the hole that we cannot get to.

Sabourin asks if there will be other dishes or antennas installed on this tower. Forbush explains that is not part of this plan. He says this tower is capable of putting a lot more on it than what we are putting on it. He goes on further to explain that years down the road, if we wanted to

have a broadband system in the community, you could because there is room for it, so it is planning for the future. Sabourin asks if there were going to be more added to the tower in the future, would it require another review. Gilmet says that it would not be required to come back to the Planning Commission. Those are decisions that would be made by staff and obtain a building permit if required.

VanWagoner asks if there will be any guide wires on this antenna. Forbush responds no. VanWagoner comments that this seems like a no brainer to support our citizens, our police, first responders, medical personnel that are out and about, and if they cannot communicate, this is tantamount to their job, and so, why wouldn't we support this.

Bauer addresses the board stating she would like to echo what others have said, emergency communication is critical, as she was a former basic EMT. She goes on to thank those who have participated in the meeting, and their clear and concise answers to all the questions.

Motion made by Wojda to approve the proposed site plan and Special Land Use Permit and to construct the 190-foot monopole to assist in public safety communications.

Motion seconded by VanWagoner.

Motion approved 6-0.

Public Hearing #2 – Proposed Zoning Ordinance Amendments – Birmingham presents the board to explain the modifications to the rezoning standards as well as add Conditional Rezoning standards. See Appendix C.

FAVOR:

None

OPPOSITION:

None.

Motion made by Boboltz to approve the proposed Zoning Ordinance amendments as presented.

Motion seconded by Kostelic.

Motion approved 6-0.

NEW BUSINESS:

Birmingham presents the board with the 2022 Planning Commission meeting schedule. See Appendix D. She states that all holidays have been reviewed and is also proposing to change

the meeting time. In the current by-laws she has highlighted in yellow (see Appendix E) the areas of the by-laws that she would recommend striking. So, we would remove the specific time, and make a determination of what time we would like. Her request would be that it is no later than 6:00 pm. Sabourin states his concerns for an earlier time such as family time, dinner, work, etc. Boboltz states that he is surprised that there was ever a specific time hardwired into the by-laws. Kostelic agrees that an earlier meeting time is better for her as she works until 5:00 pm and would still be in the working mindset. Bauer agrees with Kostelic. Vanwagoner expresses concern that the public may have a difficult time making it to a 6:00 pm meeting. He states that whatever everyone chooses to do, he will support to the best of his ability. He also expresses concern of coming directly from work to the meeting as he is a hands-on contractor and is often full of sawdust and whatnot. Sabourin proposes they do not hardwire a time into the by-laws, but rather let the Planning Commission decide what time they will meet each month.

Birmingham then suggests that the Planning Commission look over Appendix F, which contains more changes to the by-laws for future discussion. Also, because the City of Alpena is a Certified Redevelopment community, she would like to add in training as an additional bullet point. She also suggests that they think about the language under section 3.8 of the by-laws, to get better clarification of the language.

Motion made by Wojda to amend the by-laws to remove the specific time requirement from section 3.1 and to identify City Hall and only City Hall as the location for the Planning Commission meetings.

Motion seconded by Boboltz.

Motion approved 6-0.

Motion made by Wojda to approve the 2022 Planning Commission schedule.

Motion seconded by Gilmore.

Motion approved 6-0.

All are in favor of meeting at 6:30 pm in January.

REPORTS:

Birmingham presents the board with information on the recertification process for Redevelopment Ready Communities and the Training Assessment for fiscal year 2021. She states she would like to add training to the Planning Commission by-laws to keep it top of mind,

as it is required for Redevelopment Ready communities. She asks that any board members who have done any training in year 2021, to please forward that information along to her so she can report it back to the MEDC as part of our recap for the calendar year.

Birmingham also informs the Planning Commission that the City Council has done the first reading of the Adult Use Marihuana Licensing Ordinance. As part of that, we need to review our Zoning Ordinance to make sure that we have an Adult Use amendment for marihuana establishments. If Council approves the second reading at the next meeting, there may be an option put the date effective to be when our can coincide so that we do not have a licensing ordinance without a zoning ordinance to go along with it.

CALL TO PUBLIC:

No public comment.

