

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
May 9, 2023 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 Chairman.

ROLL CALL: PLANNING COMMISSION

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

ABSENT: Sundin, VanWagoner

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

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting April 11, 2023, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION: **Case # MAP 23-03** – Jeff Konczak, owner of the property located at 320 Johnson Street, has requested to rezone the property from OS-1 (Office Service) to B-2 (Commercial Business) to allow development of drive-up restaurant businesses. Restaurants are currently not allowed in the OS-1 district but are allowed by right in the B-2 district.

Birmingham presented the Finding of Fact report (see Appendix A) and Rezoning Standards (see Appendix B).

FAVOR: Jeff Konczak, property owner and owner of BCubed Manufacturing, explained that they manufacture modular drive through facilities and ship them all over the country from Alpena, Michigan. He said that they are on the fiftieth Biggby Coffee facility out of that plant. He stated that he made a commitment as they were growing BCubed, to try to bring businesses to Alpena; they have exclusive agreements with Biggby Coffee, Quiznos, and Taco Del Mar, which currently there is not another one closer than North Dakota right now, as they are mostly Pacific Northwest. Konczak stated that they have specific arrangements with those companies to build their buildings for them in lots of places. He said they just had a franchisee sign for

thirty Quiznos operations in Arizona, however, he would like to do prototypes for new buildings for Alpena because [we] need those services and restaurants, particularly in that location with the hospital adjacent, the college, US-23 and the ice rink. This was meant to be a prototype park. He said he knows people are going to ask if Alpena needs another Biggby Coffee, but this one will be the new Biggby XL, which is a larger version for higher traffic. He said the idea is to go through the existing curb cut and choose which one you want to eat.

OPPOSITION: None.

Gilmore said that he is glad the land is being utilized for something other than the jail, and he was worried that it would sit there for years and years.

Boboltz stated that in the future, as they continue to re-write the Zoning Ordinance, he would like to look at the OS-1 designation and possibly others and see if it makes sense to not have restaurant type facilities in those districts as a matter of right. Also, he said he is excited about the prospect of this food court going into that location with all the hospital employees, college employees, car dealerships; a lot of people who want to use the facilities will literally be able to walk or bike to it from the immediate vicinity.

Wojda asked if the facilities would be drive through only or walk up. Konczak said that they will be walk up also. He also said that in the back corner of the property, they have a pavilion planned so that people who are walking or riding bikes will have a place to sit and eat outside.

Moses said that he feels that side of town really needs something like this, and it will help take some of the pressure off of the main drag where the other fast food places are located. He also felt that the way the drive through is set up, it would alleviate any problem of traffic snaking out to the street like McDonald's sometimes does.

FAVOR: Diane Bauer, appeared just before the public hearing closing, said she is in favor of the project and is excited about Taco Del Mar.

Boboltz closed the public hearing at 6:12 pm.

Wojda ***motioned*** to adopt the factual findings as contained in Appendix A of the packet and based upon those findings, approve the Rezone of 320 Johnson Street from OS-1 to B-2.

Peterson ***seconded*** the motion.

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

NEW BUSINESS: Article 3 Review – General Provisions – Denise Cline, NEMCOG, explained that the goal was to make things less restrictive, as that has been the trend in most communities and all over our region. She and [Birmingham] asked themselves why the Zoning Ordinance says what it says, what they were hoping to accomplish and what would be the consequence if they removed some language. She said that there were more changes than they had anticipated and were probably just as extensive as when the Ordinance was changed back in 2009-2011. Boboltz referenced page numbers and asked members to speak up if there were any comments or questions.

Pages 3-1 through 3-4: No comments.

Page 3-5: Boboltz asked for clarification on the definition of recreational vehicle and why the others were struck out. Cline explained that all of the previous types of recreational vehicles were combined into the definition of recreational vehicle.

Page 3-6: Birmingham explained that the language about the demolition permit requirements was struck out to expedite the process of development.

Page 3-7: Birmingham explained under Section A that accessory structures which are 200 square feet or less would require a Zoning Permit, and structures 201 square feet or greater would require a Building Permit. Boboltz asked under Section C.2, why there is a difference in setbacks for an attached garage versus detached garage. Birmingham said that when an accessory structure is detached, it must be at least six feet away from the primary structure and six feet away from the side and rear lot lines; as soon as it is attached to the primary structure, it then has to meet the rear setback of 20-25 feet, depending on what kind of lot they have. Conversation went back and forth about why it is possibly worded like that. Peterson said that if they could minimize the complex nature of this and have a universal setback expectation, it would be more friendly to the homeowners and the historic homes as well as being mindful of having some continuity with practices. Birmingham stated that they are also trying to avoid having people go to the Zoning Board of Appeals. All were in consensus that they should keep thinking on that subject for possible solutions. Under Section C.3, Birmingham explained that the State of Michigan Building Code requirement for a side or rear setback is five feet and one inch to avoid additional requirements for fire related concerns, and her suggestion would be to keep that as it is, at six feet.

