



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

Planning, Development, & Zoning

City of Alpena Planning Commission

Regular Meeting

Tuesday, March 8th, 2022 @ 6:00 p.m.

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

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AGENDA

CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Regular meeting February 8, 2022
2. Special CIP meeting February 16, 2022

PUBLIC HEARING AND COMMISSION ACTION

1. **Case # 22-SU-01 909 W Washington Ave – Adult Use Marihuana**
Approval Standards Provided as Appendix A
Finding of Facts and Plan Documents (Appendix B)
2. **Case # 22-SU-02 427 W Campbell St – Adult Use Marihuana**
Approval Standards Provided as Appendix A
Finding of Facts and Plan Documents (Appendix C)
3. **Outdoor Seating & Dining Service Zoning Text Amendment** (Appendix D)

BUSINESS

- a) UNFINISHED: none
- b) NEW
 - a. Elimination of Special Land Use requirement for outdoor dining on a public right-of-way (Appendix E)
- c) COMMUNICATIONS OR REPORTS: none



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Planning, Development, & Zoning

d) CONTINUING EDUCATION

a. **Conflicts of Interest** (Appendix F)

- i. [https://www.canr.msu.edu/news/conflict of interest rules apply to all communities regardless of size?utm_source=cc&utm_medium=email&utm_campaign=extensiondigests](https://www.canr.msu.edu/news/conflict_of_interest_rules_apply_to_all_communities_regardless_of_size?utm_source=cc&utm_medium=email&utm_campaign=extensiondigests)

b. **Great Lakes Coastal Planning & Zoning E-mail Course** (free)

- i. <https://www.canr.msu.edu/courses/great-lakes-coastal-planning-zoning-email-course>

PUBLIC COMMENT

MEMBER COMMENTS

ADJOURNMENT

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
February 8, 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 (attended virtually), Gilmore, Kostelic, Sabourin,
Bauer, Peterson

ABSENT: Wojda, Vanwagoner

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

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as corrected.

APPROVAL OF MINUTES: Meeting January 11, 2022, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

Case # 22-Z-02 – Justin Prena, on behalf of Thunder Bay Property Management, has requested a Conditional Rezone for the property he owns at 327 N. Addison Street, from R-2 to R-T to allow for a residential duplex rental dwelling.

Montiel Birmingham presented the Finding of Fact report and recommendation of approval. (See Appendix A & B).

FAVOR: Geoff Shafto, part owner of and representing Thunder Bay Property Management, presented the board with packets of everything that they provide to their tenants. He explained that they are trying to make more available housing for traveling nurses coming to work at the hospital. He explained that currently, the hospital is staffed by approximately thirty percent travelling nurses that require one-bedroom apartments with monthly leasing options. They are trying to get young professionals to the community and give them ample housing to keep them in our community, and to keep bringing in more young professionals and more money to local

businesses. Over the last six months, people have been sleeping in their cars and renting motels for six to nine months at a time. Shafto states that this property has two full parking spaces and one in the garage and there would be two one-bedroom apartments.

OPPOSITION: Sharon Tolan, next-door neighbor to 327 N. Addison Street, said she went over to meet them, and they did not tell her the property would be converted to a duplex. She is upset that they are putting the door near her bedroom, and that they obtained the building permit and already did the work without it being rezoned first. She inquired whether it was going to change the value of her neighborhood and home. She feels traveling nurses have other places to stay.

Birmingham explained that the building permit was issued for the work being done to the inside of the home with the stipulation that it could not be used as a duplex without Planning Commission approval of the Conditional Rezone request; it will be utilized as a single-family home if the rezone does not pass.

Tolan asked why the door was installed on the other side of the house, to which Birmingham explained that homeowners may install a door wherever they choose on their home.

REBUTTAL: Shafto explained that he feels all property values will increase.

Tolan informed the board that the people working at the home have left garbage in her yard for five days, have had three dumpsters, and the occupant is parking on the sidewalk.

Gilmet informed Tolan that she may call the building department any time to file a complaint, and she would not have to wait five days. He then told the board that in order to convert the home into a duplex, they will have to obtain another building permit for change of use if the conditional rezoning goes through. They will have to submit drawings, showing the length and width of the driveway, plans showing how he is separating it inside and make sure they are meeting the fire and building codes; when/if it does move forward, it will be done appropriately, in compliance with not only the zoning and any conditions put on by this commission, but also in accordance with the building code.

With no other comments, the public hearing was closed for deliberation at 6:15 pm.

Birmingham informed the board that normally a conditional rezone might be used for a commercial type of business, but this is a case where it could be used for residential to avoid spot zoning.

Kostelic asked if they were only targeting travelling nurses to which Shafto replied yes, travelling nurses would be their primary demographic, but would not deny renting to others besides nurses.

Kostelic asked how many properties they own. Shafto said three.

Bauer said Shafto makes a case for the housing need, especially for our travelling medical personnel.

Kostelic asked how much further they need to go before the final building inspections. Shafto explained that the back unit has passed all the building codes in terms of the fire and electrical, and the plumbing inspection would be the following day. He said the back half of the house was previously a mother-in-law suite that was in very bad disrepair and is still down to the studs.

Gilmet asked how many bedrooms and baths it currently has. Shafto said it had two bedrooms and two bathrooms. Gilmet said he has not seen any interior drawings of the construction work that is going to occur to split this single-family home into a duplex.

Sabourin explained to the board that any motion made in favor would have to be subject to plans submitted to the building department for their approval for this to move forward.

Kostelic made a motion to approve the Conditional Rezone request subject to building department approval of submitted plans and inspections.

Gilmore seconded the motion.

Motion **approved** with a vote of 5-0.

UNFINISHED BUSINESS: By-Laws Finalization – Appendix C - Birmingham reviews the proposed amended By-Laws with the board.

Bauer motions to approve the By-Law amendments as presented.

Peterson seconded the motion.

Motion **approved** by a vote of 5-0.

NEW BUSINESS: Sidewalk Cafes – Appendix D - Birmingham presented the board with proposed changes to the Zoning Ordinance Article 3 (General Provisions), Article 4 (Signs), Article 5 (Zoning Districts) and Article 7 (Supplemental Development Regulation) and explained the proposed changes to each.

Anne Gentry, Downtown Development Executive Director offered a brief statement on the goals and intentions of the DDA with the new ordinance regulating sidewalk cafes.

Board members and staff exchanged feedback about the proposed changes to the ordinance and will bring this back to the table at the next regular Planning Commission meeting.

COMMUNICATIONS: None

REPORTS: None

CALL TO PUBLIC: None

MEMBERS COMMENTS: Bauer would like the city to have a strategy to look closely at the Zoning Ordinances in relation to the housing shortage issue and explore opportunities to create more housing. Birmingham informed the board that the city has met once with the county, NEMSCA, and the township to discuss the need for housing. She told the Planning Commission that they would be involved at some point in the process, but if they would like to be involved earlier, their feedback is welcomed. Birmingham told the members there was good feedback from NEMSCA regarding our rental registration program in terms of our price points, the quality of the rental units and how the rental inspection program is improving the quality of the rental housing in the community, as compared to some of our neighboring areas that have very expensive and poor quality rentals.