MEMBER'S COMMENTS: Boboltz inquires about how to get a specific name of a person who spoke up at the previous joint meeting with City Council. He is informed that City Council minutes are posted on the City website, but are not as detailed as Planning Commission minutes. Bauer suggests he watch the recorded video.

Birmingham informs the board of Christy Werda's resignation effective today, and next January meeting, Ashley Peterson will be welcomed to the board.

Bauer expresses her support of Birmingham's proposal of adding education and training to the Planning Commission by-laws, as there is a lot of training out there for free. She suggests that Birmingham bring forward the participation plan and marketing plan because she is not really clear what that is for our community.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:21p.m., by Sabourin, Planning Commission Chairman.

Steve Gilmore, Secretary

FINDINGS OF FACT REZONE REPORT

APPLICANT: LAWRENCE E POWELL
PROPOSED USE: DUPLEX – 124 E CLARK ST
DISTRICT: R-2
REVIEW DATE: 12-21-21
REPORT: 22-Z-01

Summary of Request: Property was inspected in 2018 as a single-family rental. Mr. Powell purchased the property in 2019 after the home was converted to a duplex. No permits were pulled by the previous owner to convert the unit; the conversion of the unit was not known to current City staff until the most recent inspection as part of the City's rental program. Upon discovering that a secondary unit was present, the City sent a violation letter to Mr. Powell.

REZONING STANDARDS: SECTION 10.2

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

A. Consistency with Comprehensive Plan

A goal of the Comprehensive Plan is to allow suitable housing opportunities for all income levels, age groups, household types, and resident types (year-round/seasonal). The Future Land Use map incorporates Single (R-1, R-2) and Two-Family (R-T) Residential districts into the same zone (Single & Two Family Residential).

B. Consistency of Use in Proposed District with Surrounding Properties

1. RM-2 Multi Unit across the street on 800 N Second on the NE corner
2. R-2 Registered Rental Duplex across the street at 801 Ford Ave (grandfathered in as a duplex)

C. Adverse Physical Impact

1. 124 E Clark St. property was purchased as a Duplex from prior owner and is currently being used as such. Use requested aligns with properties across the street. Ford Ave also already has a section zoned R-2 two blocks down.

D. Changes in Land Use to Immediate Area

While not a recent change, multi-family units already exist nearby as noted.

E. Creation of a Deterrent

Suggested rezone will continue to be for residential housing (124 E Clark)

F. Special Privilege

Similar uses are currently taking place across the street from 124 E Clark.

G. Use Within Present Zoning Classification

Eviction of current tenant would be required. Remodeled space supports a multi-family layout.

H. Public Facilities

The 124 E Clark lot is served by public facilities.

I. Surrounding Sites

There are sites nearby that are already zoned for multi-family use, but that does not necessarily mean there are units available to rent.



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ADDITIONAL NOTES

One objection was received via phone and in person to the rezone request by Ray Hozeska at 618 Ford Ave. Mr. Hozeska had the following comments/concerns:

1. Not in support of the rezone request
2. Concerned about inadequate parking
3. None of the units are owner occupied, which deteriorates the neighborhood
4. Northside does not need more rentals
5. Questioned if electrical, heating, water, and sewer are separate for both units
6. Issue created by previous owner and should be held accountable

SECTION 10.2 REZONING STANDARDS

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- A. Is the proposed rezoning consistent with the current Comprehensive Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
- H. Is the site served by adequate public facilities or is the petitioner able to provide them?
- I. Are there sites nearby already properly zoned that can be used for the intended purposes?

SECTION 10.3 PROTEST PETITION

- A. An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a $\frac{3}{4}$ vote, is required by ordinance or charter. The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:
 1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
 2. The owners of at least twenty (20) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- B. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under subsection (A).

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 District Regulations

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption & Amendments



City Hall
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Planning & Development

12/22/2021

TO: Occupant

FROM: City of Alpena

RE: Notice of Rezoning Application within 300 feet

This letter is to notify you that a property owner within 300 feet of your property has applied for a rezoning. Public Act 110 of 2006, as amended, requires notification of all property owners within 300 feet of the boundary of a property for which a rezoning has been applied. Your property is within 300 feet of the following:

Rezoning Applicant:

Lawrence E. Powell

Address: 124 E Clark St

Rezoning: R-2 (One-Family Residential) to RT (Two-Family Residential)

The City of Alpena Planning Commission will hold a public hearing on January 11, 2022 at 6:30 pm at 208 N. First Avenue, Alpena, Michigan 49707. Written comments may be sent to the above address prior to the meeting or to my e-mail below. The public may appear at the public hearing in person, by counsel, or virtually. The proposed rezoning documents can be accessed at City Hall, at <https://alpena.mi.us>, or by calling 989-354-1700.

