



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

Planning & Development

AGENDA

City of Alpena Planning Commission

Regular Meeting

Tuesday, July 30th 2019, 7:00 p.m.

Alpena, Michigan

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Regular Meeting June 11, 2019

PUBLIC HEARING AND COMMISSION ACTION:

BUSINESS:

- 1. P.C. Case No. 19-SU-01.** Cherokee Girard, 147 Barry Street, Alpena MI 49707, has requested a special use permit to allow for a daycare (7-12 children) to be located at 147 Barry Street in the R-2 One-Family Residential District. Article 5.7B and 7.10
- 2. P.C. Case No. 19-TX-01.** The City of Alpena has filed a request to amend the following sections of the City Zoning Ordinance relative to allowing Medical Marijuana Facilities as a use allowed by special land use permit.

COMMUNICATIONS:

REPORTS:

1. Development Update-

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:



MINUTES
City of Alpena Planning Commission
Regular Meeting
June 11, 2019
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

PRESENT: Mitchell, Gilmore, VanWagoner, Boboltz, Sabourin, Wojda, Kirschner

ABSENT: Lewis, Austin

STAFF: Adam Poll (Director of Planning & Development), Cassie Stone (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda was approved with the addition of adding number 2 under the report section an update on Medical Marijuana Facilities.

APPROVAL OF MINUTES:

May 14, 2019, minutes approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

P.C. Case No. 19-Z-01. Margie Haaxma, 259 S. Ripley Blvd, Alpena MI 49707, has requested to rezone the property located at 128 S. First Avenue from OS-1 Office Service District to an R-2 One Family Residential District. The Planning Commission will also consider rezoning the property at 124 S. First Avenue from OS-1 Office Service District to R-2 One-Family Residence District. Article 5.7.

Background: The property at 128 S. First Avenue has been utilized for a dentist office and residence and in 2010 the property and the adjacent single family home at 124 N. First Avenue were zoned as OS-1. The property at 128 N. First Avenue is being converted to a single family home and the dentist office being removed. The house is for sale and the owner has requested a rezone from OS-1 to R-2.

Zoning and Planning Issues: As both houses are being utilized for single family use and are adjacent to a large R-2 district, there would not appear to be any negative impact to zoning properties R-2.

The future Land Use Map does show these properties located within the Central Business District, but at the very edge of the district.

Recommendation: As both properties will be utilized for single family use, and the properties are located adjacent to a large R-2 district the request would not appear to have a negative impact on the neighborhood.

Therefore, staff recommends **approval** of the rezone request from OS-1 Office Service District to R-2 One-Family Residential District.

Closed public hearing at 7:06.

Motion made by VanWagoner, to rezone 128 S. First Avenue and 124 S. First Avenue properties from OS-1 to R-2 One Family Resident District. ***Seconded by Mitchell.***

Ayes: Boboltz, VanWagoner, Gilmore, Sabourin, Wojda, Kirschner, Mitchell

Nay: None

Absent: Lewis, Austin

Motion approved by a vote of 7-0.

COMMUNICATIONS: No other communications received other than the adjacent property owner at 116 S. First Avenue, Attorney Lora Greene, stating she has no opposition with the rezone request.

REPORTS:

1. Development Update: Poll stated that there has been a lot of redevelopment activity recently. Nothing has been finalized so he doesn't have any information to pass along as of right now. Park Place reconstruction progress has been slow after they ran into a utility problem. The City opened bids on another Capital Improvement Project today but Poll didn't hear the results.
2. Medical Marijuana: Poll stated that City Council has taken action regarding medical marijuana and have instructed staff to begin preparing ordinances to allow two of each facility type and at this point will be following the recommendation of Planning Commission in regards to location. There is still a lot of work coming up but it is moving forward.

CALL TO PUBLIC: None

MEMBER'S COMMENTS: Mitchell questioned if the City was going to hire a marijuana business to write the ordinance like Harrisville did. Poll stated it will be up to the City Attorney and himself to complete. Poll added he had some odor control questions and how the licenses are given out but feels confident that everything will work out.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:14 p.m. by Sabourin, Planning Commission Chair.

