



City Hall
208 North First Avenue
Alpena, Michigan 49707
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Planning & Development

City of Alpena Planning Commission

Regular Meeting

Tuesday, November 9th, 2021 @ 7:00 p.m.

This meeting will be held in Council Chambers as well as virtually.
Please join my meeting from your computer, tablet or smartphone.

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AGENDA

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting October 12, 2021

PUBLIC HEARING #1 AND COMMISSION ACTION:

Case # 21-SU-02 909 W Washington Medical Provisioning

1. Site Plan Review Findings of Fact
2. Special Use Review Findings of Fact
3. Site Plan Documents

PUBLIC HEARING #2 AND COMMISSION ACTION:

Case # 21-Z-01 1010 S 11th Ave Rezone Request

1. Rezoning Finding of Facts
2. Site Plan Documents

PUBLIC HEARING #3 AND COMMISSION ACTION:

Proposed Zoning Ordinance Amendments

Food Trucks and Veterinary Clinics



UNFINISHED BUSINESS:

Zoning Ordinance Text Amendment – Conditional Rezoning Text

NEW BUSINESS:

Bingham School Revised Site Plan Approved

- Request from resident to review parking on opposite side of 5th St.

COMMUNICATIONS: None to note

REPORTS:

Planning Commission Open Seat

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
October 12, 2021
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: Wojda, Kirschner, Boboltz, Vanwagoner, Gilmore, Kostelic (virtual), Sabourin, Bauer

ABSENT: Werda

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development, and Zoning Director), Donald Gilmet (Contractual Staff), Tony Dawson (Building Official), Steven Hall (Building Inspector), Kathleen Sauve (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda was approved.

APPROVAL OF MINUTES:

Meeting July 13, 2021, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION: None

BUSINESS: City Manager Rachel Smolinski introduced the new Planning, Development, and Zoning Director Montiel Birmingham.

Denise Cline, NEMCOG, addresses the fact that food trucks are not specifically addressed in the zoning ordinance. Cline proposes three options for the Planning Commission to consider: 1. Allow with no standards, 2. Allow with standards, and 3. Not allow. She also presented them with a draft example of a Food Truck zoning ordinance. All Planning Commission members were in agreeance that they do not want to overregulate them, but there does need to be some standards. Donald Gilmet explains that food trucks are regulated for sanitation and how food is prepared by the local Health Department agency. The draft Use Matrix that Cline prepared has food trucks and food truck parks in all business and industrial districts.

Finding of Fact reports processes and procedures were discussed by those in attendance.

Potential changes to the Zoning map were discussed as well as conditional rezoning regarding allowing duplexes in the current R-2 district.

A potential rezoning request is discussed, which would change a section of RM-2 district to match the neighboring B-2 district.

A change to the Use Matrix to allow veterinary businesses in the CCD is discussed.

Adult use recreational marihuana is discussed. Planning Commission members agree to hold a joint meeting with City Council to discuss that together as well as an application for a Special Use permit to allow a medical marihuana provisioning center within the city.

Smolinski introduces the new Building Inspector Steve Hall. Steve proceeds to address the board on the topic of blight in the city and the steps he has taken to enforce that ordinance.

COMMUNICATIONS: None.

REPORTS: None

MEMBER'S COMMENTS: Bauer asks Smolinski if vehicle charging stations have been discussed. Smolinski says that it has been discussed by another board, but that will be getting brought up in a future Planning Commission meeting, possibly in December.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:10 p.m., by Sabourin, Planning Commission Chairman.

Steve Gilmore, Secretary

FINDINGS OF FACT

SITE PLAN & SPECIAL USE REVIEW REPORT

Applicant: Kevin Currier (909 W Washington Ave) Proposed

Use: Marihuana Provisioning Center (Special Use) District:

CCD

Review Date: 10-25-21

Report: #21-SU-02

Site Plan Review Standards: Section 6.6

In the process of reviewing the site plan, the Planning Commission determine that the following standards are met:

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.

FACTS:

(Note: The Site Plan shows the lot as being in the B-2 District, but the lot is actually in the CCD District. So, disregard the setback lines shown on the site plan as they are not relevant.)