ADJOURNMENT: With there being no further business, the meeting was adjourned at 7:02 p.m., by Sabourin, Planning Commission Chairman.

Steve Gilmore, Secretary

MINUTES
City of Alpena Planning Commission
Joint CIP Meeting (Council Chambers and Virtual)
February 16, 2022
Alpena, Michigan

CALL TO ORDER:

The special meeting of the Planning Commission and City Council was called to order at 5:02 p.m. by Paul Sabourin, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Sabourin, Kostelic, Peterson, Bauer, VanWagoner, Gilmore (arrived at 5:23 pm), Boboltz (arrived virtually at 5:04 pm)

ABSENT: Wojda

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary), Anna Soik (Clerk), Steve Schultz (City Engineer), Shannon Smolinski (Engineering Assistant and Harbormaster), Charlie Kendziorski (Assistant City Engineer), Cassie Stone (Recording Secretary), Joel Jett (Police Chief), Bill Forbush (Fire Chief, appeared virtually), Anne Gentry (Executive Director of the Downtown Development Authority).

COUNCIL: Waligora, Johnson, Nowak, Mitchell, Walchak

ABSENT: None

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

BUSINESS: 2023-2028 Capital Improvement Plan (CIP) – See Appendix A - Birmingham explained the intent of the CIP and new flags added note if the item is tied to the City's Master Plan. She explained the next steps in the process for Soik to review the CIP against the 2022-2023 Budget and that some projects may require some modifications based on where the budget comes in versus total costs within the CIP.

With no public comments after Birmingham's introduction, Gentry explained that at the top of their list for the DDA is to do a review of their boundaries and do an update to their TIF plan of which they have received 75% funding through the MEDC, and it might be split between this fiscal year and the next fiscal year, depending on when they hit the key milestones. Other additions are to purchase new flower baskets and bike racks, alleyway improvements

downtown where there is no vehicular traffic to make them more pedestrian friendly useable space, Culligan Plaza updates depending on the timeline with the City, downtown parking modifications, and a historical plaque project.

Birmingham said the Planning department has three additions which are a Zoning Ordinance update with the help of Denise Kline through NEMCOG, the Thunder Bay River Center and public art.

Forbush said that the equipment fund needs to start planning for a new primary fire engine by 2027-2028, a new SEA-DOO water rescue personal watercraft that can withstand Thunder Bay conditions, and a new $\frac{3}{4}$ ton 4X4 pickup to support vehicle capable of administrative and response use. They would like to purchase new exercise equipment from the general fund.

Jett said that of the new additions to the CIP, project one is to stay on track with the replacement of the patrol vehicles and project two is to purchase new 800 mHZ radios for the patrol vehicles. Project three is the replacement of conductive electrical weapons (tasers) and project four is to purchase new portable radar speed signs. Project five is a new radar traffic trailer and project six is to replace all body armor; all from the general fund for police.

Smolinski said that the top project is the Marina shop building rehabilitation which includes exterior improvements, electrical replacement, roof replacement, and storefront and shop floor replacement. Next is to replace the fixed docks with some being larger to accommodate the larger vessels which are becoming more prominent in our area and upgrading the utilities servicing the docks which includes electrical service and high efficiency lighting; both of which are part of the Master Plan and the marina fund. Third is the replacement of the utility pedestals to better accommodate boats that require 50-amp service. Another project is to make improvements to the bathrooms and, at the request of boaters, create a social gathering area at the marina. Next, coming from the building maintenance fund, at city hall, testing and balancing of the HVAC system which would pay for itself within a year and a half, rehab the interior of the building, new handrails and guardrails on exterior steps, Council Chambers ceiling repair, new windows, and exterior building rehab. The elevator is suggested to be replaced within the next five years. At the Public Safety building, they would like to upgrade to energy efficient lighting, replace the carpeting, repair the concrete around the exterior of the building, and refresh the landscaping around the building. Another large project is to remodel the kitchen and get more industrial kitchen appliances. Councilman Nowak requests that the kitchen remodel be moved up higher on the list due to its current condition.

Schultz explained that first on the list, IT would like to replace the phone system. Second is the BS&A conversion to the Cloud system, which would begin in the Planning, Development and Zoning department for permitting and code enforcement, and eventually work its way up through the rest of the departments. Third item on the list is to install internet or network access with a computer and cemetery software to the cemetery garage to better accommodate customer requests within the cemetery. Schultz also explained that they are investigating

shifting toward renting certain city vehicles rather than purchasing them which would provide a new fleet of equipment every year. In the Cemetery category, road resurfacing is high priority. In the Parks category, due to the popularity of the Splash Park being over double what had been anticipated, a new water recirculating system is being sought out to save on the cost of water. The cost recovery will realize itself within four years. The new public restroom project at Bay View will need to proceed within the next two years, as grant funding has been given. The project will mirror what is currently at Starlight Beach Park. Schultz explains that the Carter Street parking lot is at the top of the list for the Department of Public Works for a complete pulverizing and resurfacing as well as the City Hall parking lot. For Local Streets, the two new projects introduced were the Monroe Street special assessment for curb and gutter and the North Industrial Highway expansion of the existing roadway and utilities to accommodate new development within the property. Schultz explained that there are more in mind, but others pop up and they like to wait until the money is available to call out which ones need to be done at that time. From the Major Street fund, Schultz explains mostly preventative maintenance needs to be done. All the new projects consist of the work being done to the bridges as determined by past inspection reports. In the Sewer Fund category, the North Second Avenue project is still in there in hopes of obtaining a grant this coming year. At the Water Recycling Plant, there are several new requests as highlighted in Appendix A – the final draft of the CIP. Schultz states that all new projects in the Water fund mirror the new projects in the Sewer fund. For the Water Production fund, the top new item is the new liquid fluoride injection system. Due to lack of powdered fluoride supply, this may be the route that they need to go. He explains that both treatment plants are very old, and the other items on the list are items that are worn out and need to be replaced.

Birmingham explained the long-range projects which were broken out separately in the CIP. The majority of the River Center project would be from grant money, but it is being included in the CIP for reference due to the City's relationship with the River Center. Schultz explained that under Major Street Construction fund for the long-range CIP, the Second Avenue bridge is listed as a result of reviewing inspection reports. It does not have to be done right away, but it has to be out there, and they wanted to show it. He said the Eleventh Avenue project is staying in the long range for now. Smolinski said the Marina Mixed Use Building is in the long range, with hopes to hold events in during warmer months, and storage in the winter months. The generator transfer switch replacement is in the long range because it has experienced several issues in the last few years and is recommended for replacement.

VanWagoner motions to approve the CIP as drafted and presented by the City of Alpena staff.

Bauer seconded the motion to approve.

