



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

Planning, Development, & Zoning

City of Alpena Planning Commission

Regular Meeting

Tuesday, April 12th, 2022 @ 6:00 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; ROLL CALL; PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES - Regular meeting March 8, 2022

PUBLIC HEARING AND COMMISSION ACTION

- 1. Rehearing of Case # 22-Z-02 427 W Campbell St – Special Land Use**
Approval Standards Provided (Appendix A)
Original Finding of Facts and Plan Documents (Appendix B)
- 2. Case # 22-Z-03 1102 Ford Ave – Conditional Rezone**
Approval Standards Provided (Appendix C)
Finding of Facts and Plan Documents (Appendix D)
- 3. Outdoor Seating & Dining Service Zoning Text Amendment (Appendix E)**

BUSINESS

- a) UNFINISHED:** none
- b) NEW:** Marina Plan Presented by Shannon Smolinski – Requesting recommendation to send to Council (Appendix F)
- c) COMMUNICATIONS OR REPORTS:** none
- d) CONTINUING EDUCATION:** none

PUBLIC COMMENT

MEMBER COMMENTS

ADJOURNMENT



MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
March 8, 2022
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

PRESENT: Boboltz, Gilmore, Kostelic, Bauer, Peterson, Wojda, VanWagoner

ABSENT: Sabourin

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development, and Zoning Director), Donald Gilmet (Contractual Staff, appeared virtually at 7:01 pm), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting February 8, 2022, minutes were approved as printed.

Joint meeting for Capital Improvement Project February 16, 2022,
were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

Boboltz gave everyone in attendance an overview of how the meeting will proceed. Given the number of people in attendance, Boboltz suggested that he may impose a time limit for public speakers if needed.

Case # 22-SU-01 – Kevin Currier, on behalf of Neighborhood Provisions, has requested a Special Land Use permit to allow for the sale of Adult Use marihuana at Neighborhood Provisions, located at 909 W. Washington Avenue.

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

Boboltz reiterates that the first petitioner for the Special Use permit, Neighborhood Provisions, has already been approved for Medical Marihuana sales in November of 2021, and the reason

he did not acquire a Special Use permit for Adult Use marihuana was because the city had not passed an Ordinance for Adult Use yet. He explained that all property owners within 300 feet of the proposed facilities received a letter notifying them of the public hearings for said facilities. He stated that staff has received a letter of opposition from someone who grew up next to the proposed second facility and a petition of opposition signed by 16 people. Out of the 16 people who signed the petition, five signers who live on Bedford Street indicated that they did not want approval for either facility, and that no letters of opposition we received for 909 W. Washington Avenue.

FAVOR: Kevin Currier, part owner of and representing Neighborhood Provisions, 909 W. Washington Avenue, presented the board with his intentions of seeking a Special Land Use permit to allow for the sale of Adult Use marihuana in addition to Medical marihuana, at the current facility Neighborhood Provisions, which will open its doors soon. He said his family has been working hard on the facility and want to do things the right way so that the City can look back and see that all the time that they (City) have put into it has paid off. He stated that they want to do things not just for the business or the Cannabis industry, but for the City and its citizens.

Michael Cramer agreed that it would be high time for the city to catch up with the rest of the State and it would prevent him from having to drive long distances to obtain the Cannabis that he uses for his cancer treatment and his wellbeing. He said it looks like a nice facility in a good area, there shouldn't be any objection and he is looking forward to it.

OPPOSITION: Robert Bruning addressed the Board and stated he is the one who started the petition, and the 16 people he got to sign the petition were the ones he was able to collect in about an hour. He said he has a daughter that attends Ella White school, another that attends U of M, and another in Grand Rapids. Bruning stated he is concerned about pot smokers walking up and down the street, whether smoking it or intoxicated by it, in our DARE community, where our children have been taught about the dangers of drugs. Just because it is legal, does not make it safe. He said he is concerned about people driving under the influence of drugs. He inquires if our local law enforcement is capable of handling the infractions of anybody who might be under the influence and will they have test kits and training in their car for this; is there a legal limit like with alcohol; what about this being located along a parade route. Bruning said he is furious that this facility might come to his neighborhood, and why can't it go outside of town where there are more businesses and less homes. He said he knows the State ordinance is 1000 feet from a school, and his house is 1584 feet from the school, and he felt 584 feet is nothing for the people who are going to be travelling back and forth. He said we should be concerned about the safety of the crossing guards at the school as well. He hoped the Board would get those answers before this is approved. He said he does not have a problem with Medical Marihuana use and does not think anybody that signed the petition does, and he just does not want a bunch of people running around that are high. He felt his kids will not be safe and he is thinking of moving altogether because of this new pot store.

Darv Walmsley said he has lived in the neighborhood of Bedford Street for over 50 years, and it is a very nice neighborhood with a lot of senior people who live there, along with some newer families with younger children. He said his wife was a schoolteacher at Ella White for over 40 years, so he has a pretty good idea what goes on with the younger population. Having a facility like this on Campbell Street, which is relatively close to the school, the students will walk by and smell it. He said he is not in favor of it because it is right at his front door. He said he feels it is going to devalue his home.

Jamie Beaubien, student at University of Michigan, said she grew up in a home on Bedford Street that is within 300 feet of the potential marihuana facility on Campbell street. She said the news of another dangerous substance shop located near her childhood home is extremely frustrating and disappointing. She has always thought of Alpena as a city that values its children and overall wellbeing of its citizens, but feels these future plans do not reflect that. She said Ann Arbor has a total of 24 pot shops, some very close to campus, and she is frequently congested due to the exposure of smoke in the air. She felt that the laws in place to keep individuals from smoking in or near the neighborhood will not be upheld, as evidenced by what is going on in other cities. Beaubien felt that a marihuana shop should not go within 300 feet of a neighborhood, the safety of that neighborhood would come into question, and that allowing the two shops would create a domino effect, eventually allowing many others. She wanted the board to consider the connection between the increase drug use and crime rates because she is certain that the crime rate will increase. She expressed concern over her little sister possibly having to live in similarity of those children in the unsafe areas of Detroit. She believed Alpena should stand up and be a city that differentiates from all the rest, and we should do all that we can to fight for a safe and morally just community.

With no further public wishing to speak, the public hearing was closed for deliberation at 6:30 pm.

Wojda said that the Planning Commission and City Council identified long ago what locations would be acceptable for these sorts of facilities, and when they did that they tried to bear in mind the community's needs, interests, needs of children in the community, the needs of the overall wellbeing of the citizenry, and those were all things that were thought about when they put together the standards for locations that would be allowed to house recreational marihuana facilities; this location meets those standards. Wojda went on to say that the traffic of course will increase, although he felt it would not be unmanageable; the building is located in an area with a lot of commercial activity; it was historically used for retail sales and he viewed that as consistent; he felt it is better for the economic wellbeing of the community to have occupied spaces rather than vacant spaces. He went on to say that DARE is about teaching kids not to abuse drugs in an unhealthy way, that doesn't mean we don't allow bars in the community or prohibit people from possessing prescription drugs or medical or recreational marihuana in a lawful manner; we are discouraging abuse of those drugs and teaching healthy habits.

Bauer verifies that it will not be a grow facility.

Kostelic said she believes that the location on Washington will not be the single impact of increased traffic, and agrees an occupied building is better than a vacant one in the long run.

Boboltz felt that many of the issues brought up tonight have already been put to rest back at the November meetings when City Council was debating and had Planning Commission involved, whether to approve or allow an Adult Use Ordinance, and that included input from our city police. He stated he understood that not 100 percent of the population voted in 2018 for the legalization of marihuana. He went on to describe his research at a facility of the same nature in a different community, which appeared secure.

Peterson then echoed Boboltz sentiments. She stated the facilities she has been in were clean, odor free, secure, professional, some of the nicer buildings in the area, and she had never seen anyone using the product within the area of the building. She said that if there might be an uptick in crime or concerns with substance abuse, correlation does not equal causation, and it does not mean that it is due to these facilities in our community.

Boboltz stated that he understands that the second public hearing of this meeting might have different issues than the one currently being discussed. He entertained a motion.

Wojda motions to adopt the findings of fact in Appendix B, with the clarifications as follows:

Item A: That the location of the building complies with the maps of areas allowed and posted by the City of Alpena.

Item B.1: That the economic benefits, physical improvements to the property, and maintenance plan have been demonstrated by the applicant; add that the building was historically used for retail sales and services, and the surrounding uses include an existing smoke shop in a different location.

Item B.8: Amend to reflect there was a petition with 16 signatures generally opposing; a letter in opposition; and numerous comments from citizens who are opposed and some who are in favor.

Item D: Add that it is better for our community economically to have occupied spaces as opposed to vacant facilities.

Item F: Amend that it will increase traffic, but our system can manage that traffic increase.

Item G: Add that odors are required to be controlled under the Ordinance.

Apart from those items, Wojda ***motions*** to adopt the findings of fact and approve the petition of Neighborhood Provisions for Adult Use Marihuana.

Motion ***seconded*** by Kostelic.

Motion passed to **approve** the Special Land Use permit to allow Adult Use Marihuana sales at 909 W. Washington Avenue, by a vote of 7-0.

Case # 22-SU-02: Brock Johnson, on behalf of Venture 245, LLC, has requested a Special Land Use permit for the sale of Adult Use marihuana, at the proposed Meds Café, located at 427 W. Campbell St.

Johnson introduced himself as a local resident representing Meds Café and has been the contractor for four other facilities similar to this in four other communities: successful builds, successful projects, no issues, and a lot of fun with clients. He asked the clients if this came to be a viable option in Alpena, and if he could get a building, would they come and join him since they already have the network, the distribution, the safety policies, and all the controls in place. Once they granted him permission to proceed, he secured the former Northern Tool building, which was already retail use, same traffic, looked like a great facility, would be larger than they would need and would be able to remodel it to make it work for a dispensary type facility. He said they are very happy to have this in Alpena, have followed all the rules and guidelines, and look forward to being another business in the area.

Montiel Birmingham presented the Finding of Fact report. (See Appendix A & C).

Boboltz expressed his concern over the current lighting in the parking lot and suggests that lighting upgrades be added as an additional condition to move forward.

FAVOR: Michael Cramer told the Planning Commission that there are some websites that they could go to, put together by the National Organization for the Repeal of Marihuana Laws. On those sites, there is a spot that lists different specific allegations and if you click on it, it gives you the actual facts with reference to National and International studies.

OPPOSITION: Matt Leavesley said he cannot think of a less than ideal place to put a business like this. He said he knows the intersection of Ripley and Campbell very well, he uses it every day, and it is an extremely tricky intersection no matter what is in there. He felt that when Northern Tool was in there, the business was waning, hence minimal traffic; but, now they are talking about leasing to another business which we don't know what that is yet, and putting this business in there, which would make it the third smoke shop, second marihuana shop in a very small diameter in this very close knit and residential community, and this one is literally going to go within feet, spitting distance, of resident's backyards. He stated he understands the technicalities of where something like this can go, but we all know this is not the same kind of retail business that Northern Tool was. He felt it incredibly unwise to put a business like this right on the property lines of those residents, and personally could think of dozens of other locations that would be much better suited. He said in terms of vacant buildings, if this business does not go in there, it doesn't mean another one isn't going to want to go in there that would be much better suited for that particular area. He said the issue isn't so much

whether it is allowed there but is it wise, and is it the best place for the community for this particular business to go. He submitted that he does not think that is that case and when you look at the other variables such as this being the second business within walking distance, and selling something that not so long ago was considered a harmful drug. He stated he recognizes the reasoning of the other Medical Marihuana facility wanting to sell Recreational as well, because it will bring in a larger clientele, as will this one, and it will make that intersection chaos.

Robert Bruning returned to the podium to stand by his comment from earlier about the building codes; he does not think anybody has any problem with what goes on inside the building, but what happens when it comes outside the building after being sold to irresponsible people. He said this is a different type of commodity with a different type of people coming into our neighborhood. He questioned if there would be a higher law enforcement presence because of these shops, what the entrance and exit situation would be, will traffic be allowed to exit on our side streets, and we don't want that kind of traffic running up and down our streets possibly allowing people to be dropping stuff out of their pockets. He said we cannot split hairs about the DARE program, say we are a DARE community, and then turn around and set up pot shops; it doesn't make it right and it doesn't make it safe.

With no further public comment, Boboltz closed the public hearing to deliberate at 7:10 pm.

Kostelic said she does not live far from the area in question, and she agreed that the intersection is very busy and tricky to maneuver out of at times. She also agreed that the location is zoned correctly, but she goes back and forth about the location as it does encroach into the neighborhood a bit, it is close to Ella White school and she is not against the shop he wants to open, but she is open to the idea of discussing a different location.

Peterson agreed that the traffic, even with Ella White's restructuring of the parking lot, but with dismissal and arrival to the school, the railroad tracks near the other shop, a lot can happen during Alpena's version of "rush hour", and she wanted to be mindful of that as they were making the decision. She also agreed that with the number of locations in such a small parameter, they need to look at the full picture, and not just pigeonholing a certain neighborhood in Alpena to be where Provisioning centers are occurring.

Wojda agreed that the intersection is a tricky one with a weird angle, and he was very concerned about the impact of traffic on that neighborhood intersection. He said as opposed to the other applicant, although it meets our standards, he is also troubled that it butts up to residential backyards; but, when they look at other factors and compatibility with adjacent uses, he can't ignore the fact that there are houses in the backyard. He said those are the two big things he is struggling with. He said it does meet all of the standards, it is a good plan, but he doesn't know if it is a good plan in the right place.

VanWagoner asked if there is a provision in the Ordinance for a business of this nature and how close it could be to a residence. Birmingham replied that it does exist in other Ordinances, but not currently in ours.

Boboltz said that they are up against a situation that is not very comfortable because the City, and the Planning Commission to a certain extent, went as far as getting this Ordinance put together and it appeared to him that the language does not include anything saying that a facility like this has to be some distance from a residential neighborhood. He was unable to say whether it had ever been discussed to put that type of restriction in place, or if it had been but decided against. He stated that it troubled him. He said he hadn't previously given the intersection a lot of thought, but he agreed that the intersection, particularly turning left, can be a real bear. He also agreed that the petitioner has met all requirements, and this Special Use permit, if approved in essence, is the final word on it – it does not have to go to City Council for approval. He said that doesn't mean that if we did approve it with all the objections from the public that the City might not reconsider some additional language to that Ordinance, but it surely puts the petitioner between a rock and a hard place.

Wojda stated that we still must consider the factors here – it is not just a matter of it meeting the standards and therefore it is approved. He stated that there is nothing that says there must be a certain setback from residential uses, but that comes into play under the second factor – compatibility of adjacent uses. Wojda went on to say that there is certainly a commercial stretch of businesses along there, so from that perspective, it is compatible with those adjacent uses along the Ripley Street corridor, but the other side of the property is people's back yards and that is a concern. For Wojda, he says if you look at the factors, a lot of them weigh in on approval, but there are two that weigh against, and do those two outweigh the others.

Gilmore asked Johnson what the estimated volume of traffic would be in one day. Johnson says about 20 to 40 vehicles. He stated that at the other facilities, they only have one way in and one way out, and this location has two. He said the reason for selecting the building was because it is in a high traffic area.

Wojda asked what Johnson's plan is for the parking lot entries and exits. Johnson says it meets the curb cut requirements for entry and exit for both.

Boboltz said one of the lot approaches is only gravel and in poor condition. Johnson replied that they have every intention of putting their parking spaces in and of course, as soon as we get warmer temperatures, putting up the signage, striping, and everything for the exterior.

VanWagoner said he has no problem with the traffic on that street as he plows snow across the street and never has an issue, but if we made provisions to keep it away from schools and churches, yet there are kids living right next door to this, he has a problem with that.

Kostelic said she could not, in good faith, move forward with this approval because of the location.

Bauer stated that she does not recall any conversation about limiting these facilities around residential neighborhoods – that it was always schools, churches and The Boys and Girls club. She asked Wojda if there was enough to not pass it, given the ordinance. Wojda replied that it is not about a certain number of tally marks on either side, it is a matter of how you weigh them.

Johnson said he owns other businesses that are also adjacent to residences as well, and he doesn't know of many businesses in town that don't butt up to residential areas.

Wojda ***motions*** to adopt the following findings in Appendix C:

Section 6.12

Item A: That the applicant property is located in a zoning district that would allow this special land use.

Item B: The building has a history of commercial use, although compatible with some neighboring properties, it is completely incompatible with other neighboring properties and that weighs strongly against approval.

Item C: Public services are available and that weighs in favor.

Item D: Economic wellbeing is served by having a business in place, that there would be no direct public costs associated.

Item E: Compatibility with Natural Environment weighs in favor.

Item F: The impact of traffic on the street system weighs against approval in that this is a unique intersection.

Item G: Non-Detrimental Standards are compatible.

Item H: Consistency with Zoning Ordinance and Comprehensive Plan is compatible.

Section 7.41

Item A: Standards are compatible with the maps of allowed areas

Item B: Meets all submittal requirements of our supplemental development standards

Based upon the two most important factors, the compatibility with adjacent uses and the impact on the traffic street system, Wojda moves to find that those factors outweigh the other factors that weigh in favor of approval, that they in turn, DENY the request for the Special Land Use permit.

Motion ***seconded*** by Bauer.