Page 3-8: Cline asked why, under Section C.5.a, is the side setback on a corner lot ten feet. After discussion, consensus was to keep thinking on that one and come back to it at a later time.

Pages 3-9: No comments.

Page 3-10: Under Section E.1, Cline said that if the goal of the City is to increase housing and density, then this section should be removed because it would restrict single-story houses from having a garage with a dwelling above. Wojda said that there are currently many non-

conforming homes with accessory dwellings within the City. All conceded that the current nonconformities within the City are not offensive. Moses said that anything that would help to increase the housing in our area is a good idea.

Page 3-11: Cline said a provision will be made to allow temporary moving pods.

Page 3-12: Birmingham explained more about temporary storage structures on Commercial or Industrial lots.

Page 3-13: Birmingham said that the Overnight Camping section is also located in the Municipal Code. She asked if it should be in both places. Wojda said that he thinks it would fit better under the Municipal Code rather than the Zoning Ordinance. Boboltz said that allowing only seven days of camping was not enough, especially if someone has family from across the country coming to stay in their motor home.

Page 3-14: Boboltz asked about vehicles used for demolition derbys and wondered if the language is too strong pertaining to the requirements of how they are stored. Wojda said that language was meant to be strong to minimize the amount of blight type conditions and junk vehicles.

Page 3-15: Boboltz questioned the maximum height of four feet above the roof line for Roof Mounted Accessory Solar Panels. Birmingham stated that language was in there before.

Page 3-16 through 3-17: No comments.

Pages 3-18 and 3-19: Birmingham explained that the clear vision triangle had been changed from twenty-five feet to fifteen feet which was consistent with what they did for signs; the height went from three feet to four feet because fences generally are four feet and there have been a lot of issues with people trying to do a fence on a corner lot and they can't utilize their yard because of the difference between a three and four foot fence. She also said that Engineering was in favor of it in some areas and would discuss further with them.

Page 3-20: No comments.

Page 3-21: Boboltz said the issue of manufactured homes could come up quickly. Cline said that right now the City allows stand-alone accessory dwelling units, so there is nothing stopping someone right now from putting a mobile home in their yard with their primary residence as an accessory dwelling unit because there is no size standard. She said that right now, a tiny home could go on a lot as an accessory dwelling unit; would a ratio be a good thing to prevent single wide trailers from being used as a tiny home. Cline also said that she thinks a majority of residents are unaware that accessory dwelling units are allowed in the City. Birmingham stated that there is a size requirement for an Accessory Dwelling Unit which they will talk about when they get to Article 7.

Pages 3-22 through 3-28: No comments.

Pages 3-29 through 3-31: Birmingham explained that the verbiage is trying to promote a dark sky environment. She said light level ratings were removed, as they were likely never measured in the past.

Page 3-32: Fences - Cline explained that only the simplified table is shown because it got too complicated showing the previous and new versions combined. Boboltz asked Birmingham when a fence is installed on the property line, who is responsible for the upkeep of the opposite side. Birmingham said that typically it is encouraged to get approval from the neighbor to put the fence on the property line and whoever obtained the permit is responsible for the maintenance.

Page 3-33: No comments.

Pages 3-34 through 3-50: No comments.

Page 3-51: Kostelic asked if there are a lot of landscape calls. Birmingham said yes, people call to ask what they are allowed to do. She stated that the Ordinance was extremely confusing which is why it is now much more simplified.

Pages 3-52 through 3-53: No comments.

Pages 3-54 and 3-55: Boboltz asked to have Balsam added to the table and asked why the Burning Bush was on the list of prohibited plant material. Birmingham said that there was discussion between Huron Pines and the Wildlife Sanctuary Board, and it was suggested that they could be somewhat invasive and prolific. She also stated that she is waiting for a response from Huron Pines to review this section.

Pages 3-56 through 3-68: No comments.

Page 3-69: Birmingham explained the new table for parking requirements. Cline explained that there is movement all over the country, getting rid of parking minimums; the RRC also encourages communities to not require parking minimums. Boboltz said it is a fantastic idea to allow the property owner to participate in the process of those decisions. Cline said that there is a website that shows what communities have gone through with this; Alpena will be the first community [in Northern Michigan] that is going through with doing this. She also said that she has received phone calls from other communities asking if anybody has done this yet and they are watching how it goes to possibly do the same in the future.

Pages 3-70 through 3-83: No comments.

