



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

Planning & Development

AGENDA

City of Alpena Planning Commission

Regular Meeting

Tuesday, September 12, 2017, 7:00 p.m.

Alpena, Michigan

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Regular Meeting July 11, 2017

PUBLIC HEARING AND COMMISSION ACTION:

P.C. Case #17-SU-05

Tanja Batchelder has requested a special use permit to allow a commercial/office in an R-2 Single Family Residential Zoning District for the location of 111 E Maple Street. Article 5.7B and 7.10.

Case 17-SU-06:

Jessica Urban has filed a petition requesting a Special Land Use Permit to allow for a secondary dwelling unit on her property at 1102 Ford Avenue with the owner residing in the primary unit. Article 5.7B and 7.32.

BUSINESS:

1. Review Sign Ordinance

COMMUNICATIONS:

REPORTS:

1. Development Update
2. Redevelopment Ready Communities Program

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:



MINUTES
City of Alpena Planning Commission
Regular Meeting
July 11, 2017
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

PRESENT: Mitchell, VanWagoner, Boboltz, Sabourin, Lewis, Austin, Wojda, Kirschner

ABSENT: Gilmore

STAFF: Adam Poll (Director of Planning & Development), Don Gilmet (Building Official), and Cassie Stone (Office Clerk).

Sabourin introduced Gretchen Kirschner as the newest member of the Planning Commission.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda approved as printed.

APPROVAL OF MINUTES:

June 13, 2017, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

P.C. Case #17-SU-04

Sunrise Mission has filed a petition requesting a Special Land Use Permit to allow for the construction of a 1,927 SF activity center attached to the rear of the existing structure at 622 W Chisholm Street.

Background: In 2001 the Sunrise Mission received a special use permit to enlarge the original structure at 622 W. Chisholm Street, doubling its capacity from 12 to 25 beds and in 2008 the Mission was granted an additional special use permit to utilize the adjacent home at 616 W Chisholm to house up to two families with no charge to the guests and expand their capacity to 33 beds. The property at 608 W Chisholm is owned by the Mission, but consists of 4 units that are rented out, so it is not included in the special use permit that was granted to the Mission as those rental units are open to anyone, and are regulated by the City's rental registration and inspection programs.

The Mission is now requesting to allow the construction of a roughly 29' x 64' (1927 SF) activity center attached to the rear of the existing structure at 622 W Chisholm Street. The applicant has indicated that the activity center would be utilized for life skills training and congregate meals at holidays. In addition, the applicants listed the uses including 12 step groups, Bible study classes, and other classes for the residents and staff purposes only, with the exception of holiday meals.

The applicants had previously submitted a plan that required several variances for which hearings took place at the February 25, 2015 Zoning Board of Appeals meeting. Those variances were denied as the ZBA did not feel that the requests met the required variance standards. The case was also presented to the Planning Commission in March of 2015 and was denied due to concerns of lack of sufficient parking if the activity center was open to people outside the Mission. The applicant's once again applied for the variances previously requested in September of 2015 to the ZBA with additional explanation of the need for the variances and the same site plan, and the ZBA once again found that the standards for a variance were not met and denied the request.

The applicants have subsequently revised the proposed plan to eliminate any variances and do not need to go before the ZBA. Because the proposed activity center expands the footprint of the building they are required to amend their existing special use permit which requires approval from the Planning Commission.

Zoning Issues: The property is currently zoned CCD Commercial Corridor District, which permits Residential Human Care Facilities as Special Land Use Subject to Special Conditions (Special Use), subject to Planning Commission approval following a public hearing. The conditions specific to Residential Human Care Facilities are listed in the Zoning Ordinance:

A. **LICENSE:** Such facility shall have received a State of Michigan license to operate prior to seeking a Special Use Permit under this Ordinance in those instances where a license is required by the State.

B. **TIME LIMIT:** Residency by persons shall be limited to a maximum of six (6) months in any one (1) year period. Longer periods shall be permitted if directed by the court or if necessary to satisfactorily complete prescribed rehabilitative treatments or if approved by the Planning Commission. Such facility shall not become the full time residence for any person.

C. **OCCUPANCY:** The occupancy of such a facility shall not exceed twenty-five (25) persons, excluding the supervisor(s).

D. **SPACING:** No such facility shall be located within two thousand five hundred feet (2500') of the property line of a similar facility.

E. **PARKING:** Parking shall be provided for staff and residents based upon a level necessary to meet the needs of the facility and agreed upon by City staff and the Planning Commission. The number of spaces required shall be included in the Special Use Permit. If, in the future, the City determines that additional parking is required, such a finding shall be provided in writing and shall be remedied by the facility within sixty (60) days or a request submitted to the Planning Commission for modification.

F. **OUTDOOR PLAY SPACE:** In those instances where child care is to be provided as a part of such facility, not less than one hundred fifty (150) square feet of outdoor play space shall be provided per child. Such play space shall be fenced.

G. **SUPERVISOR:** A supervisor designated by the operating agency shall be present at all times while the facility is open for use. On-site staff shall be at a level sufficient to properly supervise residents.

H. **HOURS:** The facility shall be open to serve persons at designated hours, as approved by the Planning Commission so as to discourage loitering outside such facility. Outside loitering shall not be permitted, and will be subject to prosecution under City Ordinance.