Yeas: Wojda, Peterson, Boboltz, VanWagoner, Bauer, Kostelic

Nay: Gilmore

Motion to **deny** Special Land Use approval for the sales of Adult Use Marihuana at 427 W. Campbell Street, passed by vote of 6-1.

Gilmore recommended that City Council revisit that Ordinance to mitigate another situation like this from happening again. Boboltz agreed and said sooner rather than later. Birmingham acknowledged.

Outdoor Seating and Dining Service Zoning Text Amendment

Birmingham presented an overview of the ordinance (See Appendix D).

Bauer asked Anne Gentry, Downtown Development Authority, if they wanted to keep the fence language. Gentry stated that they had a board meeting, with a few board members in favor of having fences; they decided to keep it in the language as discouraged. Bauer said it was not a deal breaker for her but felt it should be clarified to say what kinds of materials can be used, if we are worried about safety. Boboltz also shared that he was concerned about the language. Bauer mentions that the City does not have a bike Ordinance, so the sidewalks are being shared with all kinds of pedestrian traffic; also, if we are worried about safety, saying that fences are discouraged and letting certain materials remain, it is not safe. Birmingham replied that the City currently does not have specific language regarding the material, but it does state that it must be kept clean, orderly, safe and maintained.

Boboltz reiterated that all other changes the Planning Commission had wanted from the previous meeting, had been made.

With no further discussion for or against from public or the Commission, the public hearing was closed for deliberation by Boboltz at 7:40 pm.

Bauer **motions** to approve the amendment to the Zoning Ordinance for Outdoor Seating and Dining Services in Articles 3, 4, 5, and 7.

Peterson **seconded** the motion.

Motion passed by vote of 7-0.

NEW BUSINESS: Birmingham explained to the Commission that she found in the Zoning Ordinance the requirement of a Special Land Use permit for outdoor dining in a public right of way. She says one of the objectives in the Master Plan is to encourage businesses to use outdoor spaces, with the example given of Sidewalk cafes. She suggested allowing them by right, and not requiring the Special Land Use permit. She stated that if the City were to do that, it would affect the Waterfront District, Central Business District, Commercial Corridor District,

B-1 Local Business District, B-2 General Business District, and B-3 Commercial District; this Ordinance would require the application to be submitted with a plot plan. If within the DDA, Birmingham would review it as well as Gentry and her team with the DDA. If not within the DDA, Birmingham would review it for any type of signage, seating, or benches.

Kostelic ***motions*** to move forward with Appendix E, which eliminates the requirement for a Special Land Use permit for outdoor dining on a public right of way.

Wojda ***seconded*** the motion.

Motion ***approved*** by vote of 7-0.

CONTINUING EDUCATION: Birmingham presented the board with some continuing education opportunities as follows:

Conflicts of Interest – obtained by MSU Extension

Great Lakes Coastal & Zoning E-mail Course (free of charge)

PUBLIC COMMENT: Michael Cramer said that the decision for the cannabis shop on Campbell Street is an issue as much for the building as it is for the business. He said that if the traffic is that bad at the area, and it keeps coming up as an issue, that will have to be rectified before any business takes on that building at all. He felt it not fair to put that on the cannabis shops shoulders, it is the City's problem if it is really a dangerous intersection. His second point was that if everyone is so emotional about the location of the business near residential areas, they should visit the website he mentioned earlier in the meeting. He said it has been emotionally overblown by the hyperventilation of the war on drugs. He said he thinks the City should reconsider their decision to allow the business on Campbell Street.

With no further business to discuss, the meeting stood adjourned by Randy Boboltz, Vice-Chair, at 7:51 pm.

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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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.

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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: VENTURE 245 LLC
PROPOSED USE: ADULT USE MARIHUANA RETAILER (MEDSCAFE)
DISTRICT: CCD
REVIEW DATE: 2/18/22, 4/7/22
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).

Additional information has been added to address discussion points from the Planning Commission meeting and are called out in blue font and dated 4/7.

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.

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4/7 Update: North end of the parking lot is not paved; the section of the lot to the north of 435 W Campbell (Alpena Dry Cleaning) is not owned by the applicant. Per Section 3.30.E.12.b within Circulation & Parking: Surface: An entire parking area, including parking spaces, maneuvering lanes and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick or other similar hard surface which meets drainage requirements in accordance with specifications approved by the City. The parking area shall be surfaced prior to the issuance of a permanent certificate of occupancy. In those instances where a parking area is non-conforming, the expansion or significant improvement of the use of the land or structure shall require the paving of such parking area to conform with this Section. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash and debris. **Recommendation for Condition of Approval:** Site plan should be revised to include paving of any currently unpaved areas of the applicant's site, as well as the 435 W Campbell location, subject to agreement by 435 W Campbell property owner.

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
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.

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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. and 3.28.C.3.
4/7 Update: Loading areas adjacent to residential require a 6' high fence and must comply with required materials and spacing noted in section 3.28.C.3. Current fence is 6' high.

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
4/7 Update: Recommendation for Condition of Approval: Any future modifications to outdoor lighting shall comply with Section 3.27 Exterior Site Lighting, particularly 3.27.B.3, and shall not negatively affect adjoining property.

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.

Update 4/7: Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance

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as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

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 Meds Cafe as Attachment E
10. There were 0 letters or comments received from property owners within 300'
 - a. **4/7 Update:** After finding of fact was completed for 3/8 meeting and before 3/8 meeting took place, one letter was received from a resident opposed to the special land use and a petition of opposition was signed by 16 people; this was documented in the minutes of the meeting. On 4/8, additional petitions were received: (1) a Change.org petition with 331 signatures and (2) a petition with 47 signatures (3) a petition with 8 signatures.

C. Public Services

1. 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.

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
3. **4/7 Update:** Traffic accident information was gathered by the City of Alpena. Recorded traffic accidents at this intersection are as follows: 2017 2; 2018 1; 2019 1; 2020 2; 2021 1. Additional information on general traffic patterns were requested from the City Engineer and are included in the appendix.

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.

4/7 Update:

Economic Development: Objective B: Attract a diverse mix of new businesses. (8) Revitalize the City's central business district, including redeveloping its commercial corridors (e.g., Ripley Boulevard, Chisholm Street, First Avenue, etc.)

Housing: Objective C: Protect the neighborhood character of residential areas. (1) Require buffers or transition areas between residential and non-residential uses, while allowing for the continuation of existing neighborhood small businesses.

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.

From: [Shultz, Steve](#)
To: [Birmingham, Montiel](#)
Subject: RE: Traffic and Infrastructure Information
Date: Friday, April 8, 2022 1:26:13 PM
Attachments: [image001.png](#)
[image002.png](#)

I am so sorry. Here you go:

The nearest identified crosswalk is on the City Bi-Path at the intersection of Campbell and Ripley about 150 feet away.

The nearest signal controlled crosswalk is at the corner of Washington and Ripley, about 1000 feet.

It's one of our busier intersections, mostly because of the Ripley traffic and it's proximity to M-32. It is ranked 36 out of 375 intersections just for the number (not severity) of accidents (12 between 2011-2019 from my records) (ordered most to least).

Traffic counts were performed in 2021, but they are not ideally located to present useable data for this intersection.

Campbell between 1st and 2nd (7 blocks SE) – 600 cars per day

Campbell between old Washington and June (2 blocks NW) – 1600 cars per day

Although it's not a 90 degree intersection, all the buildings are back away from the sidewalk and no trees hinder the ability to see traffic approaching and determining when it's safe to proceed for vehicular or pedestrian traffic. I have never fielded a complaint about traffic stacking waiting an inordinate amount of time to access Ripley from Campbell or to turn onto Campbell from Ripley in any directions.

If you need anything else, let me know.

Stephen J. Shultz, P.E.

City Engineer



208 North First Av

P: 989.354.1730

F: 989.354.1709

From: Birmingham, Montiel <montielb@alpena.mi.us>
Sent: Friday, April 8, 2022 12:37 PM
To: Shultz, Steve <SteveS@ALPENA.MI.US>
Subject: RE: Traffic and Infrastructure Information

Hey Steve...just wondering if there was anything you were able to find on the below. I am planning

NEW PROVISIONING CENTER
MED CAFE ALPENA
427 W. Campbell Street
Alpena, MI 49707
Owner: Venture 245, LLC.

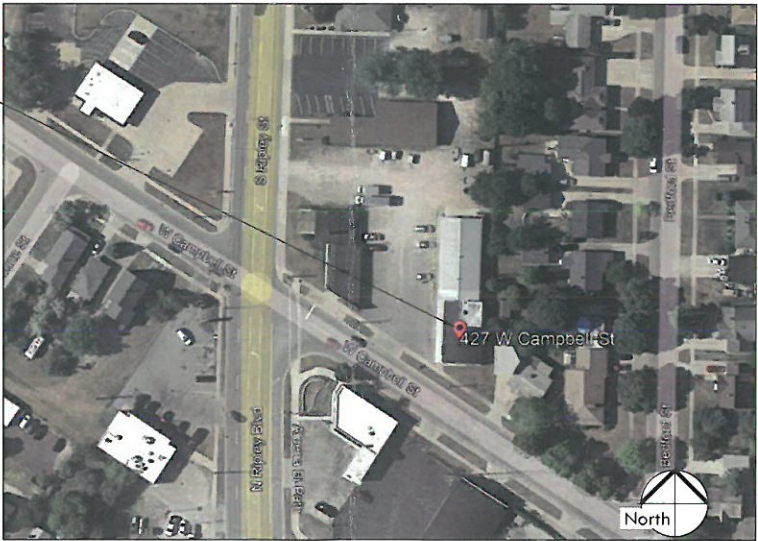
DESCRIPTION	DWG #	SHT #
COVER	T1.0	1
REFERENCE SHEET	T2.0	2
DEMOLITION PLAN	A1.0	3
FLOOR PLAN AND REFLECTED CEILING PLAN	A2.0	4

BUILDING DATA

1.	OCCUPANCY CLASSIFICATION:	USE GROUP	SQUARE FEET
		M	4,000 SF
2.	TYPE OF CONSTRUCTION:	5B	
	TABLE 601-FIRE RESISTANCE RATING FOR BUILDING ELEMENTS:	0 HOURS	
	TENANT SEPERATION WALL RATING:	2 HOURS	
3.	BUILDING AREA/HEIGHT:	CODE REQ'D	PROVIDED
	BUILDING AREA:	9,000 SF	4,000
	BUILDING HEIGHT:	40 FT	25 FT
	STORIES:	1	1
4.	CODES:		
	2015 MICHIGAN REHABILITATION CODE		
	2015 MICHIGAN BUILDING		
	2015 MICHIGAN MECHANICAL		
	2015 MICHIGAN PLUMBING		
	2017 NATIONAL ELECTRICAL CODE		
	MICHIGAN BARRIER FREE, ANSI 117.1		
5.	FIRE PROTECTION:	NOT SPRINKLED	
6.	SPACES REQUIRING RATED WALLS:	NONE	
7.	OCCUPANT LOAD:	USE	CALCULATION
		MERCHANTILE	(4,000) / 160 GROSS = 25
8.	EGRESS:	REQUIRED	PROVIDED
	TRAVEL DISTANCE:	200' MAX	87'
9.	PLUMBING FIXTURES FOR OCCUPANCY LOAD OF 25	PER MPC TABLE 403.1	
		REQUIRED	PROVIDED
	UNISEX - WATER CLOSETS	2	2
	LAVATORIES	2	2
	SERVICE SINK	1	1
	DRINKING FOUNTAIN	1	1



AREA MAP
NOT TO SCALE



LOCATION MAP
ALPENA COUNTY, MICHIGAN

GENERAL NOTES

THE CONTRACTOR SHALL CALL "MISS DIG" TELEPHONE 811 A MINIMUM OF 3 WORKING DAYS PRIOR TO STARTING ANY CONSTRUCTION ON THIS PROJECT. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" SYSTEM.

THE EXISTING UTILITIES ON THESE DRAWINGS HAVE BEEN SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. CONTRACTOR SHALL FIELD LOCATE ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND SHALL NOTIFY THE ENGINEER AS TO WHERE POSSIBLE CONFLICT EXISTS.

ALL PRODUCTS SHALL BE MANUFACTURER'S BEST BRAND OR GRADE AND INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS.

ALL WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM THE DATE OF FINAL PAYMENT.

CONSTRUCT ALL MATERIALS STRAIGHT, PLUMB, AND LEVEL UNLESS SPECIFICALLY NOTED OR INDICATED OTHERWISE.

ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH FEDERAL, STATE, AND LOCAL - CODES, RULES, AND REGULATIONS.

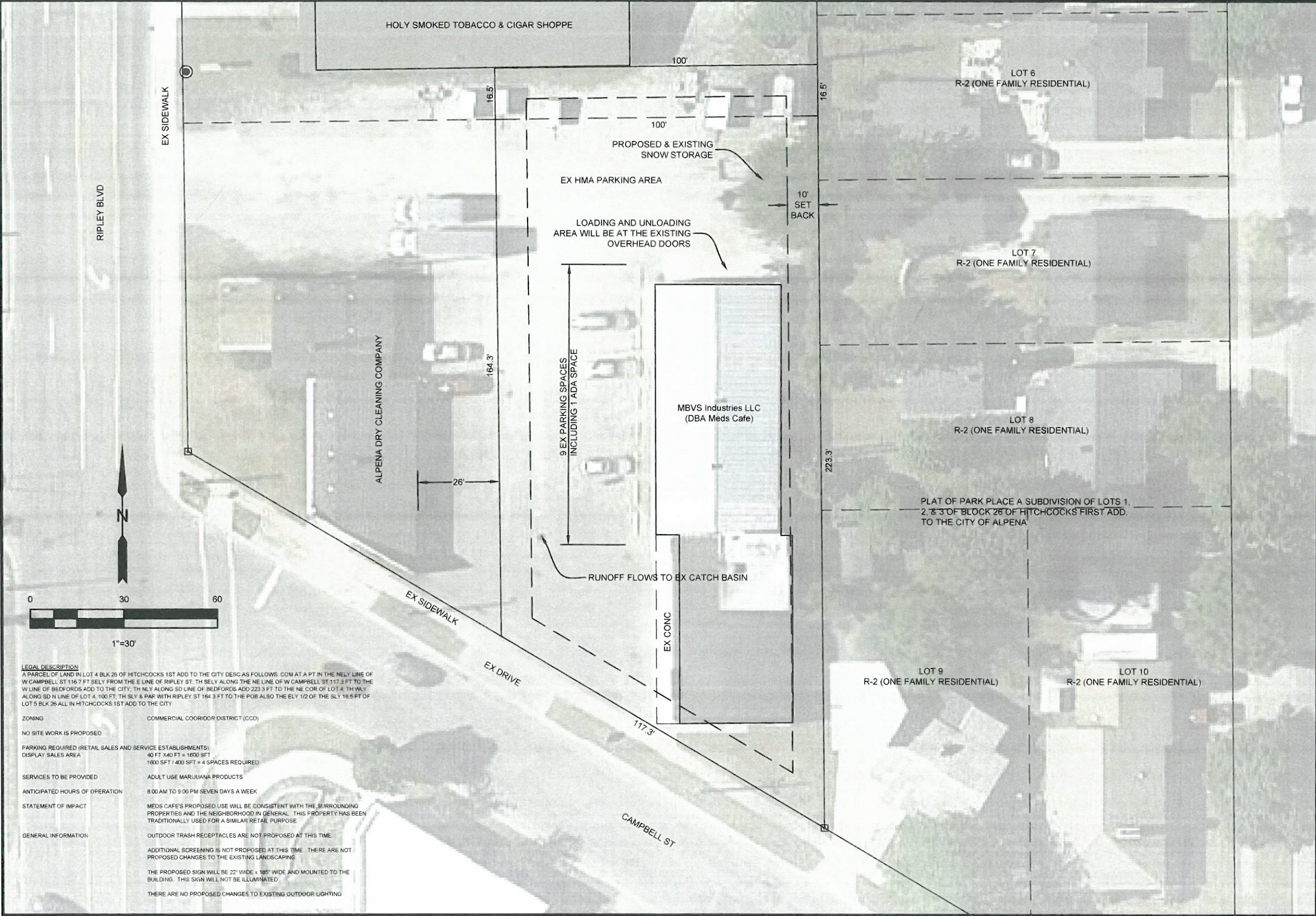
ALL MATERIALS SHALL BE INSTALLED IN CONFORMANCE WITH INDUSTRY STANDARDS AND THE ASSOCIATION THAT PERTAINS TO THE PARTICULAR PRODUCT. FOR EXAMPLE, AISC - AMERICAN INSTITUTE FOR STEEL CONSTRUCTION. USE THE MOST CURRENT EDITION WHEN REFERRING TO INDUSTRY STANDARDS.

SITE PROTECTION: THE CONTRACTOR WILL BE RESPONSIBLE FOR PROTECTING ANY AND ALL ADJACENT EXISTING STRUCTURES AND UTILITIES DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING CONSTRUCTION SHALL, AT A MINIMUM, BE RESTORED TO A STATE EQUAL TO ITS PRE-CONSTRUCTION STATE AT THE CONTRACTORS EXPENSE.