Wayne Lewis, Secretary

Memorandum



Date: July 25, 2019

To: Planning Commission

Copy: Greg Sundin, City Manager

From: Adam Poll, Planning and Development Director

Subject: PC 19-SU-01- Request for a daycare at 147 Barry Street- Staff Report

RE: **P.C. Case No. 19-SU-01.** Cherokee Girard, 147 Barry Street, Alpena MI 49707, has requested a special use permit to allow for a daycare (7-12 children) to be located at 147 Barry Street in the R-2 One-Family Residential District. Article 5.7B and 7.10

Background: Cherokee Girard would like to expand the operation of a daycare at her home at 147 Barry Street. She has filed an application with the Michigan Department of Human Services for a Group Child Care Home License (capacity 7-12 children). A requirement of the application is zoning approval from the local jurisdiction. The home is a single family residential use in R-2 One-Family Residential District and expanding the childcare operation to 7-12 children would require a special permit.

Zoning and Planning Issues: The property in question is zoned R-2 One-Family Residence District and is principally a single family. Surrounding uses include other single-family homes and a church to the southwest.

The applicant does have a fenced in play area on her property, as required by the zoning ordinance.

Drop off/pick up would not appear to be an issue. The applicant would appear to have driveway space to park two to three vehicles beyond her own. If on street parking were needed, Barry Street is a local street that does not appear to have much vehicular traffic.

Staff has received one letter concerning traffic generated by the daycare and it is attached. After analysis, there would appear to be sufficient space for the daycare to operate without any safety hazards.

Recommendation: The existing home is used as a single family residence and meets zoning requirements. Allowing a daycare to operate with 7-12 children would not appear to have a negative impact on the area.

If the Planning Commission chooses to deny the special permit request. The applicant could still operate a daycare with 1-6 children at the location by right.

Per Section 6.12, Special Land Use Approval Standards, the proposed development complies with these standards as follows except as noted:

- A. **Allowed Special Land Use.** A day care operation allowing for 7-12 children is allowable as a special use.
- B. **Compatibility with Adjacent Uses.** The residence is bordered by single family residential uses located and with a church to the southwest. The requested use would appear to be compatible with existing uses.
- C. **Public Services.** The residence will have the same demand on police, fire and other public services as it always has.
- D. **Economic Well-Being of the Community.** The granting of the Special Land Use Permit will not have any adverse effects on the neighborhood or the community.
- E. **Compatibility with the Natural Environment.** This is a previously developed site. No additional impacts will be created.
- F. **Impact of Traffic on the Street System.** Sufficient space would appear to be provided for dropping off and picking up the children as long as pickups are staggered. If the driveway is occupied, Barry Street does allow parking and is not highly trafficked and would not appear to impact existing traffic.
- G. **Non-Detrimental Standards.** The existing use does not result in any activities that produce hazardous environmental impacts.
- H. **Consistent with Zoning Ordinance and Comprehensive Plan.** The proposed use is consistent with the Comprehensive Plan which calls for multiple family dwellings for the area in question.
- I. **Compliance with Supplemental Site Development Standards.** Although there is not the required fenced in area on the applicants property, there is a mostly fenced in play area next door that also includes a fully fenced area for smaller kids.

Therefore, staff recommends **approval** of the Special Land Use Permit to allow for a child care facility with 7-12 children in an R-2 One-Family Residence District with the following conditions:

1. A copy of the State License shall be provided to City staff for its file when granted by the State of Michigan.
2. The applicant be required maintain a fenced play area, and children must stay within that area except when dropped off or picked up or while attending an adult supervised activity to a recreation area.
3. The primary use of the structure must be a residential dwelling with any Family Child Care Home use as an accessory to the principal use as a residential dwelling.
4. The Special Land Use Permit shall be implemented within twelve (12) months of its approval by the Planning Commission or become null and void. The petitioner may request an extension prior to the expiration of the Permit.

PC Case No. 19-SU-01



PC Case No. 19-SU-01



August 18, 2019

To Whom it May Concern:

My only concern regarding day care services near my home is the traffic near my driveway. I'm not certain which black vehicle struck my car a year or so ago, though I strongly suspect it was a specific (in-a-hurry-driven...) woman who utilized the day care across the street from me.

She was always in such a hurry.

- 1) Leave earlier
- or 2) Drive slower & be one minute late for work.
- and 3) watch where the heck you are going and respect others as you drive.

I watched her for days and she drove as if she was all in the world who mattered.