I. **GUEST REGISTER:** When permitted by law, a guest register shall be kept with names of occupants and dates and times of check-in and check-out for each occupant.

J. Specific rules and monitoring procedures for individuals entering/leaving the facility during late evening and early morning hours shall be provided to the Building Official.

K. Any structure or part of a structure utilized as a shelter shall meet all health, fire and safety code requirements of the State and City.

The Mission currently operates under these conditions and as the proposed activity center would be part of the Mission, it would also be expected to operate under these conditions. The Mission has indicated that they would accept a restriction of the special use permit that only residents of the Mission would be allowed to utilize the activity center and would not be open to the public with the exception of holiday meals where the Mission invites former residents and board members. Normal residential care facilities require 1 parking space per bed and 1 space per staff member. Being that the mission services individuals that generally do not drive, those requirements seem excessive. The activity center would require 34 parking spaces. It would be part of the mission, and would not be open to the public under the agreed upon condition. Staffing levels at the mission are usually 2-3 employees at any given time.

Staff would note that the house located at 608 W Chisholm is not part of the Mission and is available for anyone to rent, and is required by ordinance to provide 6 parking spaces. As it is located in the CCD district, there is no minimum front yard setback as well as a 10' rear and side yard setback (if the side yard abuts an adjacent residential use) which could be met if the property would be sold. The Mission has indicated it has no intention of selling the property in the future. If the property were sold, it would have to include 8 of the parking spaces in order to meet setback requirements, leaving the Mission with 12 parking stalls.

When reducing parking requirements for new construction of a new structure, the Planning Commission must look at the proposed, as well as future use of the property, and consider the possibility that the mission could move or cease operations in the future. If that occurs any other potential use would have to be able to utilize the parking provided, if approved.

Staff has inquired if the Mission has looked at alternatives to an onsite location, such as relocating the entire Mission or the possibility of an off campus activity center. Mission representatives have indicated that they have looked at both options and have cited the cost of a new facility to be prohibitive. They have also indicated that the logistics of an off campus activity center would be difficult as they would need to add additional staffing and would have to arrange transportation to the activity center.

In reviewing the site plan further, the applicants are proposing to construct a 6' privacy fence along the alley that would create a visual barrier and restrict vehicles from entering and exiting off the alley. The site plan also points out that there is an existing 6' privacy fence at 117 S Seventh Avenue (a single family rental home). Staff would ask that if approved that a condition be added requiring a privacy fence along the alley, but also that the Mission install a 6' tall privacy fence along the property line of 117 S Seventh Avenue if the existing privacy fence (constructed by owners of 117 N Seventh Ave) ceases to exist.

Staff would note there is not a lot coverage maximum in the Commercial Corridor District like there is within most residential districts. This means that there is no required yards beyond required setbacks and the required play area for the Special Use Permit. Parking is required to be located in the side or rear of the buildings in the CCD district along Chisholm Street and, with the exception of the handicap accessible parking stall (which already exists), the proposed parking does meet the location requirements.

Recommendation: The Sunrise Mission provides an important service for Northeast Michigan. They assist a population that is often underserved, and have done so for 25 years. The desire to increase the space for services available to those they assist is commendable. As the Mission is not requesting any space for additional beds, this analysis pertains to the impact of the requested activity center and the long term land use issues that the activity center may or may not produce.

The Sunrise Mission does offer an important and sometimes underappreciated service to our community. They have made a number of efforts over the last few years to make this activity center a reality. To that end they have redesigned the layout to eliminate any needed variances and received a special use permit for the property at 608 W Chisholm. The applicants have indicated they have agreed to the conditions to restrict access to the activity center to residents of the Mission and staff with the exception of holidays and provide screening along the alley. The proposed activity center would appear to meet the supplemental requirements of the Zoning Ordinance.

Therefore, based on the reasons listed above, staff recommends **approval** of the request for a Special Land Use Permit for the construction of a 64' x 29' (1,927 SF) activity center with the following conditions:

- 1) A 6 foot tall privacy fence is installed along the entire length of the alley that and along the sides of the rear property (if the existing privacy fences are removed at 117 N Seventh and along the rear yard of Burgies at 628 W Chisholm Street). The fence must be stained

or painted with the finished side facing toward the outside if applicable. If any gate is installed in the fence it must be kept locked and only utilized by Mission staff.

- 2) The activity center is restricted to current residents of the Mission and Staff of the Mission including board members with the exception of holiday congregate meals.
- 3) The number of holidays for congregate meals is restricted to 4 per year and only individuals affiliated with the mission attend.
- 4) Lighting for the parking area is required but must be kept on the premises and cannot be directed onto surrounding properties.

Mike Vogler (Representing Sunrise Mission) explained that all that is really happening with this request is that the existing space that currently resides at Sunrise Mission will receive a room and (4) walls. This allows the current residents and staff to have more space. There are currently (25) people that are cramped into a small space. Vogler feels that the parking needs are minimum and that there are plenty of parking spaces the people that frequent the Mission could utilize. Vogler also states that this addition would be an extensive improvement for what the space looks like today to what it will eventually look like in the near future. Volger stated his problem with the gate being locked and only accessible by staff as it is not that way now. It is not a prison or a half-way house it is a homeless shelter and has been there for a very long time and at this point has every initiative of remaining there.