Sincerely,

Montiel Birmingham

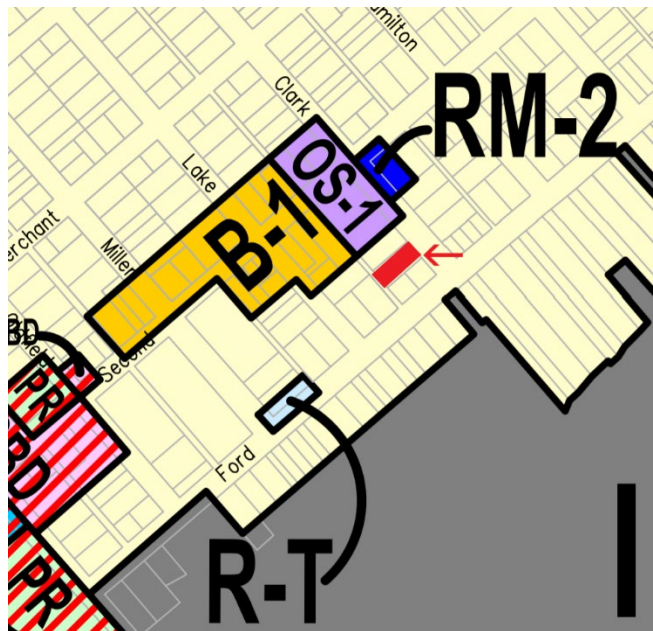
Planning, Development, and Zoning Director

208 North First Avenue

Alpena, MI 49707

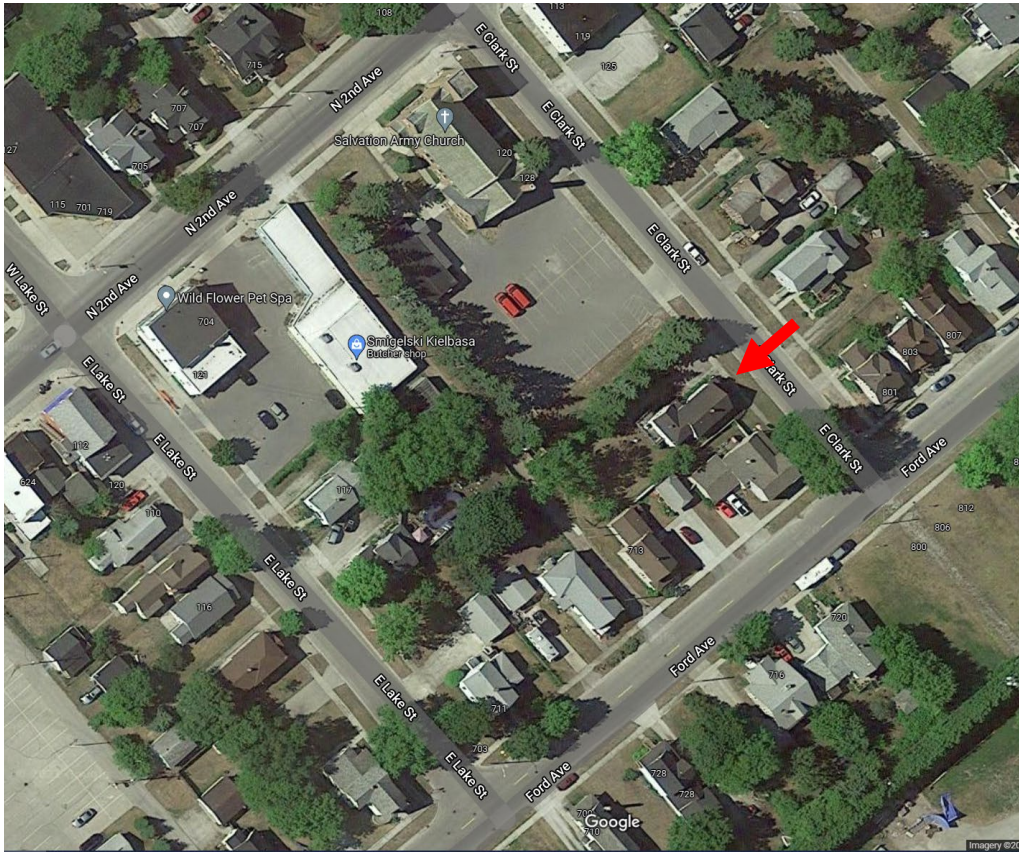
989.354.1771

montielb@alpena.mi.us



124 E Clark St. Photos

Aerial View:



Looking down Clark St. From Salvation Army and RM-2 zone:









City of Alpena Ordinance No. ____ of 2021

An ordinance to amend the City of Alpena Zoning Ordinance Article 2 (Construction of Language & Definitions), Article 5 (Zoning Districts) and Article 7 (Supplemental Development Regulations).

City of Alpena, Alpena County, Michigan ordains:

SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE

That the City of Alpena Zoning Ordinance, Article 2 (Construction of Language & Definitions) is hereby amended to read as follows:

Section 2.1 Definitions

(Add the following definitions)

MARIHUANA ESTABLISHMENTS (ADULT USE): An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.

- A. **MARIHUANA GROWER.** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- B. **MARIHUANA MICROBUSINESS.** A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- C. **MARIHUANA PROCESSOR.** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- D. **MARIHUANA RETAILER.** A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
- E. **MARIHUANA SECURE TRANSPORTER.** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- F. **MARIHUANA SAFETY COMPLIANCE FACILITY.** A person licensed to test marihuana, including certification for potency and the presence of contaminants.

All other definitions pertaining to Adult Use Marihuana are defined by **Initiated Law 1 of 2018, MCL 333.27951 et seq., as amended.**

That the City of Alpena Zoning Ordinance, Article 5 (Zoning Districts) is hereby amended to read as follows:

Section 5.14 CCD COMMERCIAL CORRIDOR DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.15 OS-1: OFFICE SERVICE DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS-1
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.17 B-2: GENERAL BUSINESS DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.18 B-3: COMMERCIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Adult Use Marihuana Establishments:</i>	
<i>Marihuana Retailers</i>	S*
<i>Marihuana Microbusiness</i>	S*
<i>Marihuana Safety Compliance Facilities</i>	S*

Section 5.19 I-1: LIGHT INDUSTRIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I-1
COMMERCIAL/BUSINESS/SERVICE	
Adult Use Marihuana Establishments:	
Marihuana Growers	S*
Marihuana Processors	S*
Marihuana Retailers	S*
Marihuana Microbusiness	S*
Marihuana Safety Compliance Facilities	S*
Marihuana Secure Transporters	S*

Section 5.20 I-2: GENERAL INDUSTRIAL DISTRICT

Add the following uses:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I-2
COMMERCIAL/BUSINESS/SERVICE	
Adult Use Marihuana Establishments:	
Marihuana Growers	S*
Marihuana Processors	S*
Marihuana Retailers	S*
Marihuana Microbusiness	S*
Marihuana Safety Compliance Facilities	S*
Marihuana Secure Transporters	S*

Section 5.26 Use Matrix

Add the following uses:

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM 2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
COMMERCIAL/BUSINESS/SERVICE																	
Adult Use Marihuana Establishments:																	
Marihuana Growers												S*	S*				
Marihuana Processors												S*	S*				
Marihuana Retailers						S*		S*		S*	S*	S*	S*				
Marihuana Microbusiness						S*		S*		S*	S*	S*	S*				
Marihuana Safety Compliance Facilities						S*		S*		S*	S*	S*	S*				
Marihuana Secure Transporters												S*	S*				

That the City of Alpena Zoning Ordinance, Article 7 (Supplemental Development Regulations) is hereby amended to read as follows:

Section 7.41 MEDICAL MARIHUANA FACILITIES AND ADULT USE MARIHUANA ESTABLISHMENTS

A. Standards:

1. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within one thousand (1,000) feet of any school.
2. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located within two hundred fifty (250) feet of any place of worship, child care centers, addiction clinics and treatment facilities, the Boys and Girls Club of Alpena, or McRae, Bay View, or Water Tower Parks, or be directly adjacent to Starlite Beach Park or Mich-e-ke-wis Park.
3. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall not be located in the district or area known as the "Downtown Development Authority."
4. Medical Marihuana Facilities and Adult Use Marihuana Establishments shall comply with the City of Alpena Ordinance No. 21-____(Medical Marihuana Facilities and adult use marihuana establishments).