SITE RESTORATION: ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED ON THE PLANS AND IN ACCORDANCE WITH THE SPECIFICATIONS. ALL SEEDED AREAS SHALL RECEIVE A MINIMUM OF 3 INCHES OF TOPSOIL UNLESS OTHERWISE NOTED. THE RESTORED AREAS SHALL BE MAINTAINED UNTIL VEGETATION IS WELL ESTABLISHED. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT WILL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

BY	MARK	REVISIONS	DATE
THE WORK REPRESENTED BY THIS DRAWING WAS DESIGNED BY THE ENGINEER FOR THIS SPECIFIC APPLICATION AND SPECIFIC LOCATION DESCRIBED HEREIN IN ACCORDANCE WITH THE CONDITIONS PREVALENT AT THE TIME THE DESIGN WAS DONE. THE ENGINEER DOES NOT GUARANTEE AND WILL NOT BE LIABLE FOR ANY OTHER LOCATION, CONDITION, DESIGN OR PURPOSE.			
427 W. Campbell Street, Alpena, MI 49707			
COVER			
DE. BY:	DSB	CH. BY:	DSB
DR. BY:	DSB	APP. BY:	DSB
STDS.		SHEET 1 OF 4	T
DATE	DEC 2021		2
SCALE			

ACAD FILE: PG. F.B. RET. PLOTTING SCALE:



LEGAL DESCRIPTION
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 165 FT OF LOT 5 BLK 26 ALL IN HITCHCOCKS 1ST ADD TO THE CITY

ZONING
COMMERCIAL CORRIDOR DISTRICT (CCD)

NO SITE WORK IS PROPOSED

PARKING REQUIRED (RETAIL SALES AND SERVICE ESTABLISHMENTS)
40 FT X 40 FT = 1600 SFT
1600 SFT / 400 SFT = 4 SPACES REQUIRED

SERVICES TO BE PROVIDED
ADULT USE MARIJUANA PRODUCTS

ANTICIPATED HOURS OF OPERATION
8:00 AM TO 9:00 PM SEVEN DAYS A WEEK

STATEMENT OF IMPACT
MEDS CAFE'S PROPOSED USE WILL BE CONSISTENT WITH THE SURROUNDING PROPERTIES AND THE NEIGHBORHOOD IN GENERAL. THIS PROPERTY HAS BEEN TRADITIONALLY USED FOR A SIMILAR RETAIL PURPOSE.

GENERAL INFORMATION
OUTDOOR TRASH RECEPTACLES ARE NOT PROPOSED AT THIS TIME.
ADDITIONAL SCREENING IS NOT PROPOSED AT THIS TIME. THERE ARE NOT PROPOSED CHANGES TO THE EXISTING LANDSCAPING.
THE PROPOSED SIGN WILL BE 22" WIDE X 185" WIDE AND MOUNTED TO THE BUILDING. THIS SIGN WILL NOT BE ILLUMINATED.
THERE ARE NO PROPOSED CHANGES TO EXISTING OUTDOOR LIGHTING.

JOB NUMBER 20.113		DATE JANUARY 10, 2022	ENGINEER RIVARD	SCALE 1:30
SHEET NO. 1				

HURON
ENGINEERING & SURVEYING, INC.



Customer:	MEDS CAFE		
Company:			
Address:	427 W. CAMPBELL ST		
City:	Alpena	State/ZIP:	MI 49707
Phone:			
Fax:			



Job No.:	Date:	
	12/29/2021	
Order Date:	Salesperson:	
Sign Dimensions:	Estimate:	
22" X 185" OA, 28.26 SQ.FT	\$4000.00 installed	
Comments:		
22" X 185" NON LIGHTED CHANNEL LETTER SIGN MOUNTED TO EXISTING STRUCTURE. DISCONNECT SWITCH AND PERMIT FEES INCLUDED.		

427 W Campbell St – Proposed Site for MedsCafe











ATTACHMENT D

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

Disposal Plan for Product Destruction and Waste Management

Meds Cafe will implement the system of controls outlined in this document to prevent unused marihuana or marihuana derivatives and waste from leaving Meds Cafe facility, to protect the public and animals from encountering or ingesting unused, expired, unusable, or contaminated marihuana product, by-products, or waste.

Meds Cafe will record all marihuana products that are waste in our selected 3rd party METRC integration. METRC is Michigan's statewide seed-to-sale monitoring system. All logs and disposal records have a secondary cloud backup, which is available on demand.

Meds Cafe will not sell marihuana waste, marihuana products that are marked to be destroyed, or marihuana products the Department orders destroyed.

Marihuana Waste includes, but is not limited to: contaminated, unused, surplus, returned, expired, and/ or recalled marihuana products and/or marihuana plant debris, as well as marihuana product, stems, flowers, and other materials used in the dispensing of marihuana, which may include gloves, paper towels, and other items associated with marihuana and its provisioning pursuant to local and state-issued retail establishment licenses.

No Marihuana Waste will be discarded in general waste containers. Separate, Secured Marihuana Waste bins (Secured Receptacle) will be placed in areas where Marihuana Waste is collected within the Meds Cafe facility.

Meds Cafe will then ensure that all the Marihuana Waste in these containers is rendered into an unusable and unrecognizable form through physical alteration or destruction, as detailed below. Then, a state-approved disposal facility will pick up Meds Cafe unusable and unrecognizable Marihuana Waste and deliver it to a manned and permitted solid waste landfill or such other lawfully permitted methods as we may elect to utilize in the future.

Disposal/Destruction of Waste Product Protocol

Upon receipt of the unused, expired, or otherwise unusable marihuana product(s) or byproduct(s), Meds Cafe will segregate product(s) from all useable products and immediately transferred within the appropriate container located in a quarantine area with a specially designated disposal safe within the secure storage room that Meds

Cafe has in place to maintain compliance with all state and local regulations regarding the disposal of contaminated products and Marihuana Waste.

Marihuana Waste shall be rendered unusable by grinding and incorporating the Marijuana Waste with other ground materials, so the resulting mixture is at least 50% non-marihuana waste by volume. The following acceptable materials may be combined with marihuana plant waste:

- o Food waste;
- o Yard waste;
- o Vegetable based grease oils;
- o Soil;
- o Biodegradable products and paper; or
- o Clean wood

All the above marihuana materials and marihuana products will be stored in the designated disposal safe and then transported via a third-party waste removal company that has been approved by the Department for that purpose.

Marihuana Waste Storage

Marihuana Waste will be taken to the quarantine area of the secure storage room. All marihuana products awaiting disposal and Marihuana Waste will be Secured Recptacle, recorded in METRC (the statewide monitoring system), and disposed of in accordance with these Marihuana Waste disposal policies and procedures.

Waste Record Keeping

All plants and products are tracked within Meds Cafe approved METRC integrated inventory. The owner of Meds Cafe is responsible for developing and implementing operational procedures for inventory management and waste disposal that follows Department regulations and state and local law.

The owner of Meds Cafe is responsible for oversight of all inventory management activities and for implementing and enforcing the policies and procedures at the retail establishment. When the destruction of Marihuana Waste occurs, Meds Cafe keeps a record of the following information on our waste log:

- The time date on which the marihuana was destroyed, the name of the substance destroyed and its net weight on that date, before the destruction;

- The location at which it was destroyed;
- A brief description of the method of destruction;
- The names of the witnesses to the destruction; and

METRC and approved third party integrations allow for tracking of all waste within the system intended for destruction. The interface allows Meds Cafe to collect all inventories within the system in a centralized location for destruction.

Manually Entering Waste Disposal to METRC Procedures

In the event Meds Cafe's METRC third party software is not working, Meds Cafe staff has the option to manually enter the information in METRC, the statewide monitoring system to maintain in compliance 100% of the time. This will continue to be backed up through the remote cloud backup storage.

Here is the procedure to use METRC manually:

1. Select the product you want to report as waste
2. Click the "Report Waste" tab at the top of the screen
3. Enter the required information in the Pop-Up Screen
 - i. Batch Information
 - ii. Weight of Product Reported as Waste
 - iii. Date Product is being Reported as Waste
 - iv. Unit of Measurement for the Product Weight
 - v. Select the "Report Waste" Button at the bottom of the pop-up screen.

Procedures for Cleaning Marihuana Waste Bins

1. Wear personal protective equipment as appropriate for the procedure;
2. Collect the bins and take to the washing area;
3. Spray wash inside and outside of the bins and rinse with fresh water;
4. Turn the bin upside down or on side to drain, allowing approximately 30 minutes to dry;

5. Clean all cleaning equipment and return it to the appropriate storage area or discard as appropriate;
6. Once dry, line the bin with the appropriate size bin liner and place in storage or return to the waste gathering area;
7. Remove personal protective equipment; and
8. Perform hand hygiene.

**Report for Alpena Planning Commission
Special Use Permit Rehearing for Case # 22-SU-02
Submitted by Matthew Leavesley on Thursday, April 7, 2022**

Previous Meeting

On March 8, 2022, the Alpena Planning Commission met to consider a Special Land Use permit for an Adult Recreational Use Marijuana Establishment to be located at 427 W. Campbell Street in Alpena, MI. After listening to the concerns of their citizens, they voted 6-1 to deny the permit, stating in the findings of the motion from the draft minutes that, “although compatible with some neighboring properties, it is completely incompatible with other neighboring properties,” and “the impact on the traffic street system weighs against approval in that this is a unique intersection.” Then it states, “Based on the two most important factors, the compatibility with adjacent uses and the impact on the traffic street system, Wojda moves to find that those factors outweigh the other factors that weigh in favor of approval, that they in turn, deny the request for the Special Land Use permit.”

Rehearing

On Monday, March 28th residents within 300 feet of the proposed property received a letter in the mail stating that a rehearing would be held for “a proposed Adult Use Marijuana Retailer located at 427 W. Campbell Street.”

The letter did not inform residents of who requested the rehearing, who approved the request, or what that approval was based upon. The Zoning Director was contacted on Tuesday, March 29th and she indicated those questions should be directed to the City Attorney. Those questions were then sent via email to City Attorney, William Pfeifer, on Tuesday, March 29th at 4:29pm. No return response was received as of Thursday, April 7th.

Section 9.10 of the City of Alpena Zoning Ordinance (CAZO) states that, “The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it.” Those circumstances are so exceptional that while the two previous City Planners were employed, there were only two rehearsings; one was based on a technical voting issue and one was due to a lack of adequate site plan information. Neither of them pertained to an issue with this degree of opposition or which had been decided by such a decisive majority vote. The CAZO states that qualifying exceptional circumstances are extremely limited to misrepresentations on material issues by the applicant, a written opinion by the City attorney stating that a procedure used in the matter was clearly erroneous, or that “There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.”

To withhold this information from the public, after specific inquiry, and under such exceptional circumstances, places a disproportionate burden upon the residents who oppose what is being considered and who have very limited time and resources to prepare for a rehearing under the best of conditions. Lacking sufficient time in possession of this information places those opposed to the permit at a substantial disadvantage.

It is also hard to imagine what substantial material changes to the “findings of fact” which were presented in the packet for the March 8th meeting could possibly justify a rehearing. Section 6.12 of the CAZO states that, “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.” This means that incompatibility with a single standard disqualifies a Special Land Use permit from being approved. In the March 8th meeting it was determined that the proposed location for this marihuana establishment was “completely incompatible with other neighboring properties,” namely the four immediately adjacent residential properties and other nearby properties where children are often present. This complete incompatibility is inherent in the very nature of the “schedule 1 controlled substance” which would be promoted, stored, and sold at a location which is abnormally close to so many residential properties, dwellings, and children. Since nothing about those circumstances can possibly change, this property will always remain out of compliance with Standard B, disqualifying it from any approval for a Special Land Use permit, or any rehearing to that effect. These facts place this entire rehearing on dubious legal grounds, and since the initial ruling was overwhelmingly opposed to approval, and since Ordinance No. 21-467 prioritizes the public interests over the interests of marihuana establishments, any attempt to overturn such a judgment would have to be based upon exceptionally clear and compelling grounds.

The Planning Commission had every legal and practical justification for their initial judgment, and the rest of this report is intended to confirm and strengthen them in that opinion.

Why a Special Land Use Permit is Required

It is important to begin by acknowledging that the Commission is considering a Special Land Use permit, with an emphasis on the word *Special*. In Section 6.11 of the City of Alpena Zoning Ordinance, under General Requirements it states that, “Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, *but which possess characteristics or locational qualities which require individual review*. The purpose of the individual review is to *ensure compatibility with the character of the surrounding area*, with public services and facilities, *with adjacent properties*, and to ensure conformance with the standards set forth in this Ordinance.”

The entire reason a Special Use permit is required in this situation is because a retail establishment that sells marihuana is *not the same* as a retail establishment that sells office supplies or tools to fix your plumbing. There are reasons why those establishments are not required to have “monitored security cameras” or a 250 foot buffer between them and “child care centers” like marihuana establishments are. This is why the first thing Ordinance No. 21-467, Section C, Item 12 lists as a prerequisite for a marihuana establishment operating license, is the approval of a *Special* Use permit. By requiring this special permit, Ordinance No. 21-467 acknowledges that there are special considerations which must be made due to the very nature of what the business sells and the unique risks and dangers those products and activities pose to the nearby residents and the community as a whole. To dismiss the central importance of conducting an individualized review to protect residents from those unique risks and dangers is to contradict the very purpose of this Special Use permit as well as the twenty pages of Ordinance No. 21-467 which Section A, Item 1, tells us is designed, “to protect the public health, safety, and welfare of the residents and patients of the city,” from the dangers associated with what Section A, Item 3 defines as, “a schedule 1 controlled substance under the Federal Controlled Substances Act.” In Section A, Item 2, under the heading of Legislative Intent, it expressly states the foundational principal and legal priority of the Ordinance when it says, “This section is to be construed to protect the public over the medical marihuana facility and adult use marihuana establishment interests.” This is because the residents were there first, and they were the first ones to make substantial financial commitments and life-decisions based on the character of that neighborhood.

The City has already taken many steps to involve the community in the decisions which have led to this point. During that process many concerns were raised about several of the issues that pertain to this particular Special Land Use permit. For example, at the Nov. 9, 2021 City Council Meeting, the Alpena Area Ministerial Association submitted several relevant concerns, and Brendan Maroney specifically focused on the dangers which legalizing adult recreational use marihuana would pose to the children and families in our community. Other meetings were held, maps were drawn, feedback was invited, and at times, changes were made. But at no time during that process did the City ever send out individual mailings to every resident within 300 feet of a property which was being considered as a potential location for a marihuana establishment. If they had, then it's very likely that more of those residents who were busy working multiple jobs, caring for their families, and serving their community in other ways, would have stopped what they were doing to add their specific concerns to the ones that had already been made. Thankfully, to protect the public from intentional corruption and unintentional oversights, the Ordinance established procedures which ensure the citizens of this community can continue to be actively involved in the application, implementation, and improvement of our current policies. This meeting to consider a Special Use permit is one of those crucial procedures which is specifically designed to protect the interests of the public by individually notifying and allowing residents to present the unique considerations of their case before a Commission who will prioritize their needs in accordance with the stated purpose of Ordinance No. 21-467.

The responsibility of this Commission is not just to consider a Special Use permit for a retail business in general, but a Special Use permit for a retail Adult Recreational Use Marihuana Establishment. It is also the Commission's responsibility to protect the residents of this neighborhood from the unique risks and dangers associated with its proposed location.

Consistent Principles



From the very beginning of the process to consider legalizing the sale of marihuana in the City of Alpena, residents and Council Members alike have agreed that the proximity, as well as the promotion, sale, and storage of this drug, poses unique risks to residential neighborhoods and especially to the areas where children are often present. This is why Ordinance No. 22-470 explicitly prohibits an Adult Use Marihuana Establishment from being within “one thousand feet of any school.” It also states that they, “shall not be located within two hundred fifty 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.” It also states that they, “shall not be located in the district or area known as the 'Downtown Development Authority.’”

This establishes a clear principle of requiring reasonable buffer zones between these marihuana establishments and places where children are often present. This principle demonstrates the practical application of what Ordinance No. 21-467 means when it says its purpose is to “protect the public health, safety, and welfare of the residents and patients of the city,” and to “protect residential neighborhoods by limiting the location and the concentration of types of medical marihuana facilities

and adult use marihuana establishments to specific areas of the city.” Those protections can not be limited to only those locations which explicitly require a buffer zone or which are in prohibited zoning districts. If that were the case, the Ordinance would not have called for a Special Use permit which requires the Commission to do an “individual review” “to ensure compatibility with the character of the surrounding area” and with “adjacent properties” in order to make sure that it “shall not change the essential character of the area in which it is proposed to be located” or “be hazardous or disturbing to existing or future nearby uses.” The individual review is absolutely necessary to ensure that the residents are protected from unique incompatibilities which could be overlooked by other evaluations. If every location in the city which was not already prohibited was somehow considered to be fully compatible, then residents within 300 feet would not be sent letters notifying them that they can attend a Special Use permit hearing to express their views for or against the proposed use in that location.

The process itself demonstrates the fact that these Ordinances expect that each potential location will be given a full individual review to make sure that protecting neighborhoods, residents, and especially children from the risks posed by a marihuana establishment will receive top priority in the evaluation process.