My daughters felt
they'd

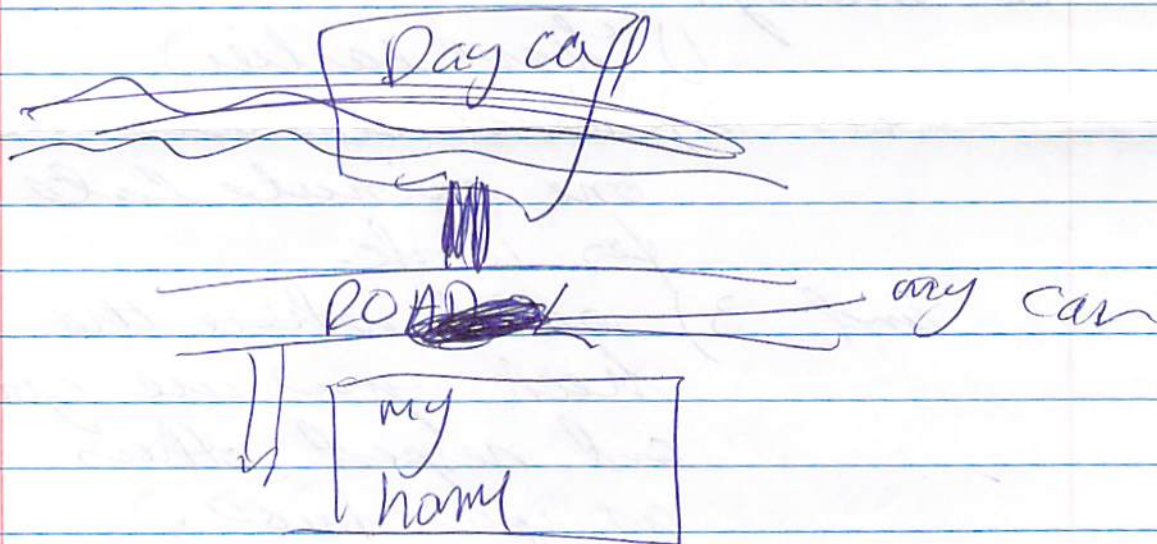
1) not be able to
prove it.

then 2) raise my car
insurance.

Hence, the hit & run
went unreported.

Thank you,

Cindrey Dalecki
148 / Barry



Perhaps a sign. They who
use day care show more concern
for others who reside as ~~it~~ it is

first & foremost a residential
area \rightarrow not a business
district.

Also mentally challenged
persons: where their fathers
take them on shopping
trips - ruin their social security.

★ If a park on the road
I don't want my car
backed into, snowy day
or not. The simple
fact was that this
specific woman barreled
in & out every day.
No job is
that important.

Re: myself

I work only in public
settings & am not a
chore/care provider/babysitter.

Accounting or nuclear physicist.
Anyone who teaches herself Calc III...
it just all comes too easily for me.

Re: myself

I have no interest whatever in babysitting for others, chore or care providing, caring for the mentally disabled. They have family to confine, run them to medical appointments, cook for them, clean them, and especially to "ruin" their 401-K's + social security upon retirement.

I work ONLY in public settings.

I noticed no one had the audacity to issue this unwelcome ultimatum to my fake-receipt-^{making} ex. Billy, "if" you want to eat you will do what "we" order you to do.

LANGUAGE & DEFINITIONS

ARTICLE

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2. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

M

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Act 51 Map within the City Engineering Department.

MANUFACTURED HOME: see Dwelling, Manufactured.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MANUFACTURED HOUSING COMMUNITY HOMESITE: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

MANUFACTURING: The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

MARIJUANA FACILITIES (MEDICAL): The Michigan Medical Marijuana Facilities Act specifies five different types of commercial medical marijuana facilities that a community may allow and regulate. These facilities include:

1. **Grow Facility-** A commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor, provisioning center, or another grower.
2. **Processor-** A commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a

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2 Definitions

3 General Provisions

4 Signs

5 District Regulations

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

10 Option & Amendments

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MANUFACTURING/MARINAS

ARTICLE 7

SECTION 7.21 MANUFACTURING USES: MISCELLANEOUS

I-1 I-2

The following production or manufacturing uses (not including storage of finished products) shall be located not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district:

- A. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- B. Blast Furnace, Steel Furnace, Blooming or Rolling Mill
- C. Manufacture of Corrosive Acid or Alkali, Cement, Gypsum, or Plaster of Paris
- D. Petroleum or other Inflammable Liquids, Production, Refining, or Storage
- E. Smelting of Copper, Iron, or Zinc Ore

SECTION 7.22 MARIJUANA FACILITIES: MEDICAL

Marijuana Facilities allowed in the City of Alpena consist five different types of facilities. Some types of facilities have separate special regulations.