B. Submittal Requirements (in addition to submittal requirements in **Section 6.11**): Applicant shall submit the documentation contained in 1-3 below which will be reviewed by the Planning Commission. The Planning Commission shall also evaluate the site plan using the site plan review standards in **Section 6.6** and Special Land Use review standards in **Section 6.12**.

1. Applicant shall submit a plan which details economic benefits to the City by way of improvements to real property.
2. If an existing building is proposed to be utilized, applicant shall commit to physical improvements to exterior of existing building or structure. If no improvements are necessary, applicant shall include a statement indicating the reasons.
3. Applicant shall submit a maintenance plan that provides for upkeep of property, including exterior or right-of-way.

SECTION 2: SEVERABILITY

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION 3: SAVING CLAUSE

The City of Alpena Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 4: EFFECTIVE DATE

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Mayor

Clerk

I, _____, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of 2021 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Alpena City Hall, at 208 N. First Avenue, Alpena, Michigan.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.

By-Laws
City of Alpena
Planning Commission

The following rules of procedure are hereby adopted by the Planning Commission of the City of Alpena to facilitate the performance of its duties as outlined in PA 207 of 1921, as amended.

Section 1.0 OFFICERS

- 1.1 Selection. At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election.
- 1.2 Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 Duties. The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chairperson in her/his absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine.

Section 2.0 DUTIES OF THE SECRETARY

- 2.1 Minutes. The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes **unless a recording secretary is responsible.**
- 2.2 Communications, Petitions, etc. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the secretary.

Section 3.0 MEETINGS

- 3.1 Regular Meetings. Meetings of the Planning Commission will generally be held the second Tuesday of each month at Alpena City Hall and announced at least three (3) working days prior to the meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month.
- 3.2 Special Meetings. Special meetings shall be called at the request of the chair or at the written request (to the secretary) of a majority of the commission members. Notice of special meetings shall be given by the secretary to the members of the Planning Commission at least three working days prior to such meeting and shall state the purpose and time of the meeting.
- 3.3 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public.

- 3.4 Quorum. A majority of the total number of members, **regardless if vacancies exist or not**, shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. **All members have the right to vote.**

~~Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.~~

- 3.5 Order of Business: Agenda. The secretary, **or designee**, will prepare an agenda for each meeting and the order of business shall be as follows:

1. CALL TO ORDER, **ROLL CALL, PLEDGE OF ALLEGIANCE**

ROLL CALL:

2. APPROVAL OF AGENDA:
3. APPROVAL OF MINUTES:
4. PUBLIC HEARING:
 - a. **COMMISSION ACTION:**

ACTION ON PUBLIC HEARING:

5. BUSINESS:
 - a. **UNFINISHED**
 - b. **NEW**
 - c. **COMMUNICATIONS OR REPORTS**
 - d. **CONTINUING EDUCATION**

COMMUNICATIONS:

REPORTS:

1. ~~Committees~~

2. **Staff -**

6. ~~CALL TO PUBLIC~~ **PUBLIC COMMENT:**

7. MEMBERS COMMENTS:

8. ADJOURNMENT:

- 3.6 Motions. Motions shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

- 3.7 Voting. Voting shall be by ~~voice~~ **roll call** and shall be recorded by yeas and nays. **Roll call votes will be recorded only upon request by a member of the Commission.** Only those

appointed members who are present at the time of a vote shall be eligible to cast a vote.

- 3.8 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded. A majority vote of the total number of members shall be required to approve a motion (FOR DISCUSSION).
- 3.9 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.
- 3.10 Audio Recordings of Meetings. ~~(amended by the Planning Commission on 6-12-07)~~
- (a) All hearings and meetings shall be recorded.
 - (b) All recordings of meetings or hearings shall be maintained at City Hall until such time as the minutes for the particular meeting are formally approved by the Planning Commission, or until such time as either the Planning Commission or City Council completes final action on an issue or case included in the recording upon which it has final disposition.
 - (c) The Planning Commission may require retention of recordings of meetings concerning a particular issue or petition for a longer period of time by a majority vote of its total membership.
- 3.11 Attendance Policy. In the event that a Commissioner has unexcused absences from either three (3) consecutive regular Planning Commission meetings, or from 60% of all (special and regular) Planning Commission meetings in any 12 month period the Chairman shall discuss the attendance record with the member and report his findings along with any extenuating circumstances to the commission. A recommendation for dismissal of the Commissioner shall be automatically forwarded to the Mayor and City Council unless the Commission acts within 60 days of the receipt of the chairman's report to overturn such recommendation upon a finding that the Commissioner will demonstrate satisfactory attendance in the future.