1. Marihuana Provisioning Centers are listed as an allowable Special Use in the CCD District.
2. Required setbacks in the CCD Districts are 10 feet (front) and no setbacks on the side and rear. The structure meets the required CCD setbacks.
3. Applicant is utilizing an existing building. Minimal changes are indicated to the façade of the building, so Section 5.14 C.1 (Building Materials) and C.3 (Primary Façade) are not relevant.
4. Parking in the CCD District should not extend beyond the front of the principal building. However, parking areas appear to already be existing on this site (striping is proposed in the site plan). In addition, Section 5.14 D states that the Planning Commission may allow parking in the front yard if it is demonstrated that there is no other feasible location.
5. Full compliance with the parking section (Section 3.30) is required when a change in use occurs which requires more parking than the former use. The former use was an "Escape Room" (prior to that, the site was a key and lock shop). An Escape Room is not listed in the ordinance (and has no similar use listed), however a key and lock shop would be considered retail and a Marihuana Provisioning Center could also be considered retail. Therefore, full compliance with the parking section would not be required. However, the required number of parking spaces would need to be provided. Parking spaces required are based on gross floor area (2,591 square feet) which would result in six required spaces. The site plan shows nine parking spaces provided.
6. Parking is existing. 90 degree parking is located at the front of the building and parallel parking is located at the east side of the building. The ordinance requires parking space length required for 90 degree space is 10' X 19' and for parallel parking is 8' X 22'. The site plan currently shows 9' X 20', however, as stated in #5 above, full compliance with the parking section is not required. Therefore, the size of current parking spaces could be accepted by the Planning Commission.

7. A loading zone is provided at the rear of the building (one space is required).
8. Dumpster enclosure is shown at a minimum of six feet in height. The proposed enclosure will be painted to match main building (Section 3.28 D).
9. Landscaping is not required in the CCD.
10. Existing sign is to be replaced.

The standard (A) has been met: Yes No n/a

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.

FACTS:

1. The use (retail) is similar to previous retail uses on the property.
2. The use shall comply with Section 3.33 (Performance Standards) including odor control.
3. The use is similar in intensity to surrounding uses (car dealership, auto repair shop, gas station). This particular use (retail) likely has less vehicle trip generation than surrounding uses.
4. The facility is existing and will not impede development of surrounding properties and is harmonious in use, appearance, and layout with the existing uses.
5. Planned uses in the area are also commercial in nature.

The standard (B) has been met: Yes No n/a

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.

FACTS:

1. The building is one-story.
2. No fences are proposed.
3. The building is arranged so as to provide open areas on the east and north of the building.
4. The use does not interfere with access of light, air, and adjacent property.

The standard (C) has been met: Yes No n/a

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.

FACTS:

1. No change is proposed to contours of the site.

The standard (D) has been met: Yes No n/a

- 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.

FACTS:

1. Site drainage is existing – no changes proposed.

The standard (E) has been met: Yes No n/a

- 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.

FACTS:

1. No dwelling units are proposed.

The standard (F) has been met: Yes No n/a

- 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.

FACTS:

1. Emergency vehicle access is provided from Washington Avenue.

The standard (G) has been met: Yes No n/a

- 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.

FACTS:

1. There is an existing sidewalk along the front of the east half building. A new sidewalk is proposed along the front of the west half of the building.
2. Parking spaces are indicated leaving a lane of travel along the east side of the building.
3. The building shares access from Washington Avenue with Alpena Car Care to the east.

The standard (H) has been met: Yes No n/a

- 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.

FACTS:

1. Circulation is provided along the south, east and north sides of the building. The west side of the building is accessible only via the railroad right-of-way.

The standard (I) has been met: Yes No n/a

- J. Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use

FACTS:

1. The structure has access to Washington Avenue.

The standard (J) has been met: Yes No n/a

- K. Loading and Storage:** All loading and unloading areas and outside storage shall be in accordance with §3.28.

FACTS:

1. No outside storage is proposed.
2. Dumpster is proposed to be screened in accordance with Section 3.28.

The standard (K) has been met: Yes No n/a

L. Snow Storage: Proper snow storage areas shall be provided in accordance with §3.30 (G).

FACTS:

1. Snow storage is shown on site plan at the back of the property.

The standard (L) has been met: ___ Yes ___ No ___ n/a

M. Exterior Lighting: Exterior lighting shall be in accordance with §3.27.

FACTS:

1. No changes to exterior lighting are proposed.

The standard (M) has been met: ___ Yes ___ No ___ n/a

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.

FACTS:

1. Utilities are existing.

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.

FACTS:

1. Marihuana Provisioning Centers shall comply with City of Alpena Marihuana Licensing Ordinance Chapter 18, Article 1, Section 18-1 in the City Code of Ordinances.
2. Marihuana Provisioning Centers shall comply with the Michigan Department of Licensing and Regulatory Affairs (Marijuana Regulatory Agency) licensing rules.

P. Groundwater and Surface Water Protection: The standards relating to groundwater protection shall be complied with, if applicable.