FAVOR:

John Ritter, Sunrise Mission Director, 14145 E. Grand Lake Rd, stated this addition has not been an easy task and the Mission staff has worked very hard trying to get approval from the Zoning Board and from the City. The biggest reason for wanting this addition is to provide people more space to congregate for meals, meetings and classes. Ritter feels this would be a great asset for the mission on utilizing the space that they already have and to better serve the quests that they have.

Robian Durdik, Board of Directors for the Mission, 3120 Hodgins Rd, stated that board meetings are currently being held in one of the family rooms where quests might be occupying and personal belongings are exposed. Meals are extremely crowded and others have volunteered to come in and help serve meals but the space is too limited to allow. Durdik adds that this is not an increase in beds or a way to expand the number of people that are being served. It is simply a way to offer more room for the quests.

Gilmet explained briefly what the layout of the Mission looks like. He goes on to state that it is very cramped and although the Mission tries to utilize the space that is available it interferes with everyday happenings with quests while they are trying to develop life skills.

Paula Welling, 9250 Schultz Rd, stated that she is a board member and also a retired nurse practitioner from Alcona Health Center. Welling stated that it is very hard to understand how a person can get to the position of being at the Mission but adds that there is a huge need to these people to have further education and skills so that they can get back into the community. An

area where these skills could be more focused on instead of all the interruptions that are taken place would be very valued.

OPPOSITION:

Angie Skiba, 635 River St, states once again on record that is adamantly opposed to the proposed building. Skiba describes having to have 2 people from the Mission removed from her residence. Skiba describes the guests that stay at the Mission is not something that will help Alpena in a positive way. Guests of the Mission frequent the soup kitchen to eat and AA meetings are held at St. Bernard adding that the proposed activity center is not needed. Skiba questioned what has changed from the past on the zoning issues that would allow this to pass? Parking has not changed. Skiba also questioned if this request shall pass can language be written in that would state that no more beds can be added, no more additions or the Mission would have to move out of town? There is a lot of foot traffic but are they are actually seeking jobs? Skiba also questions if the Mission outgrows the current location how would the building be beneficial for the City in the future? Skiba asked Poll how many current parking spaces are there. Poll answered with undefined because it is accentually a yard. Skiba asked that the Planning Commission that they individually drive through the property and inspect it themselves.

Sabourin closed the public hearing for Planning Commission deliberation. (7:39)

COMMISSIONER'S DISCUSSION AND ACTION:

Sabourin read the opposition letter that Poll received from John Lappan. Poll stated that the topic of discussion for today's meeting is the activity center and the Mission as it stands already exists and they already have a special use permit. Evaluations of whether or not they should be operable is not in question. As far as the difference between this request and past requests are that the Mission is limiting the use to residents and staff with the exemptions of the 4 holiday meals but currently they already host the 4 holiday meals.

Wojda questioned the fence that is being recommended. Would the rear yard be fully enclosed with no exit apart from a gate that might be there if the fence being installed along the entire length of the alley and along the sides of the rear property (if the existing privacy fences are removed) Poll stated that was what staff was recommending. A 6 foot tall privacy fence is already shown on the applicant's plans. Poll added that foot traffic was a concern and that staff recommended if a gate was installed in the fence that it be kept locked and only utilized by Mission staff. Wojda questioned if there would be a safety concern if there was a gate allowed and it was locked and available to staff only and something tragic happened. Would people be able to get out? Gilmet said it was not a concern and that if a fire truck had to go through a wooden fence they would. The front of the building is the public way to exit. Lewis stated that the fence is only shown where the parking is. Poll stated that the condition staff is recommending is that the fence be the entire length of the alley. Mitchell asked if the site plan showing the building and parking was the official site plan and if the Mission was planning on paving. Poll answered yes to both. Mitchell questioned if there would be sufficient spacing for emergency personnel to access the facility? Gilmet stated that one of the driveways is an (11) foot wide and the other is (12) foot driveway. Mitchell also questioned where the snow would be stored? Poll