Motion approved by a vote of 6-0.

ADJOURNMENT: With there being no further business, the meeting was adjourned at 6:19 p.m., by Sabourin, Planning Commission Chairman.

Steve Gilmore, Secretary

SITE PLAN SUBMITTAL & APPROVAL PROCEDURES

- F. **ZBA ACTION REQUIRED:** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- G. **REPRESENTATION AT MEETING (FOR REVIEWS BY PLANNING COMMISSION):** The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
- H. **CONSULTANT:** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

SECTION 6.6 SITE PLAN APPROVAL STANDARDS

The Planning Staff or Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Staff or the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

- A. **COMPLIANCE WITH DISTRICT REQUIREMENTS:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
- B. **PUBLIC WELFARE AND ADJOINING PROPERTIES:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.
- C. **LIGHT, AIR, AND ACCESS:** The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.
- D. **TOPOGRAPHY AND NATURAL LANDSCAPE:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil

removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- E. **DRAINAGE**: On-site drainage shall be required pursuant to §3.22. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater according to City ordinance and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- F. **PRIVACY**: The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- G. **EMERGENCY VEHICLE ACCESS**: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access in accordance with applicable regulations.
- H. **VEHICULAR AND PEDESTRIAN CIRCULATION**: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged. All streets shall be developed in accordance with the Subdivision Control Ordinance and the City specifications.

In those instances wherein the Planning Staff and/or Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the safety or carrying capacity of the thoroughfare, the installation of appropriate alternatives, such as but not limited to marginal access drives, shared approaches, one-way drives, etc. may be required as conditions of approval.

- I. **FIRE AND SAFETY**: The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

SITE PLAN APPROVAL STANDARDS

- J. **ACCESS**: Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- K. **LOADING AND STORAGE**: All loading and unloading areas and outside storage shall be in accordance with §3.28.
- L. **SNOW STORAGE**: Proper snow storage areas shall be provided in accordance with §3.30 (G).
- M. **EXTERIOR LIGHTING**: Exterior lighting shall be in accordance with §3.27.
- N. **UTILITIES**: All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.
- O. **COMPLIANCE WITH OTHER STATUTES AND REGULATIONS**: Site plans shall conform to all applicable requirements of federal, state, and local statutes, and approval may be conditioned on the applicant receiving necessary federal, state, and local permits before the actual zoning permit is granted.
- P. **GROUNDWATER AND SURFACE WATER PROTECTION**: The following standards relating to groundwater protection shall be complied with, if applicable:
1. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
 2. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 3. General purpose floor drains shall be connected to an on-site holding tank or sanitary sewer line (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources and the Environment. General purpose floor drains, which discharge to the groundwater or the storm sewer system, are prohibited.
 4. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 5. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially

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- polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
6. Underground or above ground storage tanks shall be registered, certified, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Natural Resources and the Environment.
 7. Existing out-of-service or abandoned underground or above ground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Natural Resources and the Environment.
 8. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
 9. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Natural Resources and the Environment and the District Health Department.
 10. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies as required by law.

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SECTION 6.7 SITE PLAN APPROVAL

- A. **APPROVAL BASED ON FINDINGS OF FACT:** The Planning Staff or Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the above approval standards. The decision of the Planning Staff or Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- B. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan.
- C. **SIGNED COPIES:** Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Planning Staff. One signed and dated site plan shall be provided to the applicant and two copies shall be retained by Planning Staff as part of the City's permanent zoning file. If required by staff, a digital copy of the final approved site plan shall be provided by the applicant.

SECTION 6.8 CONFORMITY TO SITE PLAN REQUIRED

Following approval of a site plan by the Planning Staff or Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission if approval was given by the Planning Commission or by the Planning Staff in the case of an administrative approval. The Planning Staff shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission or Planning Staff to provide time for corrective action. The Planning Commission or Planning Staff may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

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SECTION 6.12 SPECIAL LAND USE APPROVAL STANDARDS

After the required public hearing, the Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in **§6.5 – §6.10**.

A. Allowed Special Land Use: The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.

B. Compatibility with Adjacent Uses: The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment, or conditions of operation;
2. Vehicular circulation and parking areas;
3. Outdoor activity, storage and work areas;
4. Hours of operation;
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. The relative ease by which the impacts above will be mitigated.

C. Public Services:

1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Uses will be adequately served by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.

D. Economic Well-Being of the Community: The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.

E. Compatibility with Natural Environment: The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the City or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its

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natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

- F. **Impact of Traffic on Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
- G. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic. The proposed Special Land Use shall comply with [§3.33 Performance Standards](#).
- H. **Consistent with Zoning Ordinance and Comprehensive Plan:** The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the *City of Alpena Comprehensive Plan*.
- I. **Compliance with Supplemental Site Development Standards:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in [Article 7](#) of this Ordinance.

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Amendments

SECTION 6.13 SPECIAL LAND USE APPROVAL**A. Decision**

1. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.
2. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
3. In the case of a Special Land Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals. Appeals shall be made to the Circuit Court of Alpena County.

B. Inspection

The Planning Staff shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

C. Compliance with Other Regulations

1. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
2. As a minimum, or unless specifically modified by the provisions of **Article 7 (Supplemental Site Development Standards)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 7**.

SECTION 6.14 AMENDMENT OF AN APPROVED SPECIAL LAND USE

Amendments to an approved Special Land Use shall be processed in the same manner as the original application. Minor amendments may be approved by Planning Staff pursuant to **§6.9 (A) (1-12)**.

SECTION 6.15 EXPIRATION OF A SPECIAL LAND USE

- A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

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

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. 21-467 (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.

**FINDINGS OF FACT
SPECIAL LAND USE REPORT**

APPLICANT: NEIGHBORHOOD PROVISIONS
PROPOSED USE: ADULT USE MARIHUANA RETAILER
DISTRICT: CCD
REVIEW DATE: 2/17/22
REPORT: 22-SU-01

Summary of Request: Applicant would like to add a Special Land Use for Adult Use Marihuana to previously approved Special Land Use for a Medical Marihuana Provisioning Center. Applicant was unable to apply for both Medical and Adult Use with initial request because Adult Use had not yet been approved through City Council. There are no proposed changes to the Site Plan from previously approved plans (refer to Case 21-SU-02) and, as such, the Site Plan Review Standards will not be reviewed again.

Below is a recap of previously provided Special Land Use Approval Standards, as well as approval standards outlined in Section 7.41 under Special Regulations.