FACTS:

1. The standards for groundwater and surface water protection shall be complied with.
2. Applicant has submitted all required documentation including a Plant Waste Disposal Plan and a Hazardous Material Storage and Disposal Plan.

Special Land Use Approval Standards: Section 6.12

In reaching its determination, the Planning Commission shall consider the following:

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.

FACTS:

1. Marihuana Provisioning Centers are listed as an allowable special land use in the CCD.

Special Land Use standard (A) has been met: Yes No n/a

- 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.

FACTS:

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

Special Land Use standard (B) has been met: Yes No n/a

C. Public Services:

The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.

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.

FACTS:

1. Essential public services are available.
2. Alpena Police Department comments: _____

Special Land Use standard (C) has been met: Yes No n/a

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.

FACTS:

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

Special Land Use standard (D) has been met: Yes No n/a

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 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.

FACTS:

1. No effect on natural resources is anticipated.
2. Landscape is unaffected.

Special Land Use standard (E) has been met: Yes No n/a

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.

FACTS:

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

Special Land Use standard (F) has been met: Yes No n/a

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.

FACTS:

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

Special Land Use standard (G) has been met: Yes No n/a

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.

FACTS:

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

Special Land Use standard (C.2) has been met: Yes No n/a

Supplemental Development Regulations: Section 7.41

The following standards pertain specifically to Medical Marihuana Facilities:

Section 7.41 Medical Marihuana Facilities

A. **Standards:**

1. Medical Marihuana Facilities shall not be located within one thousand (1,000) feet of any school.
2. Medical Marihuana Facilities 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 shall not be located in the district or area known as the “Downtown Development Authority.”
4. Medical Marihuana Facilities shall comply with the Chapter 18, Article 1, Section 18-1 in the City Code of Ordinances (Medical Marihuana Facilities).

FACTS:

1. The location of the facility complies with the maps of allowed areas posted by the City of Alpena.

The standard (A) has been met: Yes No n/a

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.

FACTS:

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

The standard (B) has been met: ___Yes ___No ___n/a

EXAMPLE MOTIONS

1. Motion to approve the proposed site plan and special land use for Neighborhood Provisions for a Marihuana Provisioning Center at 909 W. Washington Ave based on the findings of fact contained in Report #21-SU-02.

 2. Motion to approve the proposed site plan and special land use for Neighborhood Provisions for a Marihuana Provisioning Center at 909 W. Washington Ave based on the findings of fact contained in Report #21-SU-02 with the following conditions:

 3. Motion to deny the proposed site plan and special land use for Neighborhood Provisions for a Marihuana Provisioning Center at 909 W. Washington Ave based on the findings of fact contained in Report #21-SU-02,
-

DECISION

Upon motion, seconded and passed, the Planning Commission _____ the application.

Chair, City of Alpena Planning Commission

Date

FINDINGS OF FACT REZONING REPORT

Applicant: 1010 S. 11TH Ave

Proposed Rezoning: RM-2 (Multiple-Family Residential District) to B-1 (Local Business District)