stated that the snow storage will be limited. Mitchell questioned about building over the lines in which Lewis stated if property is owned by the same person you can build over the lines. In which case it sells it has to be sold as one piece if it's built over the line. It wouldn't be able to be divided unless you could divide in some way to meet the setback around the building. Mitchell also questioned about the special use permit precluding the requirements for ordinances pertaining to parking? Poll stated that he had earlier in the meeting read the clause regarding residential human care facilities. Poll added that yes as long they abide by the parking standard which reads parking shall be provided for staff, residents based upon the level necessary to meet the needs of the facility and agreed upon by staff and planning commission. Mitchell also asked if there was a designated handicap parking spot out back of the building in which Poll answered as of now there is only one out front. Gilmet added that a handicap parking spot would have to be provided barrier free because they are developing a new parking lot. Gilmet stated that a handicapped parking sport would have to be 15 feet wide. Austin questioned for the holiday gatherings how are the 50 people getting there? Poll stated that they are already dealing with the holiday gatherings now and the traffic has not increased. There are many parking spots that are close to the Mission that would be closed for holidays where parking could take place. Gilmet used the County Courthouse for an example. Mitchell asked if any of the private local businesses have been contacted to see if parking at their facilities while they are closed be ok to allow for the over flow from the Mission parking? Poll answered not at this time. Gilmet added that if this special use is passed the parking lot will be paved and should alleviate the problems with quick pick up and drop offs of residents and staff at the Burgies location. Gilmet pointed out on the map where the snow would be kept. The City requirement for 8 inch snow is 10 percent. Once the snow is in excess it will be hauled out like all the other parking lots in town. Lewis asked Gilmet if there was a person capacity for these buildings. Gilmet stated yes and replied if you look at the activities room which is 741 square feet. If that's tables and chairs you can divide it by 15 (49) and that becomes the occupancy of that specific space. Gilmet added that if it was for business use you would take the square feet and divide by 19 which would be 1 per 100 square feet person occupancy. When referring to businesses, occupancy does not have to be posted. Austin asked if classes currently were only held for residents in which Ritter answered yes. Wojda asked Ritter who the holiday meals were open to referencing from the condition recommended of only individuals affiliated with the mission could attend. Ritter replied current quests and former quests, staff and maybe some volunteers. Ritter added that it is not like the soup kitchen and is not open to the community. Ritter also added that some things were said earlier that were simply not true about the Mission. Ritter stated that the Mission has been accused of a lot of things for example having a bus go downstate and pick people up, providing people with bus tickets for people to come to town. People do not show up from downstate and the Mission does not work with a doctor to bring people in that are mentally ill. Ritter agreed that they do work with Department of Corrections on allowing some people that have previously been in trouble and now have a right to be back in the community but most do not have a place to stay. Ritter feels that the Mission is probably the best option for those people referencing to the enforcements of a 10:00 p.m. curfew and not allowing a person on drugs or alcohol to enter in the Mission. The percentage of people who stay at the Mission and are on probation is very low. The Mission consist mostly of people that lost their job, divorced, burnt out or mental problems. Ritter also added that a lot of the ambulance calls is because of medical reasons related to

diabetes, mental health or meltdowns. Ritter added that he has currently been at the Mission for 18 years and has never personally seen over 5 vehicles parked there. For an example, Ritter said last week the Mission had 30 people and only had 3 cars, stating there has never been a parking problem at the Mission. Residents that can't afford a place to stay definitely cannot afford a car payment and insurance. Boboltz questioned why would the requirements for the 6 foot tall fence be a recommended condition because of the requested activity center addition? There is currently no request now for a fence back there. Gilmet stated that it was the City's recommendation. Ritter replied that the fence is no problem to put up. On the other side of the alley has always had a wall of fence for as long as he can remember. VanWagoner asked the percentage amount that was on probation at the Mission and Ritter answered with 5% at any given time. Poll stated that it was mentioned that under the conditions it state that no more beds are allowed. Poll added that adding more beds would be an amendment to the special permit meaning it would have to come back before the Planning Commission but an addition is that it is also a zoning variance. The Zoning Board of Appeals approval would be needed to make that happen. Skiba added that she could provide police reports and other happenings that have took place at the Mission. Sabourin stated that she was more than welcome to submit them to the City. Sabourin asked Ritter that the count of quests keeps rising. Started at 12 quests then went to 25 and now is at 33. What will happen if the Mission outgrows the amount it can handle? Where will it go from there? Have alternative locations been considered? Ritter stated that they do a projection on bed nights and figure out a 5 year plan. He feels that the Mission has adequate space at least for the next 5 years. Other facilities have been looked at for a new location but have not been feasible in regards to the amount of money being asked for the buildings. If special use permit is approved Ritter would like to start as soon as possible.

Wojda motioned that the special use permit be approved with the conditions set forth but add two changes. Strike the last sentence of number one and add a new sentence that reads a gate may be installed in the fence. On condition number three add a sentence that reads "individuals affiliated" means residents, staff members, members of the board of directors, former residents, members of the public serving as volunteers. Seconded by Boboltz.

Yays: Mitchell, Kirschner, Austin, Wojda, Sabourin, VanWagoner, Boboltz, Lewis

Nays: None

Absent: Gilmore

Motion passed by a 8-0 vote.

BUSINESS: Review Sample Sign Ordinance

Poll sated that he hasn't made a great deal of progress on this. Poll added that he has begun talking with DDA in regards to any downtown changes that they would like to see. Window signage has been brought up and how that can be regulated. Poll also added that he is still trying to get more information from NEMCOG in regards to what other communities are doing

especially in regards to yard signage. Poll will try to put together a list for the next meeting of other communities that have made revisions have done, giving Planning Commission options on how to move forward. Lewis questioned what would happen right now if someone wanted to put a sign up? Poll answered that the existing ordinance is still in place but enforcement on signage is limited.

COMMUNICATIONS: Letter from John Lappan was received expressing his views on the Sunrise Mission.

REPORTS:

Redevelopment Updates

Holiday Inn Express celebrated their grand opening. Changes have been submitted that are being presented to City Council in regards to the two way street conversion. Engineering staff has found some legal standing that would keep the parking as well as narrow the lanes. 11 foot lanes and 7 foot parallel parking is being presented to City Council. Poll added that Engineering Department doesn't find it to be the best solution but it does meet MDOT standards. Lewis added that River Street and Carter Street intersection is offset. The light on 3rd and Chisholm is way too short to allow enough cars through. Poll stated that MDOT has looked at the issue and adjusted the time to allow more vehicles through the light but it is a state trunk line so it is up to MDOT as far as the light timings go. Lewis also added that the reverse angle parking looks to be working well. Poll also added that there is a lot of road construction going on around the area, mostly maintenance work.

Redevelopment Ready Communities Program

No significant updated as of now.