Risky Business Decisions

Unfortunately, it seems the marihuana business in question did not prioritize the residents and children of this neighborhood the way the Ordinance does. Instead of applying for a Special Use permit and waiting for it to be approved *before* they bought the building at 427 W. Campbell and spent money on improvements, they made a strategic business decision to place their interests to do business in that location above the interests of the public who live in that area. They chose to buy that building and invest in improvements before they or the Planning Commission even had a chance to hear the residents' concerns about it. And then, when their permit was denied by a 6-1 vote, the CEO of the business was interviewed by a reporter for an article in the March 11, 2022 edition of the Alpena News, where he talked about how, “a considerable amount of money has already been pumped into the building to get it ready to comply with the state's regulations. He said the commission's action shocked him and everyone involved.”

What should really shock everyone involved is that these owners didn't see anything wrong with how they went about this process. At the March 8th meeting, Commissioner Gilmore “recommended that City Council revisit that Ordinance to mitigate another situation like this from happening again.” And while it is always a good idea to look for ways to improve an ordinance to better serve its community, the fatal flaw here is not with the City, or the Ordinance, or the Planning Commission's judgment regarding it. The fatal flaw is with a business that chose not to wait for the necessary Special Use permit to be approved before they spent money on the building or gave the residents of that neighborhood an opportunity to voice their concerns. The best way to prevent this kind of thing from happening again is to deny this permit and send a clear message to future marihuana businesses that the City of Alpena is serious about protecting the interests of the public, that the City won't be manipulated into making irresponsible decisions, and it is the responsibility of the businesses to follow proper procedures and understand how any shortcuts expose them to increased financial risk. This present situation is exactly the kind of thing the Ordinances and the hearing for the Special Use permit are designed to protect residents from; a business that puts its interests before those of the residents, and then presents the situation to the public like it was some sort of unreasonable decision on the part of the Planning Commission.

In fact, at the last hearing on March 8th one of the co-owners laid the groundwork for this misrepresentation of the situation when he downplayed the unprecedented nature of the proposed location on Campbell Street by saying, “that he owned other businesses that were also adjacent to residences as well, and he didn't know of many businesses in town that don't butt up to residential areas.” While the first part of that statement is technically true, what he failed to mention is that compared to the other four MedsCafe properties in Michigan, the Campbell Street location is directly adjacent to four times as many residential properties, and it is the only property that is adjacent to single-family houses. The marihuana building itself would be about fifteen times closer to those residential property lines than any of the establishments at other locations.

Not only is it quite easy to find a multitude of businesses in the City of Alpena that are not directly adjacent to any residential property, but the other Adult Use Marihuana Establishment (Neighborhood Provisions) that is already in this area does not touch a single residential property line. While it would be preferable and certainly possible to place a business like this in an area that was not adjacent to any residential property, the real issue in this case is that the proposed Campbell Street building is not only touching a residential property, but it is touching four prime residential properties, it is within 250 feet of multiple properties with children, and it is already within a five minute walk of another Adult Recreational Use Marihuana Establishment. Far from being ideal, this is one of the worst locations that could possibly be selected.

Unprecedented Impact on Nearby Locations

This section is intended to demonstrate just how unusual the Campbell Street location is when compared to the other locations which were previously approved for any type of marihuana related Special Use permit in Alpena, and especially when it is compared to the other properties operated by MedsCafe in Michigan.



When considering the impact this kind of property may have on nearby locations, one should prioritize measurements to the residential property lines because that is the boundary which marks off where residents and their children may be active. And while the location of a marihuana establishment property line is important, one must also consider the distance between that property line and the building itself, which is usually where most of the activity will take place. For the sake of consistency, measurements will be compared from the nearest portion of a marihuana establishment building to the nearest residential property line as well as the nearest portion of a residential building. Larger

satellite images with approximate measurements are attached at the end of this report. Images and measurements were taken using the measuring tool in the Google Earth program.

427 W. Campbell Street Property

The Campbell street property pictured above, is directly adjacent to four residential properties which are all zoned R-2, One Family Residential. These are typically the most attractive locations for families with children or who plan on having children. The building itself is about 10-12 feet away from three

properties and about 40 feet away from the fourth. It is within about 85 feet of four residential buildings, and one of those residential buildings is only about 15 feet away from the proposed establishment.

Additionally, this permit is for an Adult Recreational Use Establishment which appeals to a much larger clientele than a Medical-only permit. This building is located down a residential road which leads to one of the most densely populated family-friendly residential districts in Alpena. As a result, this area also receives a significant amount of foot traffic from families and children going to and from Ella White as well as the High School and other attractions such as Dominoes and the Hungry Hippie.

Prior Special Land Use Approvals for Marihuana Sales

629 & 635 W. Chisholm Street



On January 12, 2021 the Planning Commission also approved a Special Land Use permit to Lume for a Medical Marihuana Provisioning Center to be located at 629 and 635 W. Chisholm Street. That property is directly adjacent to two properties that are zoned R-T, Two Family Residential. Based on the site plan, the Provisioning Center building would have been about 85 feet from the property line and about 90 feet from the closest residence. There are limited residences to the east of this property and there is a main roadway with heavy traffic (Chisholm) and other businesses on the west side that buffer this building from the next residential neighborhood.

1315 W. Chisholm Street



On January 12, 2021 the Planning Commission approved a Special Land Use permit to the Green Buddha for a Medical Marihuana Provisioning Center to be located at 1315 W. Chisholm Street. That property is directly adjacent to a vacant lot to the east which is currently owned by the same Ezra Preston LLC which owns the 1315 Chisholm lot. There is a residential property with a dwelling east of the empty lot which is zoned RM-2, Multiple Family Residential. The Provisioning Center building would have been about 66 feet from that residence's property line and about 85 feet from the residence. That property is located in an area with limited foot traffic at the far corner of a residential

district that has limited dwellings in close proximity due to the unique constraints presented by the path of the Thunder Bay River.

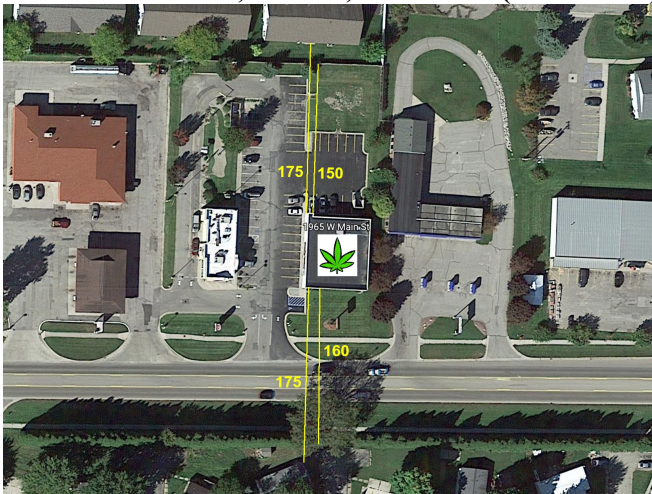
909 W. Washington Ave



On March 8, 2022 the Planning Commission voted to approve a Special Land Use permit to Neighborhood Provisions for Adult Recreational Use at the same address that was previously approved for Medical Use. This building is not directly adjacent to any residential properties. It is about 70 feet from the nearest residential property line and about 120 feet from the nearest residential building with a train track running between them. This building is on a main road and is at the far corner of one smaller neighborhood to the northwest and then separated from the larger neighborhood on the east by multiple businesses and main roads.

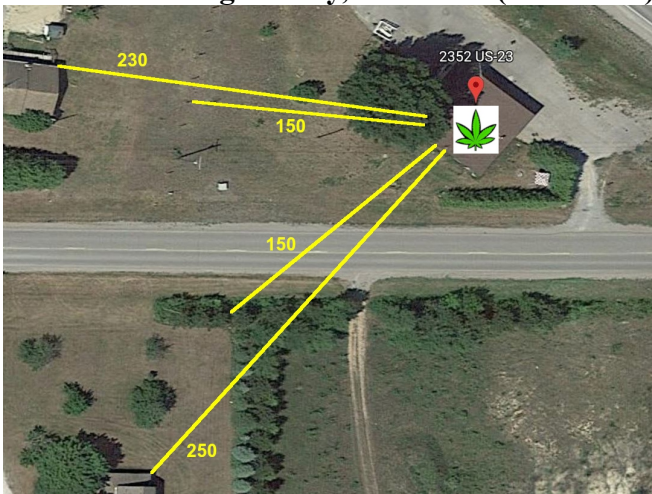
Comparison to Other MedsCafe Locations in Michigan

1965 W. Main St., Lowell, MI 49331 (MedsCafe)



This property is adjacent to one multi-family property to the north. However, the Provisioning Center building is about 150 feet from the property line and about 175 feet from the building itself. The Provisioning Center building is also across Highway 21 and about 160 feet from the property line of what appears to be a mobile/modular home area. It is about 175 feet from the nearest dwelling in that area.

2352 U.S. 23 Rogers City, MI 49779 (MedsCafe)



This property is outside the city limits and appears to be directly adjacent to one property with one apartment-style building on it. This puts the Provisioning Center building about 150 feet from the property line and about 230 feet from the other building. The property is wedged-in by highways in a country area with the closest possible single family building located across the highway about 250 feet away. The property line is about 150 feet away.

70 Arthur St., Manistee, MI 49660 (MedsCafe)



This property is located in a commercial area on a main highway near another Provisioning Center (Authentic 231). It is not adjacent to any residential properties. It is separated from what appears to be a small seasonal RV park about 175 feet away on the other side of Highway 31. It appears to be about 1,000 feet from the nearest residence.

14111 White Creek Ave. NE #8, Cedar Springs, MI 49319 (MedsCafe)



This property is located in an extremely isolated commercial development area thousands of feet away from any residential dwelling or neighborhood.

Table Comparing Properties

Address	# of Adjacent Residential Properties	Feet from Building to Nearest Residential Property Line	Feet from Building to Nearest Residential Dwelling
427 W. Campbell St., Alpena	4	10-12 (3 properties)	15
629/635 W. Chisholm St., Alpena	2	85	90
1315 W. Chisholm St., Alpena	1	66	85
909 W. Washington Ave., Alpena	0	70	120
1965 W. Main St., Lowell (MedsCafe)	1	150	175
2352 U.S. 23, Rogers City (MedsCafe)	1	150	230
70 Arthur St., Manistee (MedsCafe)	0	1000	1000
14111 White Creek Ave., Cedar Springs (MedsCafe)	0	1000 plus	1000 plus

Summary of Property Comparison

If an equivalent comparison is made, all measurements lead to the same conclusion: the Campbell Street Property is far closer to substantially more Single Family Residential property lines and physical residences than any other Marihuana Special Land Use permit that has previously been approved in Alpena or that has been approved for any of the other four MedsCafe buildings in Michigan.

Special Land Use Approval Standards

Fails to Comply with Standard B – Compatibility with Adjacent Uses

In Section 6.12 of the City of Alpena Zoning Ordinance it lays out the steps which should be followed to determine the compatibility with adjacent uses. It says:

“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.”

Expected Value to the Community

On November 9, 2021 the City Council met to discuss the pros and cons of approving Adult Recreational Use marihuana sales in the city of Alpena. At one point, the Mayor Pro Tem stated, “It's not about money. And I know that has come up a couple of times, that it's been about money. And it's not about money.” The Mayor also emphasized that he was for “having local access to regulated recreational adult use marihuana.” When determining the expected value which placing this business at 427 W. Campbell will have on the community these statements can help guide the evaluation.

This business's expected value to the community is virtually eliminated in this location when we already have access to another approved Adult Recreational Use Establishment within a five minute walk of the Campbell Street location. In fact, locating the only two establishments in the City within a five minute walk of the same residential neighborhood would be a violation of Ordinance No. 21-467's mandate to, “Protect residential neighborhoods by limiting the location and the concentration” of these types of facilities. And while the value this business may bring to the broader community should not primarily be “about the money,” it should be noted that its economic benefits (jobs, local tax revenue, state tax incentives) would bring just as much value, if not more, by placing it in a different location within the City where there is currently no nearby access to a marihuana establishment. It would also leave the Campbell Street location available for a more appropriate business which might be interested in the property. In light of these factors, it should be concluded that placing this business at 427 W. Campbell Street, instead of another part of the City, brings virtually no value to the immediate neighborhood and actually robs the broader community of whatever value it might provide in an unserved location. This means that any degree of negative impact would constitute a “significant” detrimental impact by comparison, and render it incompatible with adjacent uses.

Detrimental Impact

Section 6.12 states that, “The proposed Special Land Use... shall not change the essential character of the area in which it is proposed to be located.”

The essential character of the proposed area is one of family-appropriate businesses bordering family-friendly residential properties. This would put the promotion, sale, and storage of a “schedule 1 controlled substance” down a residential road leading into one of the most densely populated family neighborhoods in Alpena. It also puts it just outside the buffer zone for Ella White Elementary School and at an intersection which students use to walk to and from that school, as well as the high school, junior high, and other nearby restaurants. Placing this drug-promoting and drug-selling business at the gateway to this neighborhood would drastically change its essential family-friendly character.

Section 6.12 also states that, “The use shall not be hazardous or disturbing to existing or future nearby uses.”

This site is “hazardous” because it unnecessarily places a controlled substance within several feet of multiple single family residential properties, and within 250 feet of multiple homes with children, including one home with five children under the age of 17 who often have friends over to play in that neighborhood. Section 7.41 of Ordinance No. 22-470 prohibits marihuana establishments within 250 feet of child care centers. Page 9 of the City of Alpena Zoning Ordinance defines a child care center as, “a facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day.” If a child care center can consist of a single child, and is granted a buffer of 250 feet, then it would be even more appropriate to deny a permit for a marihuana establishment which would be within 250 feet of a concerned family residence with five children who must live and play there twenty-four hours a day, seven days a week. A business in close proximity to children, which advertises itself as a “Cafe” and promotes the use and sale of a “schedule 1 controlled substance” should definitely qualify as engaging in a “hazardous use activity.” It is unacceptable to have this type of business so close to concerned families and children for many of the same reasons it is also unacceptable to have it within the DDA, or within 250 feet of parks with equipment, or child care centers.

The number of concerns the Commission has received about this location in the form of petition signers, speakers at the March 8th meeting, and this report, already proves that this use is “disturbing” to many of the nearby residents. It would seem that there is far more opposition to this marihuana Special Use permit than all the other ones the Commission has issued up to this point. The clear explanation is that this location is manifestly inappropriate and almost everyone knows it. Local feedback should play a central role in all Special Use permit determinations.

This location would also be “hazardous or disturbing to... *future* nearby uses,” because it would drive families away from the city by putting the promotion and sale of a drug which is dangerous for children so close to so many high demand single family residences. Even though other permits have been granted for properties adjacent to residential areas, most of them were not for Adult Recreational Use and none of them were this close to so many residential properties or their dwellings. Additionally, none of those previous properties were zoned as single family residences.

On page 124 of the the Public Input Survey of 2018, 90% of respondents affirmed that they thought the community should “actively try to attract more young people and families to the community.” Only 3

people, or 1.92% of respondents replied in the negative. When asked (pg74), “Should residential growth be encouraged in your local community within Alpena County?” 109 people answered in the affirmative and only 13 people answered in the negative. When asked, “What kind of residential growth they would like to see?” many people responded by highlighting the need for affordable single-family residences which would be attractive to young people and families (Responses: 5, 8, 9, 11, 30, 31, 38, 44, 45, 62, 66, 72, 74, 75, 81). This is exactly the kind of housing the Campbell Street neighborhood provides.

Placing an Adult Recreational Use Marihuana Establishment near such a family-friendly neighborhood would be a direct contradiction of the desires expressed in those sections of the Public Input Survey listed above. Families with children, or who plan on having children, do not want to live in close proximity to a place that promotes and sells marihuana. As a result, families will avoid living in the city, or they will move out of the city to areas in the township where they can afford more property which would guarantee them more distance from these establishments. As a consequence of living further away, they will be less likely to bike or walk to downtown businesses or be involved in City-sponsored activities.

Since attracting families and protecting family neighborhoods remains such a high priority, the detrimental impact of placing a marihuana establishment at the Campbell Street location would certainly be significant, “hazardous,” and “disturbing to... *future* nearby uses.”

As previously mentioned, none of these impacts can be “easily mitigated.” This is because they are the result of the inherent dangers associated with the very nature of the drug in question, as well as its physical proximity to adjacent residential properties. The only possible and acceptable solution is to either change the business or place it in a different location. Any smaller adjustments to the property or the business will not make any meaningful difference.

Therefore it should be concluded, as Wodja stated in the original motion, that the Special Use permit for the sale of Adult Recreational Use Marihuana at 427 W. Campbell Street should be denied because “it is completely incompatible with other neighboring properties,” and therefore fails to comply with Standard B. Such a complete incompatibility, which was clearly recognized by six Commissioners in the first meeting, and which has been further established in this report, not only “weighs strongly against approval,” but it disqualifies it outright, regardless of any other considerations. However, the proposed location fails to comply with other standards as well.

Fails to Comply with Standard D - Economic Well-Being of the Community

By sacrificing the character of the single-family housing units near this property, this placement will be detrimental to the economic well-being of the community. It will limit the amount of attractive and affordable single-family housing units, and it will influence families to live in the township instead of the city; thereby decreasing the customers which frequent local small businesses. It is also detrimental in that it will fail to provide as much value here as elsewhere in the community. Therefore, it fails to comply with Standard D as well.