Review Date: 10-25-21

Report: 21-Z-01

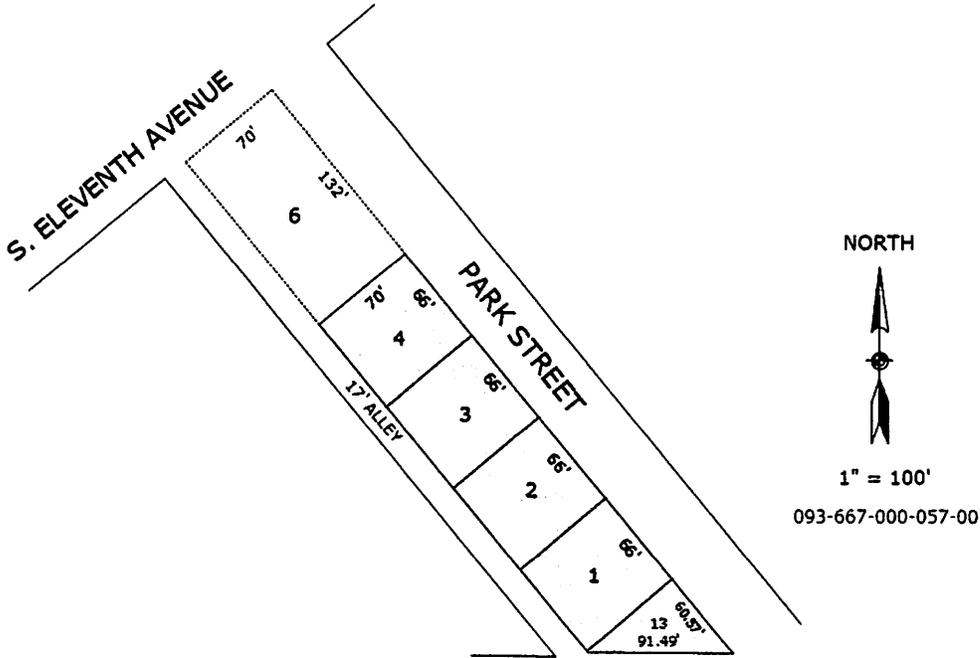
Rezoning Standards: Section 10.2

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

- A. Is the proposed rezoning consistent with the current Comprehensive Plan?
 - 1. The 2020 Comprehensive Plan shows the parcel as future Office Service. Rezoning to B-1 is more consistent with Office Service than the current zoning of RM-2.
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 1. The lot to the southeast is zoned B-1 (vacant).
 - 2. The lot across Park Street is zoned RM-2 and contains apartment buildings.
 - 3. The lot across 11th Street is zoned R-2 and contains agricultural buildings for the Alpena County Fairgrounds.
 - 4. The lots to the southwest are zoned R-2 and contain residences.
 - 5. The B-1 District is intended provide shopping and service needs in residential areas.
 - 6. The uses in B-1 are less intense than uses allows in B-2 and B-3.
- C. Will there be an adverse physical impact on surrounding properties?
 - 1. Allowable B-1 uses typically will not cause an adverse impact on surrounding properties.
 - 2. B-2 uses are intended to be adjacent to residential.
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 1. While not a recent change, multiple-family dwelling units are already provided along 11th Street and Park Street.
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 1. Rezoning to B-1 will allow less intense commercial uses to serve the adjacent residential areas.
- 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)?

1. Rezoning will not create a spot zone because the lot to the southeast is already zoned B-1. Rezoning this lot expands the B-1 District.
- G. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
1. The lot size is approximately $\frac{1}{4}$ acre.
 2. The lot will not support the establishment of a larger multiple-family development similar to the scale that is already provided on the opposite site of Park Street. The lot will support very few dwelling units due to its size.
- H. Is the site served by adequate public facilities or is the petitioner able to provide them?
1. The lot is served by public facilities.
- I. Are there sites nearby already properly zoned that can be used for the intended purposes?
1. The lot to the southeast is properly zoned for B-1. The property owner would like to sell both lots for expanded business development along Park Street.

Would like to make lot # 6 the same zoning as lots # 13, 1,2,3,4 to make this property more useable.



City of Alpena Ordinance No. ____ of 2021

An ordinance to amend the City of Alpena Zoning Ordinance Article 2 (Construction of Language and Definitions), Article 5 (District Regulations), and Article 7 (Supplemental Development Regulations).

City of Alpena, Alpena County, Michigan ordains:

SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE

That the City of Alpena Zoning Ordinance, Article 2 (Construction of Language and Definitions) is hereby amended to read as follows:

Section 2.1 Definitions

(Add the following)

FOOD TRUCK. Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. Also called a Mobile Food Vendor. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

FOOD TRUCK PARK. A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located on a continual basis and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink.

That the City of Alpena Zoning Ordinance Article 5.26 (Use Matrix) is hereby amended to read as follows:

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
ACCOMMODATION AND FOOD SERVICES																	
Food Trucks/Food Truck Parks							R*	R*	R*	R*	R*	R*	R*		R*		
AGRICULTURE/FOREST PRODUCTS																	
Veterinary Services/Animal Clinics/Animal Hospitals								S		S	S	R	R				

Section 5.11 (WD) Waterfront Development District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	WD
ACCOMMODATION/FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
Resorts with ancillary uses other than swimming pools	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants w/ Outdoor Dining(public ROW)</i>	S*
Wholesale trade of fresh fish	R

Section 5.12 (CBD) Central Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
ACCOMMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
Resorts with ancillary uses other than swimming pools	S
<i>Restaurants with Drive-Through</i>	S*
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*

Section 5.14 (CCD) Commercial Corridor District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services and Agriculture/Forest Products sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
ACCOMMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	R*
<i>Caterers/Food Service Contractors</i>	R
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
Resorts with ancillary uses other than swimming pools	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*
AGRICULTURE/FOREST PRODUCTS	
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S

Section 5.16 (B-1) Local Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Coffee Shops</i>	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*