SPECIAL LAND USE APPROVAL STANDARDS: SECTION 6.12

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

A. Allowed Special Land Use

The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed (CCD)

B. Compatibility with Adjacent Uses

1. A retail use is compatible with the surrounding uses (gas station, auto repair, and car sales)
2. Once residence is located on the same block on Catherine Street. A large storage building exists between the residence and the proposed facility.
3. The use does not appear to be hazardous to surrounding uses – known exterior effects are limited to traffic and parking
4. Parking is provided
5. No outdoor storage is planned
6. Trash will be screened
7. Hours of operation are consistent with other nearby uses (Sun 10 am – 6 pm; Mon – Thurs 10 am – 7 pm; Fri – Sat 10 am – 8 pm)
8. There were 0 letters or comments received from property owners within 300'

C. Public Services

Essential public services (fire, police, etc.) are available

D. Economic Well Being of the Community

1. No excess public costs are anticipated due to the fact that there is no need for street, sidewalk or water/sewer improvements
2. Surrounding landowners are also commercial uses and the use will not be detrimental to other commercial uses

E. Compatibility with Natural Environment

1. No effect on natural resources is anticipated Surrounding landowners are also commercial uses and the use will not be detrimental to other commercial uses
2. Landscape is unaffected

F. Impact of Traffic on Street System

1. The use will not increase traffic beyond what other commercial uses in the area generate
2. The proximity near the traffic light might provide breaks in traffic for cars turning into and out of the new use

G. Non-Detrimental Standards

1. Applicant has submitted all required documentation including a Plant Waste Disposal Plan and a Hazardous Material Storage and Disposal Plan
2. Odors are required to be controlled

H. Consistent with Zoning Ordinance and Comprehensive Plan

A goal of the current City of Alpena Comprehensive Plan is to establish new commercial uses and redevelop vacant commercial buildings.

SUPPLEMENTAL DEVELOPMENT APPROVAL STANDARDS: SECTION 7.41

A. Standards: The location of the facility complies with the maps of allowed areas posted by the City of Alpena.

B. Submittal Requirements: Economic Benefits to Real Property; Physical Improvements to Property; Maintenance Plan

1. Applicant submitted a statement detailing economic benefits including retail commerce, foot traffic, and increased tax revenue to the city. In addition, applicant states that home values increase in areas where communities have legalized marihuana.
2. Site plan shows physical improvements to the exterior of the building including painting, new signage, and siding replacement (where needed).
3. Applicant submitted a statement detailing a maintenance plan including daily cleanings, checklists, trash disposal, and fixing issues on the exterior.

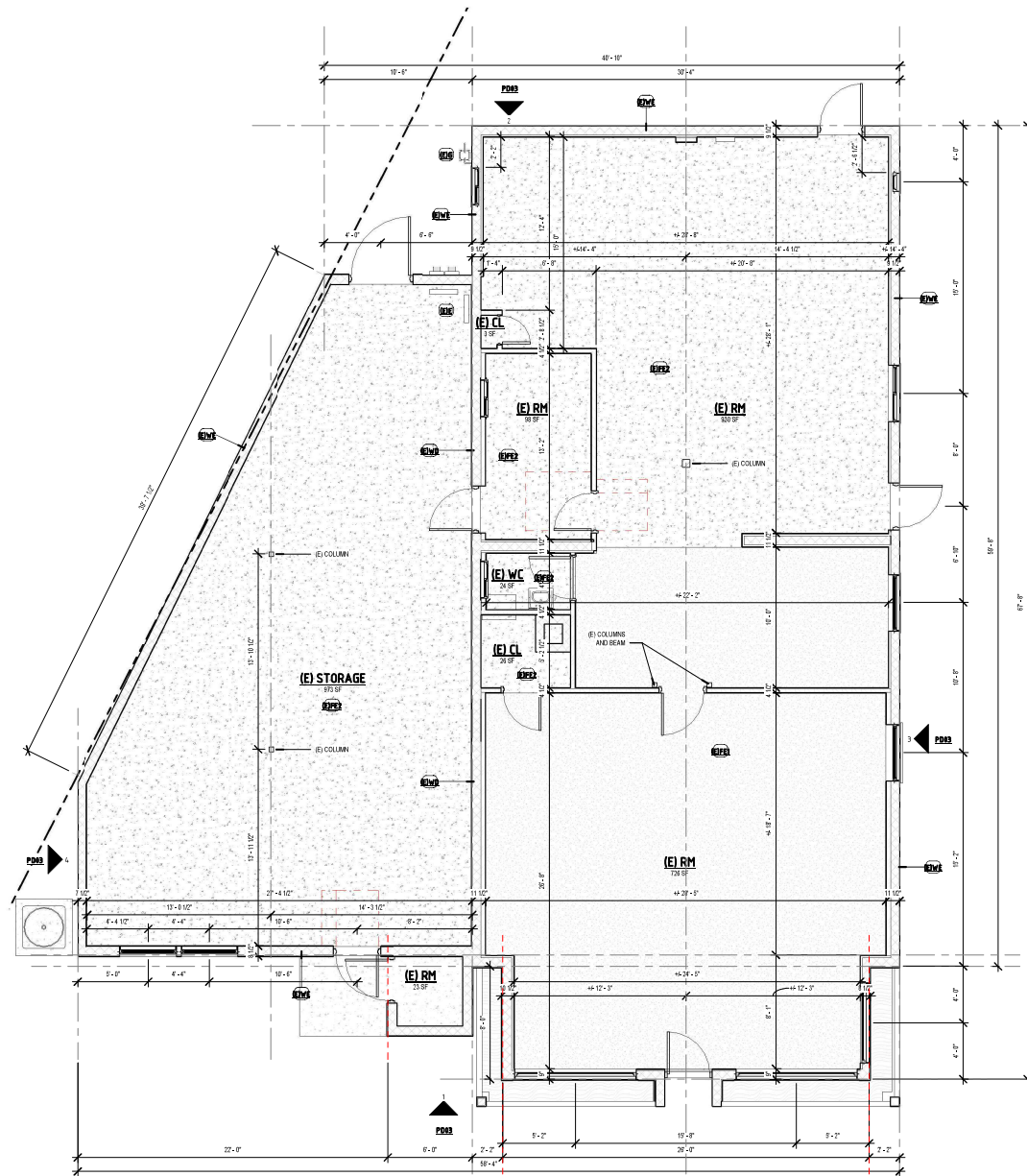
ADDITIONAL NOTES

Applicant is required to comply with the Chapter 18, Article 1, Section 18-1 in the City Code of Ordinances (Medical Marihuana Facilities and Adult Use Marihuana Establishments).

A license will not be issued until all required documents, permits, and certificates are verified and paid for.