Fails to Comply with Standard F - Impact on Traffic System

While this is not the main disqualifying issue, the increased traffic risk at the Campbell/Ripley intersection was also cited as a reason for denying the first permit. It continues to be a legitimate concern especially for this particular business. It is hard to imagine that a Recreational Use establishment at this location would not produce more traffic at that intersection than the previous

business, especially if you combine it with any other businesses which might operate out of the other portion of the building. However, to make a relevant comparison you would need to have data from a similar Recreational Use facility and make all the proper adjustments for traffic flow, population density in the immediate and surrounding areas, as well as other demographic information and an analysis of the risks unique to that intersection. Any traffic analysis which does not include that specific data would not provide any material change to the information which was included in the original findings of fact, and it would be irrelevant to the previous judgment which Commissioners may have made on the basis of multiple considerations that go beyond just the number of cars that go through an area.

A negative judgment could also be based on the frequency with which a particular kind of person will be driving through that intersection on the way to an Adult Use Marihuana Establishment. It would be reasonable to assume that this new traffic will primarily consist of those who recreationally use a mind-altering drug that affects your ability to drive safely. That doesn't guarantee that any of those people will drive there under the influence of that drug, but it does exponentially increase the risk that they might. Placing that unique business in that unique location, would add an unnecessary concentration of risk at an intersection which is already difficult to navigate properly because of the unusual angle of the roads and the way the east lane ends and cars are often unprepared or accelerating to merge into the other lane.

Many studies have found a clear link between recreational marihuana and motor vehicle accidents. One study stated that, "In line with previous evidence, cannabis liberalization is linked to an increase in motor vehicle accidents, alcohol abuse, [and] overdose injuries" (<https://bmjopen.bmj.com/content/9/5/e027432>). Another study from Columbia University determined, "weed consumption increases one's collision risk by 62 percent," and in combination with alcohol that risk goes up significantly (<https://www.publichealth.columbia.edu/public-health-now/news/mixing-booze-and-pot-serious-threat-traffic-safety>). Elsewhere, it has been discovered that, "Among cannabis users with a driver's license... 13 percent admit driving within two hours of using marijuana" (<https://www.cmaj.ca/content/193/14/E481>).

The legalization of Adult Recreational Use marihuana is still quite recent and the extent of traffic data is fairly minimal. It could turn out to be a bit safer than these studies indicate or a lot more dangerous. Only time will tell, and no matter what another study concludes, none of them are going to be able to replicate Alpena's exact demographics and the difficulties of this specific intersection. The Ordinances clearly require the Commission to take exceptional care to protect the residents who use that intersection. Perhaps that risk would never materialize, but if it did, every Commissioner who approved that Special Use permit would have to live with the part they played in creating the environment which allowed it to happen. While the traffic issue is not the main problem with this location, the unique concentration of risk which the traffic for this business would add to that intersection should be viewed as unacceptably high and therefore incompatible with the requirements of Standard F.

Fails to Comply with Standard H – Consistent with Zoning Ordinance and Comprehensive Plan

This section requires that, "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."

As noted above, the application for a Special Land Use permit for 427 W. Campbell Street fails to comply with *all* the standards required for a Special Use permit in Section 6.12 of the City of Alpena Zoning Ordinance. As required in Ordinance No. 21-467, approval of this permit would also fail to "protect the public health, safety, and welfare of the residents and patients of the city." In addition, it

also fails to “protect public health and safety through reasonable limitations on marihuana operations as they relate to... neighborhood and patient/customer safety,” as well as failing to “protect residential neighborhoods by limiting the location and the concentration” of these establishments to appropriate areas of the city. Approving this permit despite the public's concerns and the disregard which this business has seemingly demonstrated by renovating the building before citizens could speak up at a Special Use hearing, would also fail to fulfill the legal mandate of the ordinance to protect “the public over medical marihuana facility and adult use marihuana establishment interests.” Approval would also fail to abide by the principles established in Section 7.41 of Ordinance No. 22-470 which provides reasonable buffers for areas where children are often present.

In addition, approval of this Special Land Use permit would fail to comply with many of the goals of the City of Alpena Comprehensive Plan, especially when compared to other more appropriate locations where this business could be located. As mentioned previously, approval of this permit would deter families from living in the large concentration of prime residential real estate near this establishment. On page 113 of the City of Alpena Comprehensive Plan it lists “attracting young families” as something 90.5% of survey respondents supported. On page 121 of the Comprehensive Plan it promotes efforts to “encourage the development of goods, services, recreation, and employment opportunities needed to retain and attract families.” On page 130 of the Comprehensive Plan, it emphasizes the need to “identify areas for the appropriate development of affordable single-family housing.” On that same page, objective “C” seeks to “protect the neighborhood character of residential areas” by requiring “buffers or transition areas between residential and non-residential uses.” On page 134, under the Future Land Use Plan it states, “It is the intention of the plan to protect existing residential neighborhoods while providing a variety of housing options to meet future needs.”

Placing a marihuana business in this location would be completely inconsistent with those sections of the Zoning Ordinance and Comprehensive Plan which state the importance of prioritizing and protecting residential neighborhoods and their interests. Therefore, this application also fails to comply with Standard H.

Conclusion

In light of all of these findings, this application fails to comply with standards B, D, F, and H of Section 6.12 which states that the Planning Commission can *ONLY* approve a Special Land Use permit if it complies with *ALL* of those standards. Therefore the original 6-1 decision of this Commission to deny this permit must be upheld. The Commission's decision will have a large impact upon the families in this neighborhood and throughout the City of Alpena. However, an approval would also set a terrible example which could endanger families all across the state. There is no way to over-exaggerate just how unusual and abnormally close this property is to so many family residences. Placing an establishment here would confirm all the worst fears of those who opposed the legalization of marihuana sales in Alpena because they were concerned their leaders would fail to prioritize their protection and allow it to end up right in their own backyards. Approving this permit would do exactly that, and it would create a precedent that other municipalities might use to justify similar irresponsible behavior. Therefore, this is an issue of concern not only for the residents of this neighborhood, but every surrounding community where these same policies are currently being deliberated. This is a wonderful opportunity for the City to reaffirm its denial of this Special Land Use permit and show everyone what it looks like to put the interests of the public before the interests of marihuana establishments who take unnecessary business risks which ignore the input and the safety of citizens and children in the pursuit of profit.

APPENDIX – SATELLITE IMAGES

427 W. Campbell St., Alpena, MI 49707



629 & 635 W. Chisholm Street



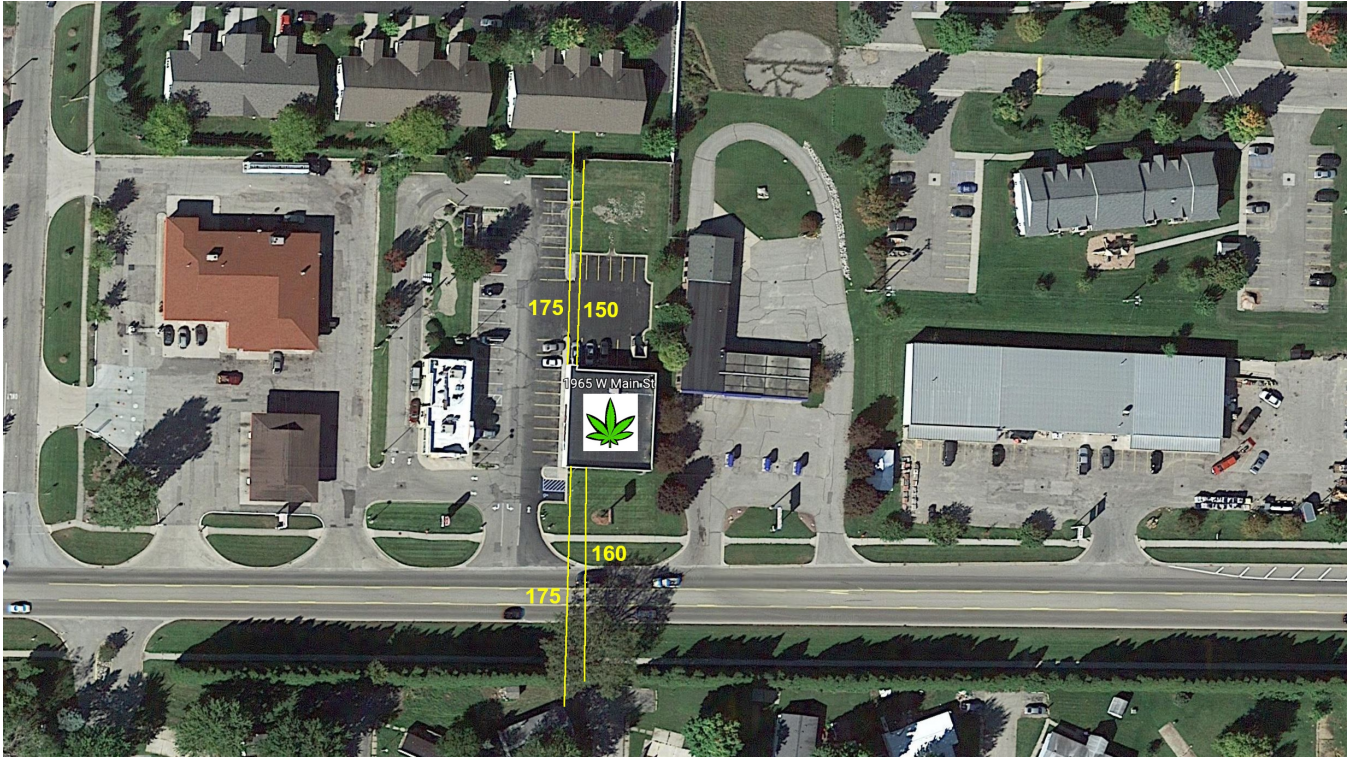
1315 W. Chisholm St., Alpena, MI 49707



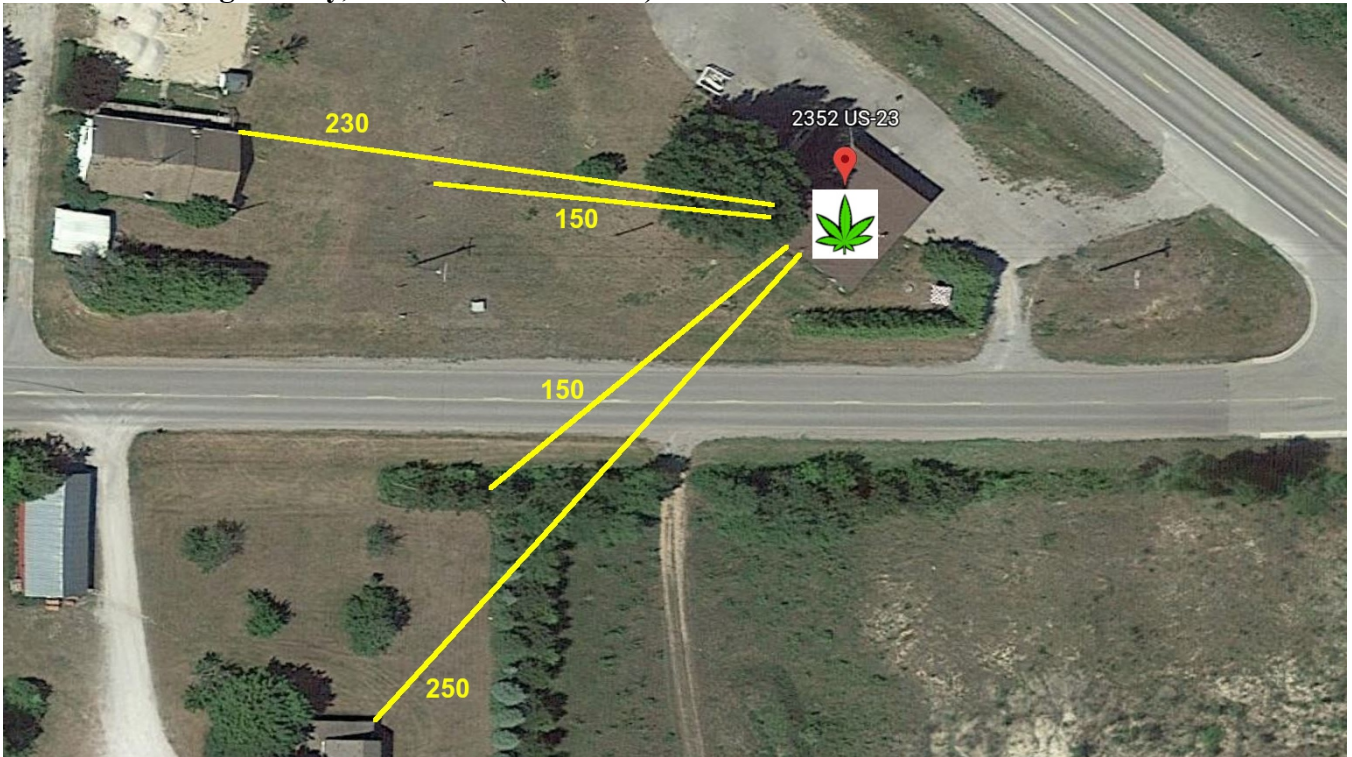
909 W. Washington Ave



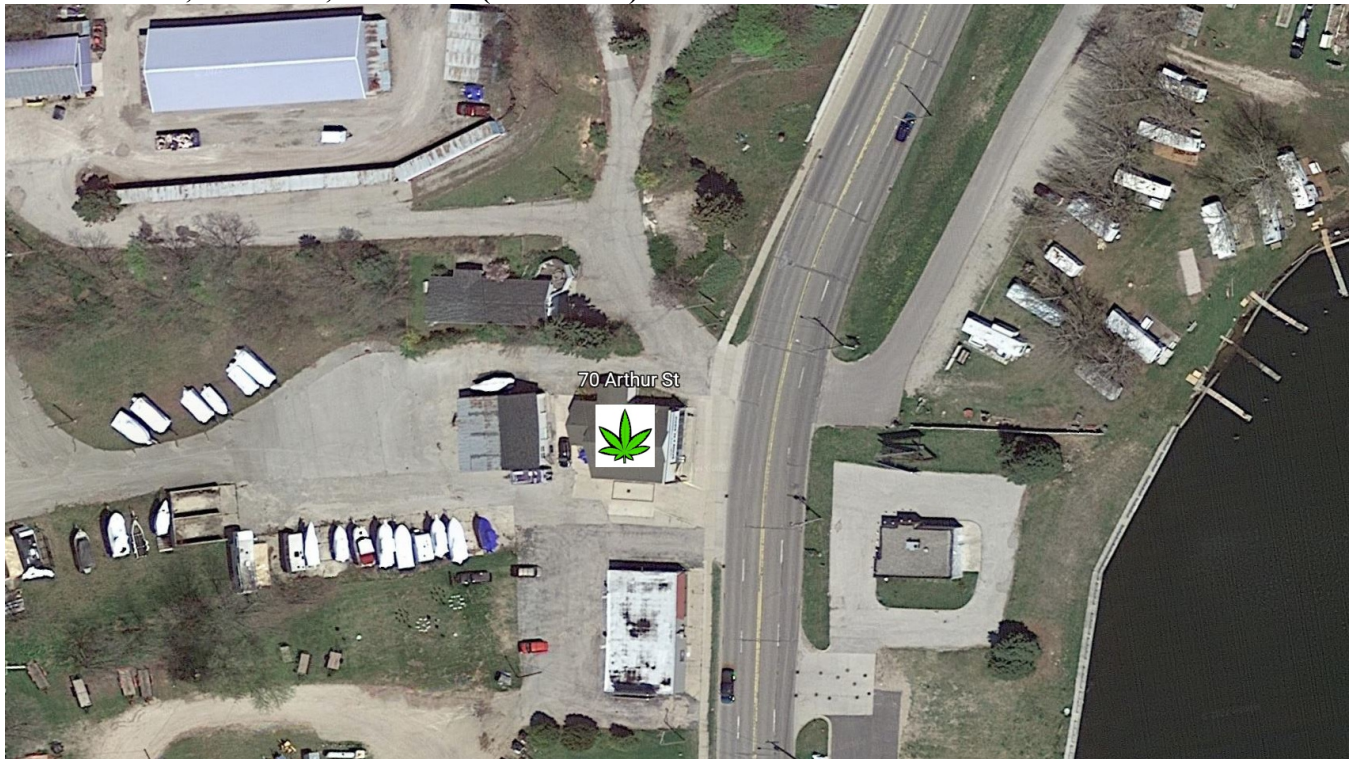
1965 W. Main St., Lowell, MI 49331 (MedsCafe)



2352 U.S. 23 Rogers City, MI 49779 (MedsCafe)



70 Arthur St., Manistee, MI 49660 (MedsCafe)



14111 White Creek Ave. NE #8, Cedar Springs, MI 49319 (MedsCafe)



From: [Brenda Hartman](#)
To: [Waligora, Matt](#); donnym@alpena.mi.us; [Nowak, Mike](#); [Johnson, Cindy](#); [Walchak, Karol](#); [Birmingham, Montiel](#)
Subject: Recent decision on marijuana business.
Date: Wednesday, April 6, 2022 10:18:42 PM

I was very pleased that you agreed with the zoning board that the Rogers City marijuana business that wanted to expand its business and sell at the location at the end of Campbell Street was denied. At that location it would not be allowed due to current ordinances already on the books. Someone on Facebook announced last week that this decision is going to be revisited this week? I am asking you to stick with your original decision. It is too close to that residential area. It is not your problem that the business looking to expand here did not do enough research on that location before they started to spruce up the building and spend some money to do that I suppose. They should have found out what the specific ordinances on marijuana businesses were in Alpena and be more informed about possible locations. I am disappointed you are even revisiting the issue. Remember that once someone gets an exception to an ordinance or law it then becomes almost certain that others will come screaming for exceptions also and the dam will have broken.