A. Buffers: All facilities must maintain the following buffers from the listed protected uses.

i. Schools-	1000 Feet
ii. Churches	250 Feet
iii. City Parks	250 Feet
iv. Day Care Centers	250 Feet
v. Addiction Centers	250 Feet

B. Additional Buffer requirement for Provisioning Centers

i. Other Provisioning Centers	500 Feet
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SECTION 7.22 MARINAS

WD B-2 B-3 I-1 I-2

- A. The marina site shall be physically separated from any adjacent industrial uses by fencing a minimum six (6) feet in height.
- B. A separate entry/egress drive shall be provided, which shall not cross through any property used or intended for industrial uses.
- C. On-site restroom facilities shall be provided per code for all marinas.

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10 Adoption & Amendments

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LANGUAGE & DEFINITIONS

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marijuana -infused product for sale and transfer in packaged form to a provisioning center or another processor.

3. Secure Transporter- a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.
4. Provisioning Center- A commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.
5. Safety Compliance Facility- A commercial entity that takes marijuana from a marijuana facility or receives marijuana from a registered primary caregiver, tests the marijuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

MARINA: A commercial or public mooring, berthing or docking facility for watercraft with or without provisions for launching, retrieving, servicing, boat storage, fueling, sales of accessory supplies, or boater services such as restrooms, showers, self-service laundry, fish cleaning station, etc.

MARQUEE: A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

MASTER DEED: The condominium document recording the condominium project as approved by the City to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

MDNRE: Michigan Department of Natural Resources and the Environment or any subsequently named agency.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

MOBILE HOME: See "Manufactured Home".

MOBILE HOME PARK: See "Manufactured Housing Community".

MOORING BUOY: A floating device anchored to the lake, river or harbor bottom to which one (1) boat can be secured.

MOTEL: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms.

MUNICIPALITY: The City of Alpena, Michigan.

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NOTICE OF PUBLIC HEARING

Alpena City Planning Commission

The Alpena City Planning Commission will conduct a public hearing on **Tuesday, July 30, 2019 at 7:00 p.m.** in the City Hall Council Chambers, 208 N. First Avenue, on **P.C. Case No. 19-TX-01**. The City of Alpena has filed a request to amend the following sections of the City Zoning Ordinance relative to allowing Medical Marijuana Facilities as a use allowed by special land use permit. The following sections of the Zoning Ordinance are proposed to be modified.

Section 2.1 Definitions- This section will be modified to define the types of commercial medical marijuana facilities per the Michigan Medical Marijuana Facilities Act.

Section 5 District Regulations- Modifications in this section would allow Medical Marijuana facilities in certain districts with the approval of a special land use permit. Industrial Districts (I-1 and I-2) would allow Grow Facilities, Testing Facilities, Secure Transport Facilities Processing Facilities and Provisioning Centers. Most Office, Business and Commercial Districts (OS-1, B-3, B-2, CCD) would allow Testing Facilities and Provisioning Centers, and the Central Business District (CBD) would allow Provisioning Centers.

Section 7- Supplemental Regulations

Text would add 7.22 Marijuana Facilities: Medical- This section would specify that all Medical Marijuana Facilities would need to provide a 1000-foot buffer from any school, and a 250-foot buffer from churches, City parks, day care centers, and addiction clinics. It would also require a 500-foot buffer from one provisioning center to another provisioning center.

All interested persons are invited to offer comment at the hearing, or written comments may be submitted prior to the hearing date at the following address:

Alpena City Planning Commission
Alpena City Hall
208 N. First Avenue
Alpena, MI 49707

Please mark the envelope, "P.C. #19-TX-01".

Questions regarding the proposed amendment may be addressed to Adam Poll, Planning and Development Director, at 354-1771 or at adamp@alpena.mi.us.

Paul Sabourin, Chair
Alpena City Planning Commission