NOTE/CONTENT	
7A	
7B	(E) ELECTRICAL PANEL: ____ MAP 1300B, 3P
7C	(E) FLOOR CARPET
7D	(E) FLOOR CONCRETE
7E	(E) GAS CONNECTION _____ _____
7F	(E) RTU MAKEUP _____ MODEL _____ (E) _____ GAS OF ELECTR _____
7G	(E) SEWER CONNECTION (E) _____
7H	(E) WATER LINE: (E) _____ (E) _____
7I	(E) 12" GAS/10" DRAINAGE WALL
7J	(E) WALL, EXTERIOR, CMU



• SCHEMATIC ONLY
• NOT FOR CONSTRUCTION
• COPYRIGHT 2021 BGSDESIGNS, LLC

21194
NEIGHBORHOOD
PROVISIONS
909 W WASHINGTON AVE
ALPENA, MI 49707

PERMIT
(E)FLOOR PLAN(S)
09.22.2021

REV

REV	NOTE	DATE
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909 W Washington Ave Alpena MI 49707

PART OF LOT 1 BLOCK 2 OF RIPLEY'S ADDITION TO THE CITY DESCRIBED AS COM AT SW COR LOT 1 AS POB, TH N 27D 3' 39" E 209.04 FT ALG SE 30FT ROW OF LAKE STATES RAILROAD, TH S 0D 11' 12"W 52.78 FT, TH S 89D 59' 09" E 15.69 FT, TH S 0D 3' 32" W 125.64 FT TO NLY ROW OF WASHINGTON AVE, TH S 85D 14' 2" W 93.16 FT, TH N 89D 59' 9" W 17.66 FT TO POB. PARCEL A.

Property Information	
Address: 909 W WASHINGTON AVE	
Owner: CURRIER LLC	
Parcel Number: 093-587-000-019-01	
Unique to this property	
1. Property 2. Building 3. Rental 4. Comment 5. Parking Details	
Occupant:	Resp. Party: CURRIER LLC
Subdivision:	Year Built:
Lot:	Block:
Zoning: <Click here to select>	Use Groups: <Click here to select>
Parking Spaces:	Occup. Load:
<input type="checkbox"/> Hide this property from Public Records Search	<input type="checkbox"/> Vacant
<input type="checkbox"/> Allow Occupants to pull Permits	
Setbacks	
Front:	Left:
Rear:	Right:
Common to this parcel's properties	
7. Parcel Information 8. Legal Desc.* 9. Flood Plain 10. Dimensional Information 11. Linked Applications	
PART OF LOT 1 BLOCK 2 OF RIPLEY'S ADDITION TO THE CITY DESCRIBED AS COM AT SW COR LOT 1 AS POB, TH N 27D 3' 39" E 209.04 FT ALG SE 30FT ROW OF LAKE STATES RAILROAD, TH S 0D 11' 12"W 52.78 FT, TH S 89D 59' 09" E 15.69 FT, TH S 0D 3' 32" W 125.64 FT TO NLY ROW OF WASHINGTON AVE, TH S 85D 14' 2" W 93.16 FT, TH N 89D 59' 9" W 17.66 FT TO POB. PARCEL A.	

FINDINGS OF FACT
SPECIAL LAND USE REPORT

APPLICANT: VENTURE 245 LLC
PROPOSED USE: ADULT USE MARIHUANA RETAILER (MEDSCAFE)
DISTRICT: CCD
REVIEW DATE: 2/18/22
REPORT: 22-SU-02

Summary of Request: Applicant is requesting a Special Land Use for an Adult Use Marihuana Retail location (MedsCafe) located at 427 W Campbell St. (request does NOT include Medical).

SITE PLAN REVIEW STANDARDS: SECTION 6.6

The Planning Staff or Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Staff or the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Compliance with District Requirements

1. **Zone:** The Site Plan accurately states the Zone as CCD; however, the SLU application inaccurately states B-3. Adult Use Marihuana Retailers are listed as an allowable Special Use in the CCD District.
2. **Setbacks:** Required setbacks in the CCD Washington Ripley Corridor are below and requirements are met
 - i. Front Yard: Min 10 ft and Max 20 ft – 10' on average, building is not parallel to the road
 - ii. Side Yard: Min none (10 ft if abutting residential district or use) - 10' exists between property line and residential neighborhood
 - iii. Rear Yard: Min none (10 ft if abutting residential district or use) – more than adequate
3. **Building:** Applicant is utilizing an existing building. Minimal changes are indicated to the façade of the building, so building Height, Materials and Primary Façade are limited in relevancy.
4. **Parking Location:** Parking in the CCD should not extend beyond the front of the principal building; parking currently exists on the west side of the building.
5. **Parking Spaces:** Parking is existing. For 1600 square feet of retail space, 4 spaces are required. Site plan shows 9 available spaces, including 1 ADA space. **Currently 9 parking blocks exist; however, there is no striping and no ADA markings currently visible or defined on the site plan. Recommendation for Condition of Approval: Site Plan should be revised to include measurements of each parking space, repainting of parking lines and proper ADA marking and signage.**
6. **Loading Zone:** A loading zone is provided at the north end of the building
7. **Dumpster:** No outdoor trash receptacles are proposed; trash will be managed from inside the building
8. **Landscaping:** Not required in the CCD

Planning, Development, & Zoning

9. **Signage:** New non-illuminated, one-sided sign of 22"x 185" equaling 28.3 square feet is proposed and meets general size requirements; sign permit is required prior to installation.

B. Public Welfare & Adjoining Properties

1. Previous uses on the property were retail, as is the proposed use
2. The front one-third of the building facing Campbell Street is where proposed lease space is to be; a separate entrance is provided according to the building plans and an additional vestibule for the entrance to MedsCafe will be added.
3. The use shall comply with section 3.33 (Performance Standards) including Odor Control (see Attachment E from applicant outlining odor mitigation plan)
4. Surrounding uses to the north, west, and south are also commercial in nature. Uses to the east are residential.
5. The facility is existing and will not hinder development of surrounding properties.

C. Light, Air, and Access

1. The building is one-story
2. Fence currently exists where loading area faces residential and meets height requirements
3. The use does not interfere with access of light, air, or access to adjacent property

D. Topography and Natural Landscape

1. No change is proposed to contours of the site

E. Drainage

1. Site drainage is existing – no changes proposed

F. Privacy

1. No dwelling units are proposed

G. Emergency Vehicle Access

1. Emergency vehicle access is provided from Campbell St. and Ripley St.

H. Vehicular and Pedestrian Circulation

1. There is an existing sidewalk along the south side of the building facing Campbell St.
2. A shared drive currently exists with Alpena Dry Cleaning with adequate space for vehicular travel in between. An entrance off Ripley St. also exists.

I. Fire and Safety

1. Circulation is provided along the South, West, and North sides of the building. The East side of the property has a 10' setback to neighboring residential property lines per site plan.

J. Access

1. The structure has access to Campbell St. and Ripley St.

K. Loading and Storage

1. No outside storage is proposed
2. All off street parking abutting Residential in the CCD requires a 4'6" high fence or wall. *Fence currently exists with no proposed changes to it; per Section 3.28.G.6: Fences shall be maintained to retain their original appearance, shape, configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design. Recommendation for Condition of Approval: Maintenance of fence to restore as noted in Section 3.28.G.6.*

L. Snow Storage

1. Snow storage is shown on the site plan behind the loading area

M. Exterior Lighting

1. No changes to exterior lighting are proposed

N. Utilities

1. Utilities are existing

O. Compliance with Other Statutes and Regulations

1. Marihuana Retailers shall comply with City of Alpena Marihuana Licensing Ordinance 21-467 in the City Code of Ordinances.
2. Marihuana Retailers shall comply with the Michigan Department of Licensing and Regulatory Affairs (Marijuana Regulatory Agency) licensing rules.