Thank you,
Brenda Hartman

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

FINDINGS OF FACT REZONE REPORT

APPLICANT: BRIAN PETERSON
PROPOSED USE: DUPLEX – 1102 FORD AVE
DISTRICT: R-2
REVIEW DATE: 3/17/2022
REPORT: 22-Z-03



Summary of Request: Property was purchased by Mr. Peterson in June 2018 as an established duplex but was not zoned properly or registered as a duplex by the previous owner. History prior to sale in 2018 is as follows: In September of 2017, the owner applied for a Special Use Permit to allow for a Secondary Dwelling Unit (Supplemental Regulation 7.32) within the single-family home; this requires that the owner live on-site; the SLU was approved, however, in December of 2017 the rental inspection failed due to significant code violations and a Certificate of Occupancy was not given. The owner then sold the property. Due to the CO not being issued and the dwelling not being used according to the SLU within the time frame required, the SLU expired and the property reverted back to zoning requirements of a single-family home.

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

There are several other units that were grandfathered in on Ford Ave, Second Ave, Merchant St. and Birch St. – See map provided.

C. Adverse Physical Impact

The property was purchased as a Duplex from prior owner and is currently being used as such. There are no other open violations in BS&A beyond.

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

F. Special Privilege

Similar uses are currently taking place nearby and within the same zone

G. Use Within Present Zoning Classification

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

H. Public Facilities

The lot is served by public facilities



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

Planning, Development, & Zoning

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.

ADDITIONAL NOTES

1. Applicant's Statement of Conditions: *1102 Ford will be used as a duplex to address the housing shortage within the city of Alpena.* See Statement of Conditions in appendix.
2. Building department staff completed a courtesy life safety inspection on the upper unit. If approved for the Conditional Rezone, a complete rental inspection will follow and a Certificate of Occupancy issued if all aspects of the Michigan Residential Building Code and Alpena Rental Registration program are satisfactory.
3. Objections received from property owners within 300': 2 letters received on 4/8 and included in packet

1102 Ford Ave.









City of Alpena

CONDITIONAL REZONE - STATEMENT OF CONDITIONS

DATE: _____

PROPERTY OWNER(S): _____

PROPERTY ADDRESS : _____

PROPERTY LEGAL DESCRIPTION: _____

PROPERTY TAX IDENTIFICATION NUMBER: _____

CURRENT ZONE: _____ CONDITIONAL ZONE: _____

STATEMENT OF CONDITIONS :

I, _____, attest that I have read
(Property Owner(s) – Print)

Section 10.3 Conditional Rezoning within the City of Alpena's Zoning Ordinance and that I voluntarily offer and consent to the provisions contained within the Statement of Conditions. I understand that the Statement of Conditions runs with the land and is binding upon successor owners of the land. I understand that the Statement of Conditions may be recorded by the City with the County Register of Deeds and that any documentation incorporated by reference may be examined in property files located at City Hall.

(Property Owner – Print)

(Property Owner – Print)

(Property Owner – Sign)

(Property Owner – Sign)

Prepared By:

(City of Alpena representative – Print)

(Address)

Notary Public:

Acknowledged on _____
(Date)

(Notary Public – Print)

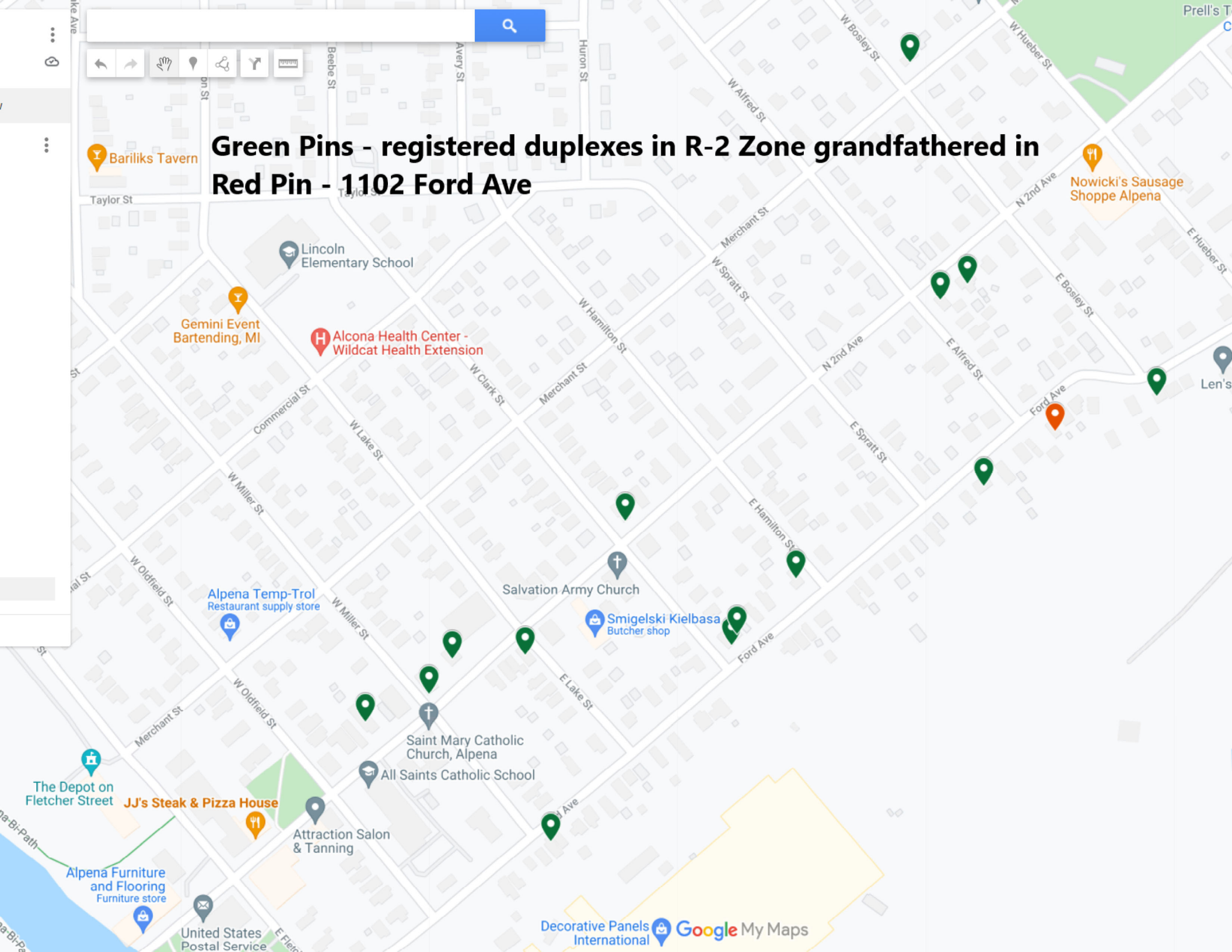
(Notary Public – Sign)

State of _____

County of _____

Acting in _____, _____
(County) (State)

Green Pins - registered duplexes in R-2 Zone grandfathered in Red Pin - 1102 Ford Ave





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

Planning & Development

3/22/2022

TO: Occupant

FROM: City of Alpena

RE: Notice of Rezoning Application within 300 feet

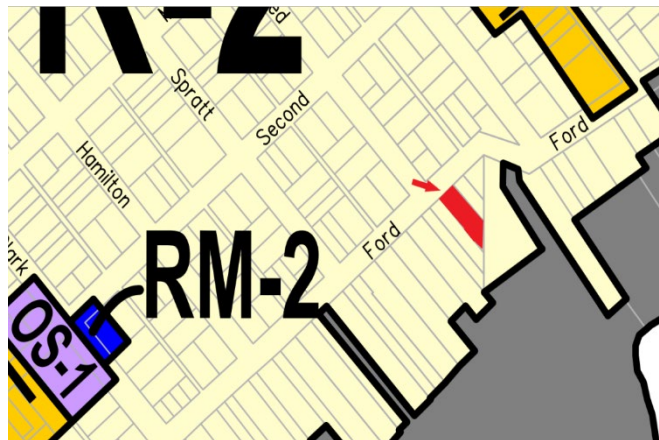
This letter is to notify you that a property owner within 300 feet of your property has applied for a conditional rezoning. Public Act 110 of 2006, as amended, requires notification of all property owners within 300 feet of the boundary of a property for which a rezoning has been applied. Your property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

Rezoning Applicant: Brian Peterson

Address: 1102 Ford Ave

Rezoning: Conditional Rezone request from R-2 (One-Family Residential) to RT (Two-Family Residential)

The City of Alpena Planning Commission will hold a public hearing on April 12, 2022 at 6:00 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.



Virtual Meeting Option:

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

You can also dial in using your phone.

United States: [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 178-564-461

Sincerely,

Montiel Birmingham

Planning, Development, and Zoning Director

208 North First Avenue

Alpena, MI 49707

989.354.1771

montielb@alpena.mi.us



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	
Restaurants with Outdoor Dining (Dining public right-of-way)	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	
Restaurants with Outdoor Dining (Dining public right-of-way)	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	
Restaurants with Outdoor Dining (Dining public right-of-way)	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

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.




Memorandum

Date: April 8, 2022

To: City of Alpena Planning Commissioners

Copy: Rachel Smolinski, City Manager
Montiel Birmingham, Director

From: Shannon Smolinski, Harbormaster 

Subject: 2021-2025 Marina Master Plan

Over the past year, the City has undertaken a revitalization of the Alpena Marina. As part of this process, the City, with the aid of the Harbor Advisory Committee, has undertaken the development of the attached 2021-2025 Alpena Marina Master Plan.

The plan outlines areas of concern for the marina as well as a list of prioritized projects the City should focus on to improve the overall appeal and usability of the marina.

In August, the City and Harbor Advisory Committee held a charrette to solicit input from our community. Over sixty members of our community participated. In addition, two separate surveys were conducted. The first was an overall survey requesting demographic, overall impressions and improvement suggestions.

There were a few major projects and tasks which our compilations arrived at:

- The overall grounds were in need of thorough cleaning and maintenance.
- Three major reconstruction/renovation projects are warranted: the fixed dock replacement, the boaters' restroom remodel and the marina building rehabilitation.
- The Alpena Marina needs to have an ongoing marketing strategy to be successful in the future.

City staff, in cooperation with the Harbor Advisory Committee, has already made steps to begin implementing the suggestions of the master plan. One critical component of our overall revitalization will be in the pursuit of grant dollars to fund these projects. Most of the major funding sources will require this master plan as part of our overall grant packages.

On April 7, 2022, the Harbor Advisory Committee voted to approve the Master Plan and recommended it to the Recreation Advisory Board and the City of Alpena Planning

Commission for review and recommendation that City Council append this document to our existing 2021-2025 City of Alpena Recreation Plan.

At this time, as the Harbormaster of Alpena Marina and on behalf of the Harbor Advisory Committee, I am requesting any feedback your committee may have and recommendations for City Council to approve a resolution to append the 2021-2025 Alpena Marina Master Plan to the 2021-2025 City of Alpena Recreation Plan.



2021-2025 MARINA MASTER PLAN



Sanctuary of the Great Lakes



City of Alpena
Michigan

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Draft

Acknowledgements

Harbor Advisory Committee

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 Ed Retherford
 Wayne Lewis
 Steve Wilson
 Tanner Kostelic
 Donald LaBarre - Chair
 Jason Luther
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 Staff: Shannon Smolinski, Harbormaster
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Chapter 1

1

Purpose & Focus Areas

Focus of Marina Plan

The Harbormaster, Harbor Advisory Committee, City Council, City Staff, and designated committees or commissions shall work closely with the Marina Plan to ensure the marina planning effort fits the community's specific planning needs. The Marina Plan addresses different scenarios to produce a summary of the public input and provide a prioritized list of potential improvements. The key focus areas of this plan and the recommendations contained within are to build upon the current vibrant multiuse Northeastern Michigan Marina that celebrates a vast maritime history and culture, while providing for Marina's future needs.

Focus Areas

1. **Connect with the Community:** The City of Alpena shall strive to grow partnerships that can benefit both the City of Alpena Marina and its residents. Connecting and partnering with the community can help overcome many barriers through outreach and education.
2. **Marina Marketing:** As cities grow, marketing has become an integral part in the growth of communities. Many things can be achieved through marketing. The City of Alpena should use marketing to showcase its greatest assets in connection with the Alpena Marina.
3. **Provide Financially Sound Development:** The Master Plan recognizes that a successful project must be economically sustainable and financially sound. The Master Plan requires that new development funds and construction of public facilities and services are needed to serve the Master Plan, achieve general objectives, and avoid any financial impact on the City's ability to provide services to the rest of the City. This document will look to guide development at the Alpena Marina. The City should look to assure that the Capital

Improvements Plan aligns with the City of Alpena Marina's current goals and initiatives.

4. Create a Dynamic Multi-Use Marina for Everyone:

The City of Alpena should invest in innovative ways to assure that the Alpena Marina is a Multi-Use Facility accommodating both boating and non-boating activities.

5. Recreate, Re-use, and Redevelop Infrastructure:

A lot of what sets the City of Alpena Marina apart from other marina's is the current infrastructure. The City of Alpena should obtain creative ways to recreate, reuse and redevelop infrastructure meanwhile strive to provide the same Marina assets that citizens, residents and visitors have all grown to love.

6. New Development:

The City shall look to coordinate new development and future maintenance within Capital Improvement Plans and the overall Budgeting process.



7. Marina Vibrancy:

The City shall strive to improve the overall walkability and vibrancy throughout the marina. The City may improve overall vibrance of the marina through but not limited to many of the following natural plantings, artifacts, sculptures, art, and picnic areas.

Chapter 2

2

Site Location & Context

Site Location

The Alpena Marina is located adjacent to Bay View Park on beautiful Lake Huron in Thunder Bay at 400 East Chisholm Street;

Channel: 45° 03' 32" N 83° 25' 17" W Radio Channel: 9. The Alpena Marina is the only full service marina in the area. It provides visitors and residents with necessary, boating-related services, including a fueling station, 35-ton boat hoist, fish cleaning station, boaters' restrooms, a marina store, and marine repair facilities. The Alpena Marina offers a variety of seasonal and transient boater slips. Courtesy docks, a launch ramp and broadside moorage are also available.

The City participates in the State Central Reservation System. Under this system, transient boaters are able to reserve dockage at the Marina on specific dates via a centralized, statewide system. Forty-four (44) transient slips are available for reservation through this system.



History

In the mid 1800's, Alpena saw growth through fishing and logging. The logging peak in Alpena was from 1836 through 1921. In 1872, the harbor came under federal jurisdiction. The federal system of distributing funds to maintain the nation's harbors depended greatly on political pressure that an area exerted. Alpena had little political pressure during that era, often leaving the harbor neglected. However, during this time it served between 1,500 and 2,000 boats annually.

In the early 1900's Alpena transitioned to manufacturing, mining, and concrete block making technology. Throughout much of Alpena's History many of the industries that contributed to the early growth of Alpena such as fishing, manufacturing, and concrete technology persist to this day. In 1924, a break wall was completed at the mouth of the Thunder Bay River, alleviating most of the silting and shifting sand bar conditions. In 1936, three distinct dredging projects were completed. The break wall extended out twenty-one (21) feet, Fletcher Plant to the mouth of the Thunder Bay River eighteen (18) feet and turning basin fifteen (15) feet. The completion of the new Second Avenue bridge in 1939 opened the upper river to larger ships. Alpena's shipping and/or passenger traffic grew due to a growing stone industry centered around Huron Portland Cement Company and the Wyandotte Chemical Company. The City of Alpena gained possession of the marina in 1960 however did not receive official deed from the State of Michigan until 1987.

In 2000 the National Oceanic and Atmospheric Administration (NOAA) designated the Thunder Bay National Marine Sanctuary as the nation's first national marine sanctuary in the Great Lakes, is the first freshwater sanctuary in the nation and is home to over 200 shipwrecks. The Great Lakes Submerged Land Act of 1955 grants conveyance of all submerged great lakes bottom lands to the State

of Michigan and incorporated within the Natural Resource and Environmental Protection act of 1994. The Thunder Bay Marine Sanctuary works closely with the Michigan Department of Environment, Great Lakes and Energy (EGLE) to preserve shipwrecks.



Nearby Amenities

Bay View Park: is one of the City's largest developed parks with multiple year round uses located on Lake Huron. It contains four tennis courts, three basketball courts, and a multipurpose open lawn area. There is an area of shoreline, space for picnics and an open field for low profile activity. There is the Fine Arts Band shell, which is used for summer band concerts, community celebrations and by various groups for other occasions. A fenced, fully equipped children's playground was developed by and is maintained in partnership with the Alpena Kiwanis Club. The Bi-Path runs through the park and connects the part to other recreation areas.