Section 4.0 HEARINGS

4.1 Rules of Procedure and Conduct of Public Hearings.

- (a) The Chairperson opens the hearing on time and announces the subject of the hearing.
- (b) The procedures are summarized for all present. ~~Usually they are also posted on wall or given to people on a one page handout. Be sure~~ Request each person who speaks to identify themselves.
- (c) The staff presents the essence of the application and any staff reports or other pertinent information.
- (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
- (e) Individuals speaking in opposition usually go next. If several people (from the same subdivision for example) who have the same view are present, it is not unreasonable to ask a single representative to speak for the group. However, do not prevent any

one from having an opportunity to speak. Irrelevant and off-the-subject comments should be ruled "out-of-order" by the Chairperson.

- (f) The Chairperson can allow "cross-examination" or rebuttal, but should ensure that all comments are directed through the Chair and not to a particular individual. The hearing body should refrain from debating or arguing with persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.
 - (g) The Chairperson should announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
 - (h) The hearing body then deliberates on the matter.
- 4.2 Notice of Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner as required by law, and to persons or group representatives most interested.

Upon receipt from the City Clerk of Planning and Zoning cases referred to the Commission by the City Council, the Secretary shall schedule a public hearing for the earliest appropriate scheduled Planning Commission meeting.

~~Not more than three (3) public hearings will be scheduled for the same Planning Commission meeting.~~ Staff, in consultation with the Chair, may limit the number of cases heard at a meeting to facilitate the effectiveness of the meeting and the deliberations of the Commission.

- 4.3 Notice of Decision. A written notice containing the decision of the Planning Commission, ~~or City Council if required~~, will be sent to petitioners and originators of requests which result in an action or decision by the Planning Commission.

Section 5.0 MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION

- 5.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- (a) Matters designated by the City's Zoning Ordinance to be included in the jurisdiction of the Planning Commission.
 - (b) Such other matters as the Planning Director or City Council shall find it advisable or essential to receive consideration by the Planning Commission.

Section 6.0 MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE COMMISSION

- 6.1 The Director shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies, and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.
- 6.2 The responsibilities given in Section 6.1 shall include the review of plans requiring

submission to the Planning Commission in accordance with provisions of the Zoning Ordinance.

Section 7.0 PLANNING COMMISSION STAFF

- 7.1 Authorization. The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the legislative body.
- 7.2 General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate for the municipality and its environs and are within the scope of the Michigan state planning enabling act(s).
- 7.3 Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the municipality.
- 7.4 Policy Formulation. The Planning Director shall:
- (a) Be responsible for carrying out the directives of the Planning Commission.
 - (b) Advise and assist the Planning Commission in the establishment of general planning policy.
 - (c) Be responsible for formulation of staff policy.
- 7.5 Effectuation of Plans. The Planning Director shall recommend to the Planning Commission whatever action is necessary for effectuating plans with respect to both public and private endeavors through such control techniques as:
- (a) Zoning and subdivision control.
 - (b) Programs for capital expenditures.
 - (c) Long-range comprehensive plans for the guidance of the municipality's growth.
- 7.6 Public Relations. The Planning Director shall:
- (a) Officially present the Planning Commission's recommendations to the legislative body.
 - (b) Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government, and serve generally as a liaison between the Planning Commission and the public.
 - (c) Encourage private development or investment in accord with comprehensive plans.
 - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
 - (e) Supply information for and encourage interested public agencies and citizen

organizations in programs to promote public understanding and approval of planning.

- (f) Accept other responsibilities as may be directed by the Planning Commission, legislative body, or chief executive.

Section 8.0 AMENDMENTS

- 8.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the members present.

ADOPTED: October 7, 1986
AMENDED: December 1, 1987
January 3, 1989
July 11, 1989
December 1, 1992
April 8, 1997
November 11, 2003
October 14, 2004
June 12, 2007
December 14, 2021