P. Groundwater and Surface Water Protection

1. The standards for groundwater and surface water protection shall be complied with
2. Applicant has submitted a Disposal Plan for Product Destruction and Waste Management

SPECIAL LAND USE APPROVAL STANDARDS: SECTION 6.12

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

A. Allowed Special Land Use

The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed (CCD)

B. Compatibility with Adjacent Uses

1. A retail use is compatible with previous uses of the site and uses to the West, North, and South
2. Residential neighborhood is located on the same block and adjoins the property line to the East off Bedford St., totaling four properties.
3. Known exterior effects are limited to traffic and parking
4. Parking is provided
5. No outdoor storage is planned
6. No outdoor trash receptacles are proposed; trash will be managed from inside the building
7. Hours of operation are consistent with other nearby uses (8 AM to 9 PM Sunday through Saturday)
8. Exterior and Right-of-Way Maintenance plan was provided in Attachment D
9. See odor mitigation plan provided by MedsCafe as Attachment E
10. There were 0 letters or comments received from property owners within 300'

C. Public Services

Essential public services (fire, police, etc.) are available

D. Economic Well Being of the Community

1. No direct public costs are anticipated because there is no need for street, sidewalk or water/sewer improvements
2. Extensive improvements to the interior of the building are planned. An exterior vestibule is also planned to reduce energy costs and improve visual appeal of the building.
3. Surrounding landowners to West, South and North are also commercial uses and the use will not be detrimental to other commercial uses. Entrance and parking are not on the East residential side of the lot limiting visual impact; current fence blocks the loading area and must be maintained as noted.

Planning, Development, & Zoning

E. Compatibility with Natural Environment

1. No effect on natural resources
2. Landscape is unaffected and no changes are requested

F. Impact of Traffic on Street System

1. Retail use is expected to generate similar traffic to what other commercial uses in the area generate
2. The property shares a drive with the adjoining property

G. Non-Detrimental Standards

1. Applicant has submitted a Disposal Plan for Product Destruction and Waste Management
2. Odors are required to be controlled and an odor mitigation plan was provided

H. Consistent with Zoning Ordinance and Comprehensive Plan

A goal of the current City of Alpena Comprehensive Plan is to establish new commercial uses and redevelop vacant commercial buildings.

SUPPLEMENTAL DEVELOPMENT APPROVAL STANDARDS: SECTION 7.41

A. **Standards:** The location of the facility complies with the maps of allowed areas posted by the City of Alpena.

B. Submittal Requirements: Economic Benefits to Real Property; Physical Improvements to Property; Maintenance Plan

1. In addition to the site plan, applicant submitted documentation detailing planned physical improvements to real property to the interior and exterior of building, including an exterior vestibule and complete interior renovation; total construction costs equate to \$384,690.
2. Exterior improvements are planned per above
3. Applicant submitted a statement detailing a maintenance plan including daily cleanings, checklists, trash disposal, and exterior maintenance.

ADDITIONAL NOTES

Applicant is required to comply with the City Code of Ordinances (Medical Marihuana Facilities and Adult Use Marihuana Establishments) 21-467.

A license will not be issued until all required documents, permits, and certificates are verified and paid for.

427 W Campbell St – Proposed Site for MedsCafe











MBVS ENTERPRISES LLC DBA MEDS CAFE

Exterior and Right-Of-Way Maintenance Plan

Meds Cafe intends to keep all of our properties in excellent condition. We do this in part by utilizing the following checklist for our exterior maintenance and right-of-way plan:

Routine

- ☐ Gutters: Clear of debris
- ☐ Weed prevention on property (seasons may impact frequency)
- ☐ Sidewalk: Inspect for uneven pavement and cracks
- ☐ Trash and recycling: Pick up and emptying of bins
- ☐ Clean debris from the parking lot and any exterior area of property including sidewalks and any right-of-ways
- ☐ Keep sidewalks and any other right-of way free from snow and ice

Monthly

- ☐ Exterior lighting: Swap out faltering bulbs and ensure proper illumination across the property

Quarterly

- ☐ Facility exterior: Caulk cracks and inspect roof
- ☐ Windows: Check caulking around frames
- ☐ Exterior signage: Check for missing or damaged signs
- ☐ Exterior doors: Inspect for damage

Annual

- ☐ Building exterior: Pressure wash
- ☐ Salt and ice melt: Check supply and order materials in advance
- ☐ Painting: as needed

Meds Cafe also plans on contracting with outside services for the upkeep and maintenance of the property. For example, Meds Cafe will be utilizing local commercial snow and ice removal services to ensure our parking lot and sidewalks and all right-of-ways are always appropriately maintained.

ATTACHMENT E

Odor Elimination Plan

Meds Cafe intends on keeping odor to a minimum when operating at our facility. We intend on having a ventilation system in which would mitigate the potential cause for odors throughout the facility.

The multiple layers of odor control that Meds Cafe will install will be more than sufficient to mitigate all odors produced by the facility. These layers include a negative air pressure system, a carbon filtration system throughout the facility, odor ionizing technology, proper climate and humidity control throughout the facility and properly training employees on standard operating procedures.

Procedures

1. Staff Training Procedures

Meds Cafe has an extensive training program that includes training specifically for odor mitigation. The importance of keeping doors shut, changing carbon filters are among the other Standard Operating Procedures that all employees must follow. Meds Cafe will conduct monthly staff meetings and at these meetings we will discuss odor mitigation and discuss with all departments the importance of keeping up with the processes we have in place.

2. Record Keeping

A Carbon Filter Report Card, this card is maintained and filled out after every change by our manager on duty. Meds Cafe will have a supply of carbon filters on site that will be re-ordered by the manager to keep aligned with the facility maintenance program. If a filter needs to be changed sooner filters will be on premises to do so. If maintenance is needed it will be done immediately so as to not affect the surrounding areas at the Meds Cafe Facility.

3. Monitoring and Inspection

Every odor emitting room will be continuously monitored with daily inspections for odor. If a high volume of odor is detected by an employee, they will directly inform the manager. If a filter needs to be changed it will be done so at this time. If doors are not closing by themselves, doors will be fixed as soon as the problem is detected.

Technical System Design and Equipment Installation:

Our exhaust system will include carbon filters with a limited exhaust outside the premises. The purpose of this technology is to trap and reduce the amount of organic material in the air to lessen the amount of organic compounds in the air.