Alpena Yacht Club: The Alpena Yacht Club is situated across from the Marina within the Bay View Park and is located at 250 Prentiss Street. The Alpena Yacht Club has ample seating for meeting, dinners, and special activities. The Yacht Club has expanded its kitchen to easily accommodate club members and guests in catered events. The Yacht Club is a private club that provides a wide variety of recreational activities for members and guests.

Downtown Alpena: The City Marina sits nestled less than two blocks from downtown Alpena. Downtown Alpena is a regional hub of Northeast Michigan for food, arts, history, and culture. Downtown is home to a diverse and vibrant set of nearly 200 businesses, including art galleries, a year-round professional theater, a winery, the only nationally recognized Marine Sanctuary Located on the Great Lakes and a variety of offices, restaurants, bars, and shops. The Thomas Stafford Dog Park is located downtown behind the Alpena Post Office at North Riverfront Park and opened in 2018. The Park provides a completely fenced in beautiful view of the

Thunder Bay River including benches, water spigot, mutt mitts, garbage receptacles and plenty of tunnels and play spaces.

Thunder Bay Marine Sanctuary: The National Oceanic and Atmospheric Administration (NOAA) designated the Thunder Bay National Marine sanctuary as the first sanctuary in the Great Lakes on October 7, 2000. Following a decade of support from partners and the local community, the boundaries of the Thunder Bay National Marine Sanctuary were expanded in 2014. The Great Lakes Maritime Heritage Center contains over 10,000 square feet of exhibit space, offering additional glass bottom boat tours of past shipwrecks. The Thunder Bay National Marine Sanctuary continues to protect the rich maritime history on the Great Lakes.

Starlite Beach and Mich-e-ke-wis Park: These parks are located approximately 1.5 miles from the Marina on Lake Huron along State Avenue, between Thunder Bay Avenue and Bingham Street. The Park includes youth/women's ball fields, playground equipment, a BMX park, volleyball courts, horseshoe pits, picnic area, beach, off-street parking, a splash park, and an enclosed warming/ general park shelter building which is used for social events.

Island Park & Wildlife Sanctuary: The City of Alpena Island Park & Wildlife sanctuary is a 17 acre island jewel surrounded by the Thunder Bay River which winds through 500 acres of back waters, low island, and waterfowl. The Park & Sanctuary is located approximately 1.5 miles from the marina at the corner of US-23 and Long Rapids Road. The Park is also interconnected with the Bi-Path. The Park is a rich ecosystem with flora and natural fauna with a concrete walk bridge connected to the island. Island Park & Wildlife Sanctuary is perfect for joggers, walkers, photographers, fisherman and nature lovers.

Alpena County Regional Airport: Alpena County Regional Airport is a commercial air carrier airport owned and operated by the County of Alpena and licensed by the State of Michigan and FAA. The airport is conveniently located seven miles west of the City of Alpena and maintains a 9,000ft north/south runway and a 5030ft crosswind runway. Alpena Regional Airport offers commercials flights, general aviation and fueling services.

Bi-Path: The Alpena Bi-path has over eighteen miles of beautiful city-wide paved pathway to accommodating pedestrian use. It is a great way to see the City of Alpena and all the great things it has to offer. The Bi-Path connects almost every park in the city as well as many other attractions and amenities. The map below details the Bi-Path routes.



Private Amenities: The City of Alpena has an abundance of water related private amenities from paddle board and kayak rentals, fishing charters, boat rentals, snorkeling, kiteboarding rentals, and classes, sailing classes, and scuba diving.

Additional Amenities: The City of Alpena has additional amenities including Jesse Besser Museum, Sportsplex (APLEX), Thunder Bay Art Gallery, Thunder Bay Theatre,

When planning your trip to Alpena please visit the Convention and Visitor Bureau at: www.visitalpena.com/plan-your-trip

Chapter 3

3

Existing Conditions, Facilities & Operations

Marina & Services

The City of Alpena is in full operation from April 15 to October 31. Dockhands are available 7-days a week from 8am-8pm from Memorial Day to Labor Day with reduced hours at the beginning and end of the season for anyone looking for services such as pump-out, gasoline and diesel sales and additional accommodating dockside services. The Alpena Marina has on lot winter storage, maintenance and repair facility that also offers marine supplies for sale. The Marina operates and maintains the boaters' restrooms, showers, and boaters' lounge.

Marina Onsite Amenities

- Dockside water hook up
- Dockside electric (30 & 50amp)
- Gasoline and diesel sales
- Pump-out services
- Fish Cleaning Station
- Boat Launch (daily or yearly rates)
- Ice
- Boater's Restroom and Showers
- Boat Hoist
- Dog Run
- Day Use Dockage
- 24-hour Security
- Grills/Picnic Tables
- Marine Supplies



Existing Conditions

The Alpena Marina is recognized as one of few full service marinas in the region. The Marina provides for primary access for boats off of Lake Huron boarding the Thunder Bay River. Adjacent uses include neighboring Bay View Park to the south of the Marina. Bay View Park is one of the largest City Parks providing for a multi-use year round park with events. The Bi-Path intersects portions of Bay View Park to the southeast of the marina and runs along harbor street. To the north of the Marina is a city owned wastewater treatment facility. The surrounding area prevents any expansion to the north due to the proximity of the water treatment facility. To the south of the Marina does offer possible expansion of facilities and has Bay View Park which has youth playground facilities and has been the discussion of additional proposed restrooms facilities for Bay View Park users. The Marina pier located at the southeasterly end of the marina provides for a panoramic view of Lake Huron and Thunder Bay.

The Alpena Marina has overgone some changes as of August 31, 2021, the city chose not to renew a contract with Thunder Bay Shores Marine to provide operational services and general maintenance of the Marina. The City of Alpena will now be responsible for providing boating service and maintenance of all facilities within the Marina.

The Alpena Marina offers 88 seasonal slips and 46 transient slips with varied 30 & 50 amp service throughout. The current potable water service along Prentiss Street is inoperable and being addressed through city staff. Gasoline and diesel service are offered within the Marina for boaters. The Marina also offers picnic areas, and additional stationary charcoal cooking grills. The city currently has no maps indicating the services offered throughout the Marina.

Many of the Alpena Marina facility buildings were built over three decades ago. The service building contains a part sales', offices, and two additional attached buildings for service and maintenance of boats. The service and maintenance buildings limit the size of boats that can be worked on indoors based upon the built environment. The service building has a second story that is unutilized as a working space. The service buildings do have the advantage of having the Harbor Hoist nearby to effectively service boats as they come out of the water. Many of the facilities are inadequate in achieving American Disability Act (ADA) accessible compliance.

The Marina restrooms and boater lounge have seen few upgrades in the past few years. The restrooms have some sanitary equipment that does not work or is not operable. The boaters lounge although small is underutilized and currently consist of chairs and a television.

The fish cleaning station has seen sprayer, cleaning and general upgrades in the past few years and the city has strived to keep an overall cleanliness of the facility.

The current Marina parking area is primarily used for storage of boats in the off season. The parking area is also used for as parking for boaters as well as a location for hosting events such as the Alpena Brown Trout Festival. There is additional vehicular parking located to the south along Prentiss Street.

Environmental Conditions

Much of the shoreline is identified as wetlands, although the fluctuating water levels, and river system result in highly variable wetland quality. There are additional wetland areas as you move up the Thunder Bay River allowing wildlife to move freely between the wetland areas. The water in the harbor is for the most part stagnant creating a dark, murky, and silt bottom. The Thunder Bay River to the north does allow for flowing water. However much of that does not pass through the Marina.

2022-2023 Budget

Wages	\$110,000
Fringe	\$43,292
Supplies	\$27,500
Professional/Contractual	\$50,000
Grounds and Beautification	\$3,500
Utilities	\$38,209
Misc. Office and Expenses	\$3,800
Repairs and Maintenance	\$75,000
Insurance	\$7,745
Total	\$359,046

Chapter 4

4

Boating Market Analysis

Basis for Market Analysis

There were 11.82 million boats registered in the 50 states and the District of Columbia in 2018. Including about 7.76 million open power boats, 1.38 million PWC's, and 989,000 pontoon boats. States with the largest number of registered boats were Florida (925,000), Minnesota (819,000) and Michigan (795,000). Vermont (29,000), Wyoming (12,000) and Hawaii (12,000) had the least number of registered boats.

There were 25.22 million boats owned in 2018 calculated as either in the state of registration or state of storage for boats not required to be registered. There were almost 7.76 million open power boats, 7.56 million kayaks, 2.54 million boats that are rowed, and 2.42 million canoes. There were about 13.33 million human-powered boats, including kayaks, rowed boats, canoes, and paddle boards. Michigan (1.73 million) had the largest number of boats followed by Florida (1.71 million) and New York (1.33 million).

The data provided by the National Recreational Boating Safety Survey shows Michigan as a leader in boating and water related activities. Michigan boasts the 3rd highest number of registered boats in the United States which further indicates a vast market for boating activities in Michigan. Michigan stands as the leader for boats not required to be registered such as kayaks, row boats, paddle boards, etc.

Statistics: United States Coast Guard Boating Safety Division Published: October 2020

Regional Boaters Market

The table below shows information on the existing marinas that border Lake Huron in the Northeast Michigan Region Boater's Market.

<u>Location</u>	<u>Marina</u>	<u>Seasonal Slips</u>	<u>Transient Slips</u>	<u>Full Service</u>
Alpena County	Alpena Marina	88	44	X
Presque Isle County	Presque Isle Harbor	30	90	--
	Roger City Marina	92	56	--
Cheyboygan County	Cheyboygan Village Marina	21	20	X
	Cheyboygan County Marina	57	37	--
	Straits State Harbor	10	126	--
Alcona County	Harrisville Municipal Marina	46	43	--
Iosco County	East Tawas State Harbor	80	54	--

Notes:

1. Information listed above may include slips that are non-serviceable at the moment. Such as slips damaged by high water levels.

The market for transient slips and seasonal slips is difficult to accurately determine due to many factors. The Novel Coronavirus (2019-NCoV) affected seasonal slips, transient slips, marina operations and marina statistics in 2020. There is also lack of specific data on transient boat traffic that would travel to the City of Alpena.

If we assume that the City of Alpena Marina has a 60 day peak boating season with an average occupancy rate of 70%. That being 1,920 boating days or approximately 32 occupied slips per month. The Alpena MSWC transient boat berthing rate of \$29 per day for

boats of 32 feet LOA, it can be estimated marina slip rental income from transient boats at \$55,680 per season or \$1,740 per transient slip season.

For comparison, if these same 32 seasonal slips or 1,920 boating days for a boat at 32-foot LOA were leased as seasonal slips at the market rate of \$1,350 for the season it can be estimated to generate \$43,200 per season. Thus, we can see an incentive for private marinas to provide transient slips in this market. However, trends show that private marina operators will only accommodate transient boats when their seasonal slips are temporarily vacated. With the short boating season in Lake Huron, economics dictate that private marinas will not provide transient slips in numbers.

The City of Alpena has a keen spot in the market offering seasonal slips at a slightly lesser rate than transient slips with the marina at about 75% seasonal slip capacity. Meanwhile, the City of Alpena Marina offers 46 transient slips for those new to the area or for those wanting to see what Alpena has to offer.

Market Analysis Impact on Economy

Estimating that powered transient boats each carry on average 2.25 people and each boat spends approximately \$50 per person per day in port (not including fuel, boat maintenance, or outside recreational fees, etc.) it can be estimating an annual direct contribution to the downtown and surrounding area of at least \$310,500 to the City of Alpena economy. Assuming an average regional Economic Impact Analysis for Planning multiplier of 1.6 for this direct income, we can estimate a direct and indirect economic contribution totaling over \$496,800 to the City of Alpena community from these 46 transient slips based on a 60 day peak boating season.

Alpena Marina Boat Launch

The City of Alpena municipal boat launch on 400 Chisholm St is the only boat launch with a hard-surface ramp with sufficient water depth on Lake Huron to accommodate all trailerable watercraft (minimum of 2.5-3 feet deep at the distance of 20 feet from shore. The nearest similar hard-surface boat launch marina is located in Presque Isle County approximately 30 miles north.

At a launch fee of \$7, and annual launch revenues of approximately \$1,750, it is estimated that at least 250 boats are launched at this facility using daily passes per season. Another 300 launch passes are sold seasonal at a rate of \$25 for City residence and \$50 for non-

residents per season totaling around \$7,500. Assuming a 100 day peak season for daily launch 12 boats per day paying for daily launch at this facility it would total \$9,200.

City of Alpena Seasonal Slip Summary

The City of Alpena Seasonal Slip occupancy sits at around 75% of the total 88 seasonal slips. The approximately 66 seasonal slips should generate on average \$112,332. The City of Alpena should look to track the rates of occupancy in the future as an increase of just two new seasonal slips owners per year would put the City of Alpena close to full seasonal slip compacity within ten years.

Chapter 5

5

Planning Process & Survey Information

City of Alpena Marina (Charrette) Session

On August 9, 2021, at 6:30pm the Harbor Advisory Committee, with assisting City and Northeast Michigan Council of Government staff held a Charrette to envision the future for the Marina. The charette session was held at the Alpena Yacht Club. The session had approximately 30 attendees. The Charrette session was essential to gather input on the future of the Marina. Maps were developed to for citizens and users to indicate improvements, what they like about the marina and general discussion. Through citizen comments there where some reoccurring themes including the boater restrooms improvement, boater lounge improvements and fish cleaning station improvements. The general public consensus was the marina needs overall improvements as well to make the marina more attractive to visitors and to keep the marina vibrant for seasonal boaters. One of the greatest assets mentioned by many citizens and users was having a full service Marina that accommodates for storage, general maintenance, and boating service all in one stop.

Alpena Marina Surveys

The Harbor Advisory Committee and staff also developed a public marina survey and an additional user marina survey to help better meet the community and boater needs for the City of Alpena Marina. The Public Survey was available on the City of Alpena website and additional QR codes were placed throughout the Marina. The Public Survey was available for many months and had

good turnout of 137 participants. The User Survey was sent out to known users, past and present of the Marina to gauge their opinion on the Marina. The User Survey had a turnout of 34 participants.

The results of the public marina survey and user marina survey can be found on the City of Alpena website at:

<http://cms3.revize.com/revize/alpenami/departments/marina/index.php> The following sections will use the public survey data, user survey data and where applicable the Charrette feedback to detail the reinforce summary of needs at the Alpena Marina.

Public Marina Survey Results

<http://cms3.revize.com/revize/alpenami/departments/marina/City%20of%20Alpena%20Marina%20Public%20Survey%20Results.pdf>

User Marina Survey Results

<http://cms3.revize.com/revize/alpenami/departments/marina/User%20City%20of%20Alpena%20Survey%20Results.pdf>

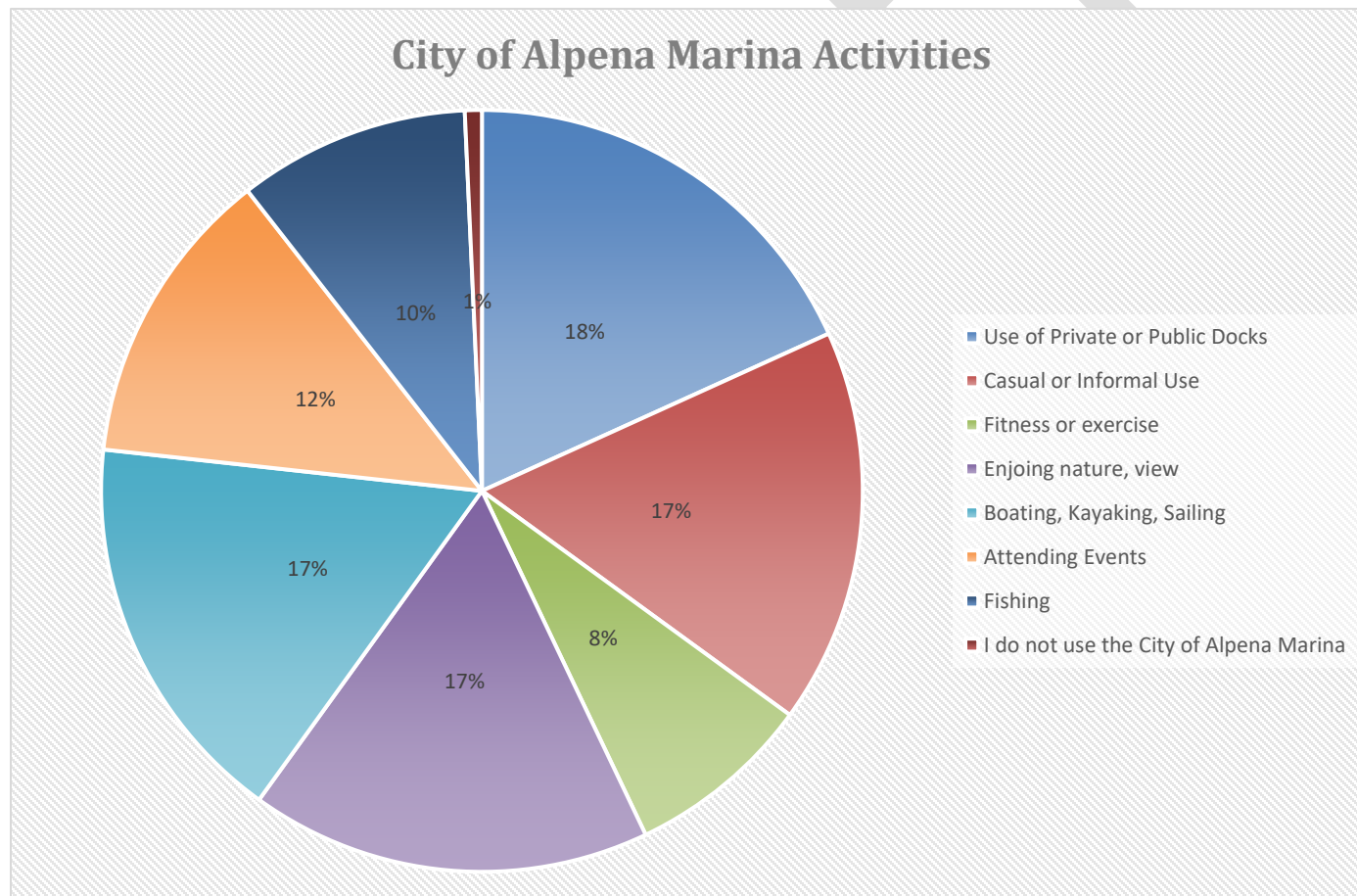
Survey Data Analysis

The Public Survey indicate that a majority 83.67% of users are year round residents within the county or residents of the City of Alpena. Approximately 48% of the public surveyed visited the marina for their first time almost 20 years ago. The Public Survey and User Survey indicates that a majority of the users are over the age of 30 with approximately 40% of boating users being 65 or Older. According to the public user survey over 50% members of households in the past year have visited the marina more than 16 times with 64% of the boating users visiting the marina weekly. With a variety of ages above 30 years of age it may be of priority for the Alpena Marina to encourage younger boaters and younger users of the marina. There are many additional factors that may

contribute to young users not using the marina as much. Such as financial capital, and investment of a boat, boating equipment and maintenance cost to factor in.