CALL TO PUBLIC: None

MEMBER'S COMMENT: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:32 by Sabourin, Planning Commission Chair.

Wayne Lewis, Secretary

Memorandum



Date: September 8, 2017

To: Planning Commission

Copy: Greg Sundin, City Manager

From: Adam Poll, Planning and Development Director

Subject: PC 17-SU-05- Office use in R-2 District

RE: **P.C. Case #17-SU-05** Tanja Batchelder has requested a special use permit to allow a commercial/office in an R-2 Single Family Residential Zoning District located at 111 E Maple. Article 5.7B and 7.10.

Background: The applicant operates a business called Michigan Court Reports out of a home at 111 E Maple. This business does criminal background screenings for the employment industry. The work is principally computer and phone type work. The applicant has stated that most of the clients are located in other states or other parts of Michigan and that there would be minimal traffic or clients visiting the office.

The applicant began the business as a home occupation, but as the work volume increased, outside employees were hired, and eventually the home was a dedicated office which is only allowed in the R-2 district with a special permit. The fact a special permit had not been obtained as required was brought to the attention of the Building Official from complaints about the workers parking on the street.

Surrounding uses include single family residences and St Paul Lutheran Church to the west.

Zoning and Planning Issues: The property in question is zoned R-2 One-Family Residence District which only allows certain types of businesses (including the office type requested) with the issuance of a special permit. This regulation is in place to protect the residential character of the neighborhood, by looking at issues like parking, outdoor storage and traffic generated. The regulations for commercial/office in a residential district are as follows:

1. All such businesses shall have no more than three (3) persons working on the premises at any time.
2. Outdoor storage is prohibited.
3. The total area devoted to approved uses shall not exceed two thousand (2,000) square feet for new buildings or additions. The square footage of uses in existing commercial buildings shall be limited to the size of the building. If the building is less than two thousand (2,000) square feet, an addition may be constructed so that the total square footage does not exceed two thousand

(2,000) square feet, the addition matches the existing structure, and all developmental standards of the district are met or appropriate variances obtained.

4. New construction shall utilize brick, stone, wood, vinyl, or decorative concrete masonry units. Metal siding shall be prohibited. Final design shall be approved the Planning Commission as part of the Special Use approval process.
5. All goods produced on the premises shall be sold at retail on the premises where produced.
6. All business activity shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
7. Parking shall be accommodated on-site, if possible. Otherwise the Planning Commission may permit the use of on-street parking.
8. Hours of operation may be limited by the Planning Commission.
9. Signs must comply with those set forth for the residential zoning district.
10. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area.

The applicant has indicated that her business would meet all of the criteria, including restricting the amount of employees to a total of three, not having any outdoor storage, not construction any new buildings, and creating three off street parking space for employees. The applicant has indicated that hours of operation would be limited to Monday thru Friday from 8:00am to 6:00pm. The parking area will also be hard surfaced as required.

Recommendation: As long as the applicant can meet the special permit criteria, the use would not appear to have a negative impact on the area. The primary complaint was the employees parking on the street and the construction of four hard surfaced parking spaces would appear to resolve that conflict.

Therefore, staff recommends **approval** of the special use permit with the following conditions:

- 1) The applicant must reapply for a special use permit if there is any change to the business type at this location.
- 2) At least 4 off street hard surfaced parking stalls are provided.
- 3) The total number of employees is limited to 3 total employees.
- 4) Hours of operation are restricted from Monday thru Friday 8:00am to 6:00pm.



July 21, 2017

City of Alpena
Adam Poll,
Planning & Development Director
208 North First Avenue
Alpena, MI 49707

Letter of Intent: 111 E. Maple St.

Dear Mr. Poll and planning committee:

Michigan Court Reports, LLC is submitting this Letter of Intent for the purpose of changing the above mentioned address into a small commercial business.

111 E Maple also known as SWLY 1/2 OF LOT 8 BLK 18 HITCHCOCKS 1ST
ADD TO THE VILL NOW CITY

The office will have 3 full time employees. The office will operate Monday through Friday from 8:00 am to 6:00 pm. We will require 4 parking stalls. (3 for employees, 1 for visitors.) There is also street parking if needed.

In hopes that the rezoning request will be granted, we are in the process of getting bids for an asphalt driveway/parking lot.

In order to complete the inside to be compliant with handicapped accessibility our intentions are as listed

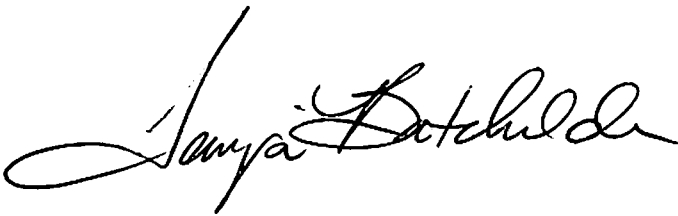
- A) Add a handicap ramp to be accessed through the side deck of the building with a small ramp to enter. (see attached plan)
- B) Entry door will be replaced with a 36 inch door.
- C) Restroom will be renovated to bring it in compliance with handicapped accessibility. New wall sink, new toilet and hand rails as mandated.
New barn style door so opening can be 36 inches.

We will have these projects completed upon approval of the rezoning request.

There are no plans to make the existing structure any larger. According to the rules in Section 7-10; C; 2 it states that outdoor storage is prohibited. There is currently a garage on the premises that we would like to remain.