LEGAL DESCRIPTION:

427 W. CAMPBELL ST. A PARCEL OF LAND IN LOT 4 BLK 26 OF HITCHCOCKS 1ST ADD TO THE CITY DESC AS FOLLOWS: COM AT A PT IN THE NELY LINE OF W CAMPBELL ST 116.7 FT SELY FROM THE E LINE OF RIPLEY ST; TH SELY ALONG THE NE LINE OF W CAMPBELL ST 117.3 FT TO THE W LINE OF BEDFORDS ADD TO THE CITY; TH NLY ALONG SD LINE OF BEDFORDS ADD 223.3 FT TO THE NE COR OF LOT 4; TH WLY ALONG SD N LINE OF LOT 4, 100 FT; TH SLY & PAR WITH RIPLEY ST 164.3 FT TO THE POB ALSO THE ELY 1/2 OF THE SLY 16.5 FT OF LOT 5 BLK 26 ALL IN HITCHCOCKS 1ST ADD TO THE CITY

City of Alpena
Ordinance No. ____ of 2022

An ordinance to amend the City of Alpena Zoning Ordinance Article 3 (General Provisions), Article 4 (Signs), 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

(Additions in red text)

That the City of Alpena Zoning Ordinance, Article 3 (General Provisions) is hereby amended to read as follows:

Section 3.28 Fences and Walls

- B. **Commercial and Industrial Fences and Walls:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 3.28B: Add footnote to Front Yard: **Front yard fence setbacks do not apply to the Downtown Overlay District.**

That the City of Alpena Zoning Ordinance, Article 4 (Signs) is hereby amended to read as follows:

Section 4.5 Regulations by Zoning Districts: Office, Business and Industrial Districts

E. Temporary Signs

1. **Number and Size of Temporary Signs:** No more than two (2) temporary signs shall be allowed per commercial or industrial establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet.
2. **Portable Signs:** One (1) portable sign shall be considered the same as two (2) temporary signs and shall be no greater than thirty (30) square feet. The portable signs shall be permitted as a temporary sign for a period not to exceed fourteen (14) days in a one (1) year period. In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public.

(Re-number the following (A-Frame Signs) to #3 instead of "a" because A-Frame Signs will no longer fall under #2 (Portable Signs) above.

3. **A-Frame Signs:**

- (1) Shall be permitted by right in ~~all~~ **the DOD, CBD, WD, CCD, OS-1, B-1, B-2, B-3, P-1, I-1, I-2, and PUD districts. May be permitted in the B 1, B 2, B 3 and the OS 1 districts upon submittal of a request to the Zoning Administrator or Planning Director per the criteria listed below.**

- (2) No more than one (1) sign per business per street frontage ~~shall be allowed.~~
 - (3) ~~An annual no fee permit is required.~~ **No permit is required.**
 - (4) Must be constructed of durable materials
 - (5) Sign shall be removed when business is closed.
 - (6) Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. ~~Maximum spread between the two panels at the base shall be 2'6".~~ A-frame signs located entirely on private property may be a maximum of 3' in width.
 - (7) Must be located on or adjacent to the lot in which the business is located. Exception: If a building has no front yard the sign may be located on the sidewalk. ~~upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles. If located within the DDA District the Zoning Administrator must receive a recommendation from the DDA Director before acting.~~ **Signs located on the sidewalk shall provide at least three (3) feet of continuous pedestrian clearance.**
- Sign shall not be illuminated.
- (8) **Off-Premise A-Frame Signs:** Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator. ~~and DDA Director if necessary~~ **approval is also required if the sign is proposed within the DOD. See Section 4.8.**

- 4. Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

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

Section 5.13 Downtown Overlay District

B. Design Standards

14. Sidewalk Encroachment

- a. **Outdoor Seating:** ~~An outdoor seating area on the public right of way may be allowed if approved by City Council.~~ **See Section 7.28 (Outdoor Seating and Dining Service).**
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

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



Section 7.28 Restaurants with Outdoor Dining

~~Outdoor dining service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, subject to the following conditions:~~

- ~~A. Outdoor seating/dining shall be included as part of an approved site plan.~~
- ~~B. An outdoor cafe shall be allowed during normal operating hours of the establishment.~~
- ~~C. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m. (Ord. No. 94-242).~~
- ~~D. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.~~
- ~~E. Any outdoor seating located within the public right-of-way must be approved by the City Council.~~

Section 7.28 Outdoor Seating and Dining Service

Outdoor seating or dining service operated by a restaurant or other food or drinking establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

A. Private Property and Public Right-of-Way:

1. The request for outdoor seating or dining service may be included as part of the original site plan review for the business. If the request is made subsequent to the original site plan approval, a review and approval of a plot plan (at no cost to the applicant) is required prior to placement of any fixtures.
2. A zoning permit and/or building permit may be required, depending on the plot plan
3. The exterior of the premises shall be kept clean, orderly, safe, and maintained
4. Exterior food preparation may be permitted if approved by the Health Department
5. Outdoor seating and service shall be allowed during normal operating hours of the establishment
6. Outdoor seating and service may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.

B. Additional Requirements for Outdoor Seating and Service on the Public Right-of-Way:

1. Requests for outdoor seating on a public right-of-way (e.g. sidewalk, alley) may require review by City Council as determined by City Staff
2. Fences or railings are discouraged on sidewalks
3. A clearance minimum of three (3) continuous feet for pedestrian traffic is required on a public right-of-way
4. Business owner shall be required to list the City of Alpena as an additional insured

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 2022 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.

City of Alpena
Ordinance No. ____ of 2022

An ordinance to amend the City of Alpena Zoning Ordinance Article 3 (General Provisions), Article 4 (Signs), 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

(Additions in red text)

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

Section 5.11 WD Waterfront District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

Section 5.12 CBD Central Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

Section 5.14 CCD Commercial Corridor District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
ACCOMMODATION AND FOOD SERVICES	
Restaurants with Outdoor Dining (Dining public right-of-way)	S* R*

C. Development Standards

8. Sidewalk Encroachment

- a. **Outdoor Seating:** ~~An outdoor seating area on the public right of way may be allowed if approved by City Council.~~ See Section 7.28 (Outdoor Seating and Dining Service).
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

Section 5.16 B-1 Local Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S* R*

Section 5.17 B-2 General Business District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S* R*

Section 5.18 B-3 Commercial District

Change the following use:

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S* R*

Section 5.26 Use Matrix

Change 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																	
Restaurants with Outdoor Dining (Dining public right-of-way)							S* R*	S* R*	S* R*	S* R*	S* R*				S* R*		