Page 3-84: Cline asked if there should be an Administrative deviation for setbacks on a non-conforming lot before kicking it up to the ZBA. She also suggested eliminating section F.2 because it prevents increasing density within the City. Peterson agreed. Wojda said that they should build in a reasonable Administrative Deviation consistent to what they have done throughout the section's 86 pages to build in a little bit of flexibility and to give an opportunity to look at things and make a reasonable decision. If it is a bigger deviation, then they could

send it to the ZBA to figure it out. Birmingham explained that the current minimum lot width is seventy or eighty feet, depending on the district. Most of the lots in the traditional older parts of the City are only 66 feet or 33 feet, so the majority of houses are non-conforming.

Pages 3-85 and 3-86: No comments.

Page 3-77: Birmingham went back and requested that they take a look at Table 3.31(D) and consider possibly eliminating or modifying it to gain a greater degree of flexibility.

COMMISSIONER DISCUSSION: Boboltz asked what it means when people say, “We don’t want to be like Traverse City”. He suggested that traffic congestion is one possible reason, along with crazy home prices, housing shortages, parking meters, parking structures, bike-ability, among other things. He said that there are a bunch of other things to think about as they continue to work on the Zoning Ordinances; if Traverse City clearly has issues that they can identify, is it possible with Zoning to facilitate that not happening here. Gilmore said that going back 45 or 50 years, there was a great expansion and growth that unfettered the City Planning for a bit until they could get their hands around it. Moses said that it is the unfettered growth that scares him, and he feels that [Alpena] is a step ahead by discussing the fact that they need to control growth because it could happen here very quickly. Birmingham suggested that they reach out to the public and ask for input.

Boboltz suggested that the City of Alpena Planning Commission should consider coordinating a joint session with the Township Planning Commission to try to figure out how they line up with one another in terms of things they want to do.

Boboltz informed the Commission that he took a class that offered a lot of information on Accessory Dwelling Units, and he found out that there are some other communities that have plan books. The public could choose an ADU from the plan book that they want to build, and it would be approved right away, in order to help facilitate the need for housing. Peterson suggested adopting something with modifications tailored to our community so that they would not be rewriting everything. Kostelic’s concern with that is that crazy growth and handing out site plans for someone to just be approved, does not necessarily go hand in hand in her mind. Peterson said that Alpena needs to have its own identity and if they can identify that, that is the draw. Moses said that he doesn’t think there will be the pressure of the unfettered growth in Alpena due to Covid, brick and mortar stores closing and more people working from home, but there is an opportunity to maintain that small town feel of beautiful downtown and the harbor, which makes the downtown unique in Northern Michigan. He said that they need to work hard to preserve that. Boboltz said that rather than trying to control growth, they need to manage it and that is what zoning is all about as far as how and where that growth occurs.

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: None.

PUBLIC COMMENT: Diane Bauer said she came to the meeting to hear the conversation about not wanting to be like Traverse City. She spent the last six weeks in a local and state government class, and they talked about how they don't want to be like Traverse City. She said two groups presented their ideas to Mayor Waligora and Mike Mahler. She suggested the idea of more public input is a good one, especially hearing from the youth. Bauer said that what we do not want like Traverse City is houselessness, as their homeless population is increasing dramatically, as is ours. She suggested that the Commissioners read the most recent housing report as there are some very telling things in it as it relates to her age group.

Kevin Ginter says it is interesting that Alpena is the model for the area; in different towns that he has lived in, the death nail of the downtown was the commercial suburban growth. He said that Grand Rapids is a good example of how the downtown was vibrant and then the suburban growth came in and for the last 15-25 years they seem to be getting more and more things that bring people back to the core of the downtown area. He thought it important for Alpena to take the lead, both the Planning Commission and City Council, to take what they can do in nine square miles and be the leader of what draws [people]. Many people travel elsewhere for [things not offered in Alpena]. Having Alpena be more of a destination city for the unique things we have here such as the lakeshore and water, shipwrecks; he couldn't believe that there isn't a company having fifty people per week going diving on the shipwrecks but maybe it just isn't something that has materialized itself. He said he is impressed by the thoughtful review of the content covered at the meeting. He thought that their ideas of how to manage the future and keeping stuff in Alpena were good.

MEMBERS' COMMENTS: Moses said that if they don't increase the housing opportunities, business growth isn't going to matter because they're not going to get anybody to bring a business up here if they don't have a place to live. Gilmore said that ten years ago when he ran for City Council, he walked around knocking on doors and he noticed that there were a lot of empty houses. Moses agreed. Boboltz said that there are also a lot of vacant lots.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:07 p.m., by Boboltz, Planning Commission Chairman.

Clayton C. VanWagoner, Secretary