Michigan Court Reports, LLC is a business that does criminal background screenings for the employment industry. I, Tanja Batchelder have owned the business since 2009. Due to the increase in volume of work I have had to hire more employees and expand my home business into more of a commercial business. Our work is done through emails, websites, and software programs. We do not have high traffic or clients coming to our office, most are located in other states or other parts of Michigan.

I want to thank you in advance for your consideration with this matter.

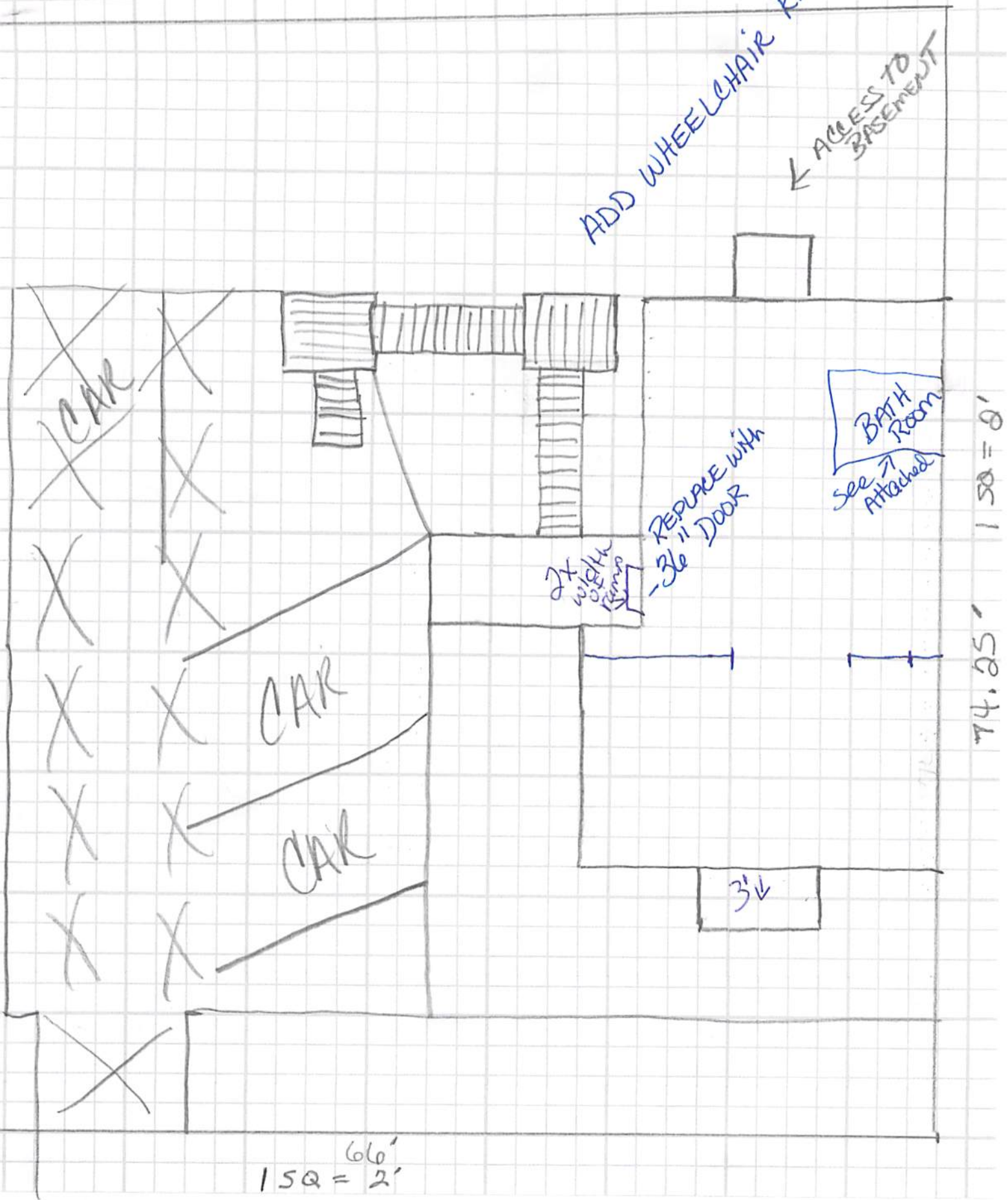
A handwritten signature in black ink, reading "Tanja Batchelder". The signature is written in a cursive, flowing style with a large initial "T" and "B".