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

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Mayor

Clerk

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

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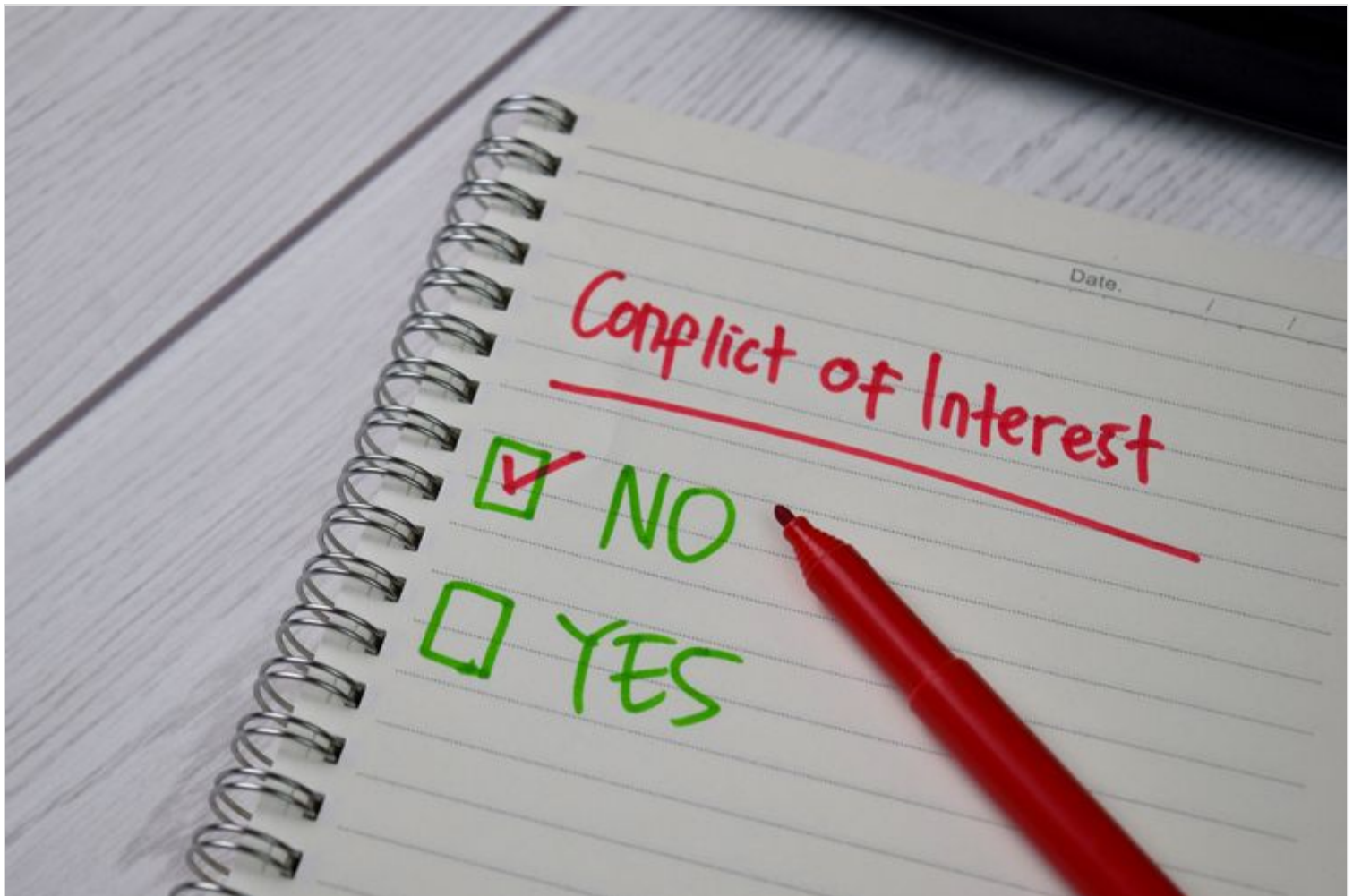
Appendix F

Conflict of interest rules apply to all communities, regardless of size

Brad Neumann, Michigan State University Extension - February 24, 2022

Updated from an original article written by Kurt H. Schindler.

Often a small community struggles to avoid a “conflict of interest” situation – particularly hard because of its small size. But there are not any exceptions or special dispensation due to the size of a community.



Most are familiar with the idea that a person in a government office should avoid conflict of interest. But sometimes in small communities that can be difficult.

A conflict of interest means a situation when one is making a decision in their government office capacity which is also impacting one's:

- Finances
- Relatives/family (employer/employees, business partner)
- Proximity (as it influences one's property value)

Courts and statutes have established the minimum standard which creates a conflict of interest. However, a local government or a government body (in its bylaws or rules of procedure) can raise the bar and set a higher standard for when a situation is considered a conflict of interest.

For example, "proximity" at a minimum means adjacent, as in next door. So if a member of a planning commission has his or her next door neighbor applying for a special use permit, that planning commission member would have a conflict of interest. But what about two doors or 300 feet away? Those would be the "higher standard" for when a situation is considered a conflict of interest. But it is not always good to raise the bar in this way. In a very small village, if everything within 300 feet is a conflict of interest, the village may constantly lose a quorum. So a community has to balance practicality with the level of standard before something becomes a conflict of interest.

The same type of balancing should be thought about for "relatives." Is it immediate family, extended family or third cousin twice removed? The same issue exists between what is pragmatic and the level of standard before something becomes a conflict of interest. There will be communities where the definition of "relatives" may result in constantly losing a quorum to be able to conduct business.

For a planning commission or zoning board of appeals, Michigan law does not provide for, or give any special dispensation due to the size of a community, or the likelihood there may be more or less opportunity for conflict of interest to exist. Michigan State University Extension land use educators receive questions from time-to-time from individuals who are looking for some exception or special consideration from these rules because their community is small. Those types of exceptions or special considerations do not exist for planning commissions or zoning boards of appeals.

(The rules about conflict of interest can be different for elected bodies. For example, a county commissioner shall not be interested directly or indirectly in any contract or other business transaction with the county unless the contract or transaction has been approved by 3/4 of the members of the county board of commissioners [MCL 46.30].)

When one has a conflict of interest that does not preclude one from serving on a board or commission, it does mean for that particular case, the member with the conflict does not vote, discuss (in or outside the meeting), or participate at the meeting (e.g., leaves the meeting room) for that agenda item. If the member has interests that need to be represented on that agenda item, it is done through an agent (spouse, lawyer, friend or other person).

“Incompatible office” is different. It is when one person holds two public offices, and one office is subordinate to the other, or one office is responsible for a contract relationship, or negotiation, with the other. In those instances, the person cannot hold both offices, and must resign from one. (Some prosecuting attorneys will say the first office is automatically vacated upon appointment to the second office, whether the person intended to do so or not.) So, consideration of a possible incompatible office may be an important consideration by an elected body when appointing someone to a planning commission or zoning board of appeals. Also, there are some exceptions to incompatible office situations. Exceptions to the incompatible office rule are the ex officio member(s) of a planning commission (that also serves on the legislative body) (MCL 125.3815(5)), the ex officio member of the zoning board of appeals (that also serves on the planning commission) (MCL 125.3601(4)) and the ex officio member of the zoning board of appeals (that also serves on the legislative body) (MCL 125.3601(6)). (The rules about incompatible office can be different for elected bodies. For example, a “public servant” can be emergency medical service personnel if in a local government with a population fewer than 25,000 [MCL 15.323a]. Other exceptions exist for public servants that work less than 25 hours per week and other considerations [MCL 15.323], and a list of other miscellaneous exceptions [MCL 15.183], none of which generally apply to planning commissions and zoning boards of appeals.)

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