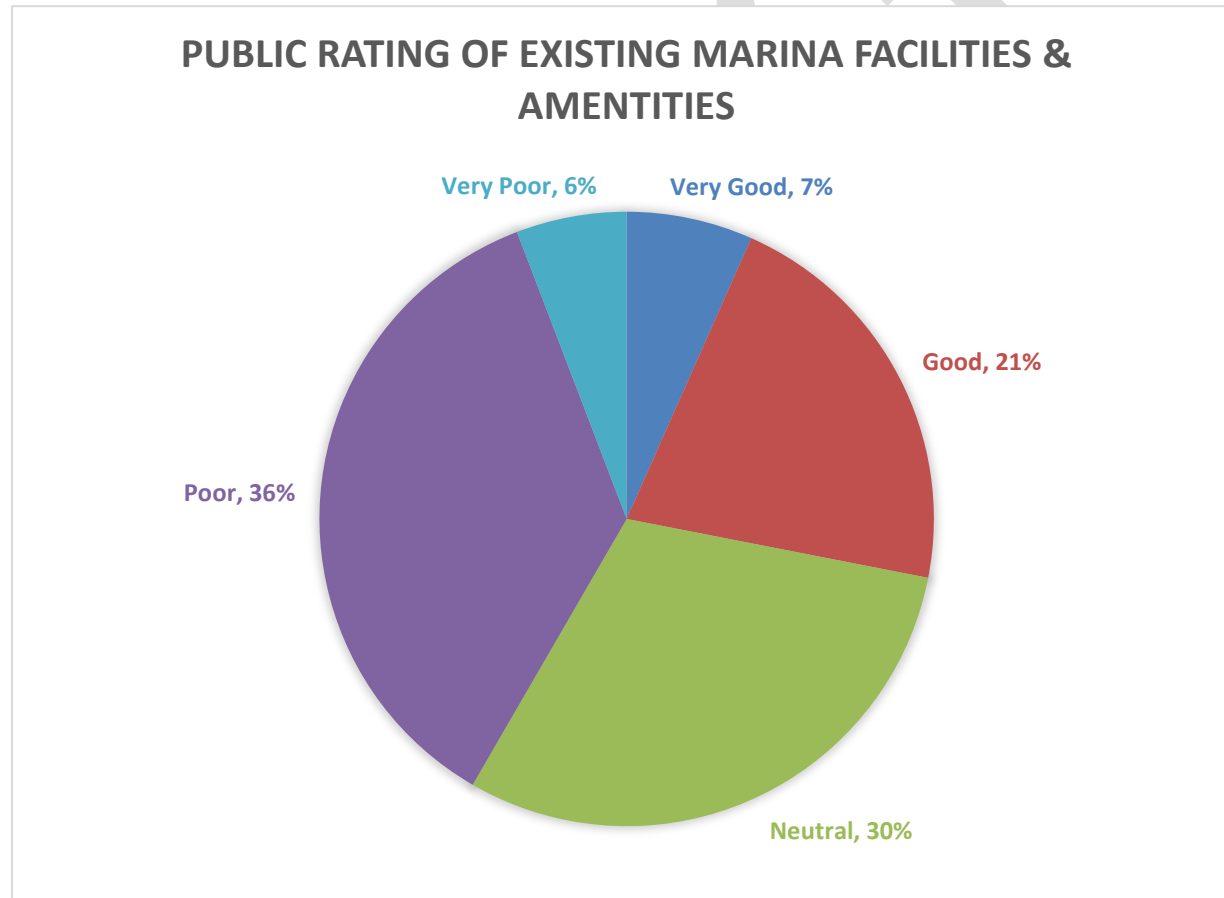
The Public Survey showed that the people using the Marina use it for a wide variety of activities **Figure 1-1** breaks down the activities the public uses the Marina for. This further supports the Master Plan goals of creating a multi-use Marina.

Figure 1-1



The Public survey indicates need for overall improvements at the City Marina. **Figure 1-2** indicates how the general public rate the Marina facility and amenities.

Figure 1-2



The public survey and user survey participants have identified many improvements in correspondence with the Charrette. Some of the reoccurring themes include improving boater restrooms, lounge and shower facilities, improvement in general cleanliness and

housekeeping tasks, a fresh new look of the facility buildings that would correspond with an overall theme of the Marina, improvement of many of the docks, lighting, landscaping throughout the marina.

Through the public survey the participants identified many strengths of the Marina. These include proximity to downtown and other amenities, being a full service marina, having a fish cleaning station, the beautiful natural setting and the users and staff creating a great sense of community within the Marina.

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Chapter 6

6

Improvement Plan & Recommendations

Development Process

Through surveys and the Charrette, the City has found demand for improvement and enhancement of the City of Alpena Marina. The Improvement Plan addresses Infrastructure & Facility Improvements, Marina Marketing Goals, General Operations & Maintenance, and additional tasks and goals relating to the Marina.

DRAFT

Facility & Infrastructure Improvements: This section will detail facility and infrastructure improvements that through surveys and charrettes were felt as important improvements throughout the marina as a whole. The Alpena Marina has a vast maritime history. The City of Alpena shall look to prioritize facility and infrastructure improvement in coordination with any possible grant funding. This will help ensure future maintenance and help the city marina operate as effectively as possible. The city shall strive to recreate, reuse, and redevelop current facilities and infrastructure creating a vibrant multiuse marina and achieving the city and residence goals. While maintaining financially sound development.

Information	Priority or Years	Responsible Party('s)
Improve walkability, and vibrance of the marina through natural plantings, artifacts, sculptures, art, and picnic areas.	Multiyear Improvement beginning 2023	City; Harbor Advisory Committee (HAC), Planning Commission, DDA, Council
Improve the overall signage within and surrounding the Marina	Multiyear Improvement beginning 2023	City: HAC & Staff, DDA, Planning Commission, Council, Possible Consultant/Regional Planning Agency.
Improve overall Multi-Use Development(s); Including New Development and revitalization of current development to create multiuse facilities.	Long Term Project currently scheduled after 2028	City; HAC & Staff, DDA, Planning Commission, City Council, City Engineering Staff
Work to evaluate Facility & Infrastructure improvements based on cost and incorporated Facility & Infrastructure Improvements in the budgeting and Capital Improvement Plan Process based on cost.	Ongoing beginning 2022. See attached summary of 2023-2028 Marina Projects	City; HAC & Staff, City Council, City Engineering Staff
The City shall work to renovate or redevelop current bathrooms and boaters' lounge area.	This project will be the second Waterways Grant in Aid request projected for 2025.	City; HAC & Marina Staff, City Council, City Engineers

Renovate, revitalize or work to reconstruct the current Marina Service buildings.	Ongoing five year plan to refurbish the existing structure	Marina Staff
The City shall evaluate the need for additional culverts and stormwater drains within the marina.	Long Term Project currently scheduled after 2028	City Engineer
The city shall look into the feasibility of installing a boat wash station.	Long Term Project currently scheduled after 2028	Marina Staff, City Engineer
Improve ADA accessibility throughout the City Marina	This task shall be handled in conjunction with other improvements on an ongoing basis	Marina Staff
The city shall replace current fixed docks working with the Michigan State Waterway Grant Program. While limiting expenses towards the current fixed docks.	This project will be the first Waterways Grant in Aid Request in 2023	Marina Staff, City Engineer, Waterways Commission
The city shall make improvements to the existing site utilities	This project will be the third Waterways Grant in Aid request in 2026	Marina Staff, City Engineer, Waterways Commission

Marina Marketing: Marketing has become a keen asset in the 21st century. With the change in times the City of Alpena shall take advantage of marketing to better promote the greatest assets that the City of Alpena has to offer. Marketing shall be an integral part of the growth of the marina along with outreach and education within the community.

Informational	Priority or Years	Responsible Party(s)
Work with the community to grow marketing and branding opportunities, including improving kiosk areas surrounding the Marina. Meanwhile keeping the same theme throughout the City and the marina.	Ongoing efforts have started between the Alpena Marina, DDA and the Chamber of Commerce	City; HAC & Marina Staff, Chamber of Commerce, DDA, City Council
Work to develop partnerships with local businesses, developers, and residents to achieve the overall goal of the city of Alpena marina.	As part of a developed plan, the marina will begin to reach out to local businesses for support in 2023 to create an incentive for visiting boaters	City; HAC & Staff, DDA, City Council, Chamber of Commerce
Work to improve outreach and education through quarterly, monthly, seasonal updates and possible educational sessions to help keep users and general public stay informed and engaged.	A bimonthly newsletter is planned to start in 2022 to keep users informed of happenings around the marina.	City; HAC & City Marina Staff
Work to evaluate Marina Marketing based on cost and incorporate Marina Marketing in the budgeting and Capital Improvement Plan Process based on cost.	Beginning in 2023, a marketing budget will be established to aid in promotion of the marina and the City of Alpena.	City, Harbormaster, Chamber of Commerce
The City shall look to map current facilities and services for current and new users. Maps should include	Initial topographic survey has been completed. Mapping work will be	City Engineer and Harbormaster

	location of seasonal and transient docks, Electric Amp Service provided, potable water service areas, etc.	ongoing in 2022 and scheduled for implementation in 2023.	
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Operations & Maintenance: The City of Alpena shall look to prioritize Operation and Maintenance improvement in coordination with any possible grant funding. This will help ensure future maintenance and help the city marina operate as effectively as possible. The city shall strive to recreate, reuse, and redevelop current infrastructure creating a vibrant multiuse marina. The city shall strive to achieve financially sound development.

Informational	Priority or Year	Responsible Party
The City of Alpena shall continue to update and maintain potable water services	Project is scheduled to begin Spring 2022	City; HAC & Marina Staff, Engineering Staff, City Council
The City shall look to replace current fixed docks with adjustable floating docks.	Waterways Grant Application for funding in 2023	City; HAC & Marina Staff, Engineering Staff, City Council
The City shall evaluate break wall conditions. Including maintenance, and updates as needed.	Reaching out to community partners and service organizations of assistance. The rail painting could be the first “Marina Pride” project.	Community Partners, Marina Staff
The City shall look for improvements or reconstruction along Harbor Drive and Prentiss Street.	City will analyze cost to obtain whether improvements or reconstruction is needed along Prentiss Street in 2026	City; Engineering Staff, Harbormaster, Council
Dredge the City of Alpena Marina and continue to evaluate the 10 year dredge cycle.	Manual soundings are periodically taken to evaluate the need for a full survey. As of last fall, there was not a need	City; Engineering Staff, Harbormaster, Council
Work to evaluate Operation & Maintenance based on cost and incorporated Operations & Maintenance in the budgeting and Capital Improvement Plan Process.	The City is in the process of evaluating the revenues vs expenses on an ongoing basis. An overall budget analysis will be completed after the 2022-23 budget cycle.	Harbormaster, City Manager, City Clerk/Treasurer/Finance Director,
The City shall evaluate future expansion of seasonal docks & transient docks.	Long Term Project currently scheduled after 2028	City, Harbormaster

Fully adopt any programs and initiatives to state systems to coordinate with state.	Upon assumption of operations, the City implemented the use of the DNR CAMIS system. After evaluating options, the marina switched its reservation style to a slip specific reservation choice allowing boaters to choose their slip in advance.	Marina Staff, DNR Waterways
The City shall work with the MSWC to evaluate seasonal changes in transient rates.	Ongoing Evaluation beginning Spring 2023*	City, HAC, Harbormaster, MDNR, Council, City Manager
The City shall work to have boat launch fees support the total cost for boat launch maintenance.	Ongoing Evaluation beginning Spring 2023*	City, HAC, Harbormaster, MDNR, Council, City Manager
The City shall assure any new construction be analyzed for feasibility and future maintenance costs of the project(s)	Ongoing process through the Capital Improvements and budgeting process	Harbormaster, Council, City Manager, Planning Commission
*The City of Alpena has chosen to hold prices for the 2022 boating season to evaluate budgets based on actual revenue and expenses		

Additional Tasks & Goals: The City of Alpena shall look to prioritize infrastructure improvement in coordination with any possible grant funding. This will help ensure future maintenance and help the city marina operate as effectively as possible. The city shall strive to recreate, reuse and redevelop current infrastructure. The city shall strive to achieve financially sound development.

Informational	Priority or Year	Responsible Party
Become Michigan Clean Marina Program Certified.	Spring 2022	Harbormaster and Marina Staff
Encourage sweat equity to help grow community partnerships.	Marina Pride committee formation scheduled for 2022	HAC, Marina Staff and “Marina Pride”
Review the feasibility of having short term shopper docks in place of courtesy docks for visitors specifically traveling to experience the downtown amenities.	2024	Marina Staff

Chapter 7

7 Grant Resource Summary

Intro

This Chapter is designed to summarize the many of the grant opportunities available and may be a tool to help guide staff in selecting the proper grant(s) for the given project. It is important to keep in mind that sources of grant funding may change from time to time. The grants below will have a brief description of what the grant is, requirements and some forms of application.

DNR Michigan Waterways Grant Program

The Waterways Program Grants provide funding for engineering studies and infrastructure improvements. Michigan grant-in-aid harbors and public boating access sites managed by local units of governments (city, village, township, and county) and state colleges and universities are eligible to apply. Applicants not able to provide a 50% match, however, can demonstrate a “qualified need” may apply.

Grant funding requires a 50% match of the estimated cost with additional preference for those matching more than 50%. Applicants fund match must include well documented in-kind expenses.

More information can be found at MDNR: https://www.michigan.gov/dnr/0,4570,7-350-79134_81684_79209_80306---,00.html

DNR Michigan Boating Infrastructure Grant Program

Boating Infrastructure grants are to provide construction of recreational boating facilities in the state that meet the following goals. Create dockage for transient recreational boats 26 feet or larger in order to provide access to recreational opportunities and safe harbors. As well as provide navigational aids for transient boaters using these facilities. Also, to enhance access to recreational, historical, cultural, natural and scenic resources. As well as strengthening local ties to the boating community and its economic benefits, while promoting public and private partnership and entrepreneurial opportunities. To provide continuity of public access to the water and promote awareness of transient boating opportunities.

The program must be designed to accommodate boats of 26 feet or greater. They must be used by transient boaters not staying more than 15 consecutive days and must be open to the public allowing no commercial uses or seasonal slip allowances. Must be designed and constructed to last at least 20 years and continue to be used for the stated grant purpose and maintained through its useful life.

Rural Development Grant

The Michigan Department of Agriculture & Rural Development (MDARD) is offering a grant opportunity to promote the sustainability of land-based industries and support infrastructure that benefits rural communities.

American Rescue Plan Act & State and Local Fiscal Relief Program

The American Rescue Plan Act (ARPA) of 2021 was signed into law on March 11, 2021, the act includes \$350 billion for State and Local Fiscal Relief Program (SLFRP). The act may provide funds to respond to public health emergency or its negative impacts including, assistance to households, small businesses, and nonprofits, or aid to affected industries such as tourism, travel, and hospitality. The act may use funds to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers. The act provides provisions of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to the revenue collected in the most recent full fiscal year before the emergency and, make necessary investments in water, sewer, or broadband infrastructure.

Public Spaces Community Places

Public Spaces Community Places is a collaborative effort of the Michigan Economic Development Corporation (MEDC), the Michigan Municipal League, and Patronicity where local residents can use crowdfunding to be part of the development of strategic projects in their communities and be backed with matching grant from MEDC.