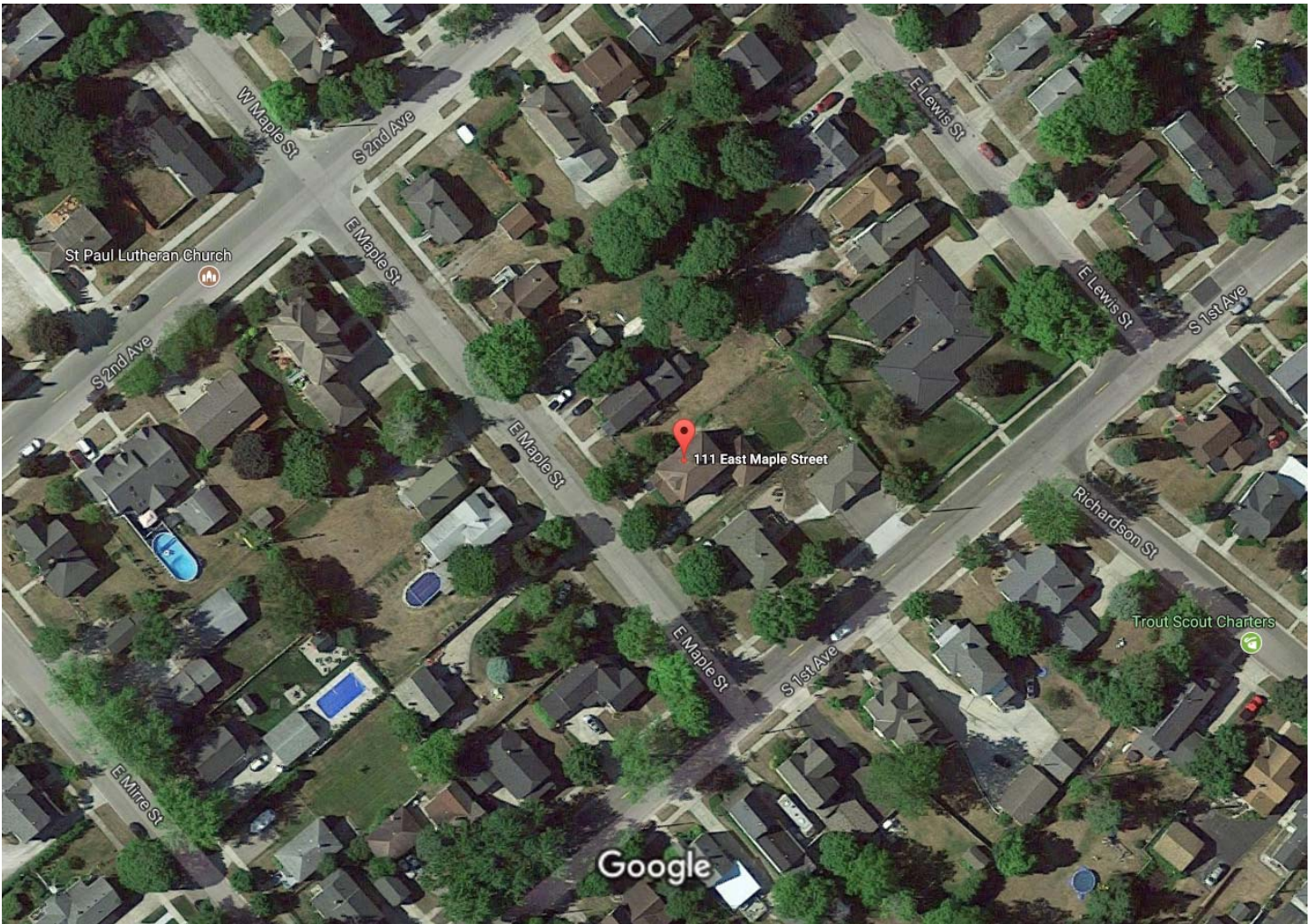
Tanja Batchelder, Owner

111 E MAPLE

ADD WHEELCHAIR RAMP

ACCESS TO BASEMENT





Imagery ©2017 Google, Map data ©2017 Google United States 50 ft



111 E Maple St
Alpena, MI 49707

P.C. case 17-SU-05

- 1. Does Tanja Batchelder live at this address or is it just a place of business. Did she buy the house with the intent of using it as a place of business. The register of deeds shows she has another address of 1188 Emerson Rd, Herron MI 49744.**
- 2. What kind of precedent does this set. Other people then could buy a home in a residential area and start a business or an existing home owner can start a business and how can you say no to them?**
- 3. There are employees. Can she hire more employees?**
- 4. Can she open the business to the general public in the future?**
- 5. How does this effect my home value?**
- 6. How does this effect traffic in the area?**
- 7. I think that residential areas need to stay residential and we do not want individual home owners operating small businesses out of their homes, or buying homes with the intention of operating a business out of it. I vote no to granting this request.**
- 8. Tanja did not do her due diligence in checking zoning requirements before starting a business at 111 E. Maple Street, and now she is trying to make the system work for her instead of doing it the right way.**

Memorandum



Date: September 8, 2017

To: Planning Commission

Copy: Greg Sundin, City Manager

From: Adam Poll, Planning and Development Director

Subject: PC 17-SU-06- 1102 Ford- Secondary Dwelling Unit

RE: **P.C. Case #17-SU-06** Jessica Urban has filed a petition requesting a Special Land Use Permit to allow for a secondary dwelling unit on her property at 1102 Ford Avenue with the owner residing in the primary unit. Article 5.7B and 7.32.

Background: The property at 1102 Ford is currently a single family home located in an R-2 District. A number of years ago the home was legal non-conforming duplex. Once the house was converted to a single family unit and subsequently rented out.

The applicant is requesting a special use permit to allow her to reside on the first floor and create a secondary unit on the second floor.

Surrounding property uses include DPI and Lafarge to the east, single family homes and legal nonconforming duplexes to the north, south and west.

Zoning and Planning Issues: The property in question is zoned R-2 One-Family Residence District which only allows secondary residential units with the issuance of a special permit. This regulation is in place to protect the residential character of the neighborhood, preventing single family homes to be split up and rented out. The regulations for a secondary unit in a residential district are as follows:

- A. One (1) secondary dwelling unit is allowed per lot.
- B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the home, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall contain only one (1) bedroom.

F. The secondary unit shall be a self-contained unit and shall be:

1. located above a garage, or
2. attached to the primary dwelling or garage, or
3. totally within a primary dwelling, or
4. a detached stand-alone structure.

G. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.

H. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.

I. The secondary unit shall conform to the building code standards adopted by the City.

J. One and one-half (1 ½) parking spaces shall be provided on-site for each dwelling unit.

K. **Detached Stand-Alone Structures** shall be considered accessory structures. The following regulations shall apply:

1. Such structures shall be located in the rear yard and shall be consistent in appearance with the principal structure.
2. Such structures shall be a maximum of six hundred (600) square feet in size with a minimum width of twenty (20) feet.
3. The property owner must reside on-site.
4. Separate water and sewer service must be provided.

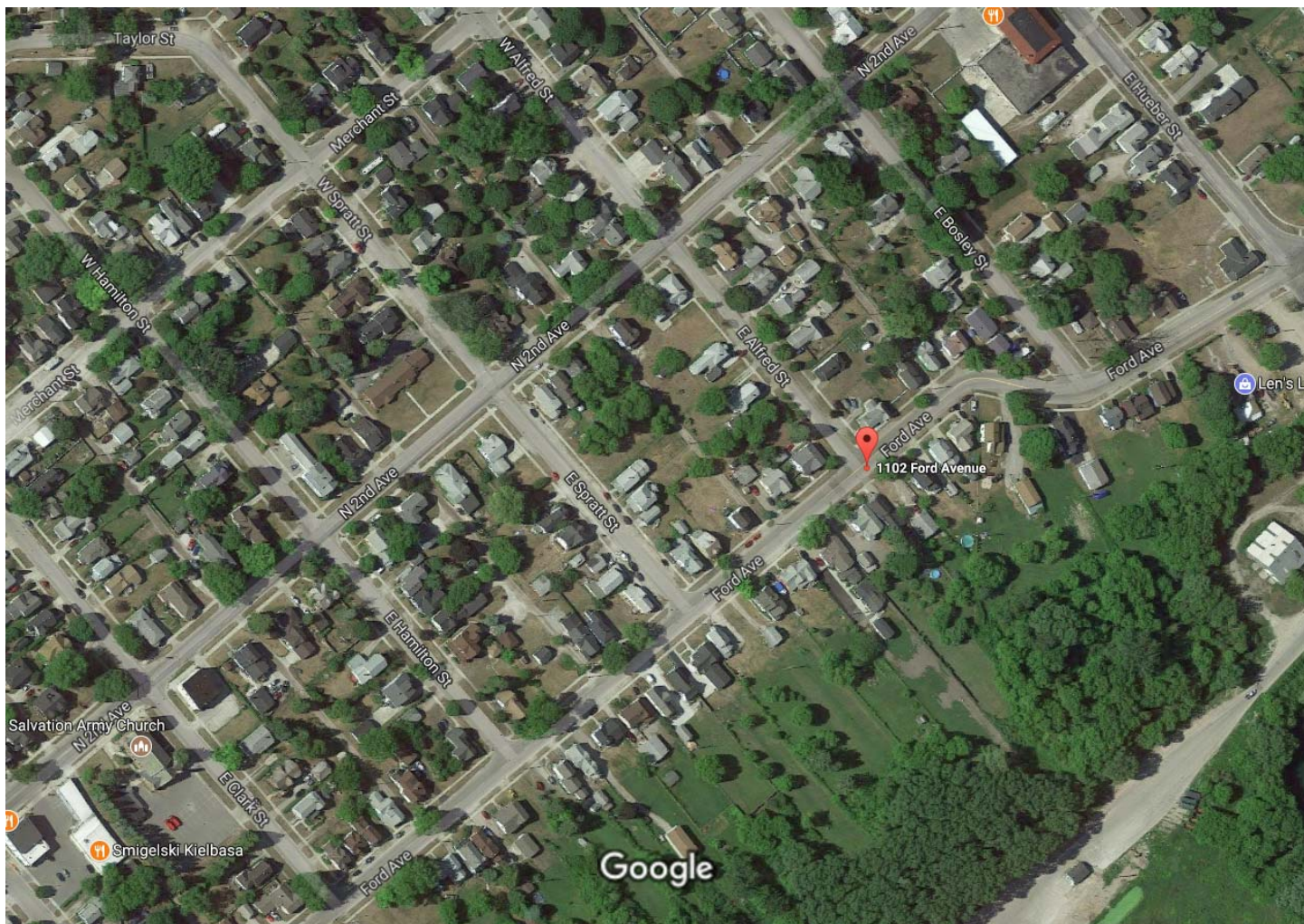
The applicant has indicated that the proposed secondary unit would meet all of the criteria. The applicant has indicated she understands that the secondary unit is only allow as long as she (the owner) resides in the primary residential unit of the home.

Recommendation: As long as the applicant can meet the special permit criteria, the use would not appear to have a negative impact on the area. The owner will reside in at this location and understands that if she does not reside at this location the secondary unit is not permitted.

Therefore, staff recommends **approval** of the special use permit with the following conditions:

- 1) The owner of the property must reside in one of the units. If the owner no longer resides in one of the units, the property must revert back to a single family home unless rezoned for that use.





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1102 Ford Ave
Alpena, MI 49707