Section 5.17 (B-2) General Business District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services and Agriculture/Forest Products sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public ROW)</i>	S*
AGRICULTURE/FOREST PRODUCTS	
<i>Agricultural Equipment Dealers</i>	R
<i>Greenhouses/Nurseries/Landscaping</i>	S*
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S

Section 5.18 (B-3) Commercial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R*
<i>Microbreweries</i>	R
<i>Resorts with ancillary uses other than swimming pools</i>	S
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through</i>	R*
<i>Restaurants with Drive-Up (eat in car)</i>	R
<i>Restaurants with Outdoor Dining (Dining on private property)</i>	R*
<i>Restaurants with Outdoor Dining (Dining public right-of-way)</i>	S*

Section 5.19 (I-1) Light Industrial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
ACCOMMODATION AND FOOD SERVICES	
<i>Caterers/Food Service Contractors</i>	R
<i>Food Trucks/Food Truck Parks</i>	R*
<i>Microbreweries</i>	R

Section 5.20 (I-2) General Industrial District:

B. Uses Permitted by Right & Special Land Uses (Accommodation/Food Services section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I2
ACCOMMODATION AND FOOD SERVICES	
<i>Food Trucks/Food Truck Parks</i>	R*

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

(ADD NEW SECTION)

Section 7.42 Food Trucks and Food Truck Parks

- A. **Scope.** Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck). These regulations apply to food trucks on private property. Food trucks on public property are not regulated by this Ordinance.
- B. **Approval.**
1. A zoning permit is required for food trucks. The food truck may apply for a zoning permit for a permanent, stationary location or to rotate between multiple, stationary locations. The zoning permit shall state all locations at which the food truck is permitted to operate. If the location changes, they may apply for an amended zoning permit.
 - a. The Zoning Administrator is authorized to review the plot plan and issue approval, approval with conditions, or disapproval in instances in which one (1) food truck is planned for one (1) property or for multiple properties.
 - b. The Planning Commission is authorized to review the plot plan and issue approval, approval with conditions, or disapproval in instances in which a food truck park is planned for one (1) property.
 2. The property owner shall submit a plot plan pursuant to **Section 6.1**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating.
 3. A zoning permit may be transferred to a new food truck that is replacing the one designated in the zoning permit. The new food truck shall comply with all standards and conditions as the original food truck.
 4. A food truck shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
 5. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.

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 2021 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.

Notes: This document contains proposed text for adding Conditional Rezoning to the city zoning ordinance. In addition, I have included proposed revisions to the rezoning standards section, as some of these standards are very difficult to meet. ~Denise

Section 10.2 Rezoning Standards (current section with changes proposed)

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 **goals and objectives** of 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. Is the site served by adequate public facilities or is the petitioner able to provide them?
- G. 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)?

~~Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?~~

~~Are there sites nearby already properly zoned that can be used for the intended purposes?~~

Section 10.3 Conditional Rezoning (New section inserted after rezoning standards. Subsequent sections will be renumbered)

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development

of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special land use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth pursuant to **Section 9.6** of this Ordinance and consideration of the factors set forth in **Section 10.2** (except **10.2.G**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. City Council Review.

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 401 of **2006 PA 110**, refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the City

Council to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the County Register of Deeds. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the City Council if:

1. it is demonstrated to City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
2. the City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection G** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** above or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. City Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning

classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)**.

L. Failure to Offer Conditions.

The City shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.



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

Planning & Development

OCTOBER 29, 2021

TO: Occupant
FROM: City of Alpena

Re: PUD Site Plan Modification
Bingham Senior Living Development
555 S Fifth Avenue (Tax Parcel No: 093-367-000-244-00)

This letter is to inform you that a modification was made to the site plan of the Bingham Senior Living Development. This letter is being sent as a courtesy to occupants within 300' of the site; no action is required.

Modifications include relocating the addition to the center, rear side of the building, as well as modifying the parking layout to align with historic preservation guidelines. The revised parking count equates to 22 total spaces, which includes three barrier free spaces. Unit count remains at 35.

The site modifications have been approved and meet all zoning requirements for the City of Alpena. The approval will be discussed at the Planning Commission meeting on November 9th but will not be an action item.

I have included a drawing of the site plan from 2019, as well as the 2021 site plan with the modifications noted above.

Sincerely,

Montiel Birmingham
Planning, Development, and Zoning Director
989.354.1771
montielb@alpena.mi.us

Enclosures: 2019 and 2021 site plans



MC KINLEY AVE



2019 Site Plan



SCHEMATIC SITE PLAN
SCALE: 1/32" = 1'-0"



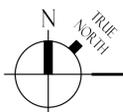
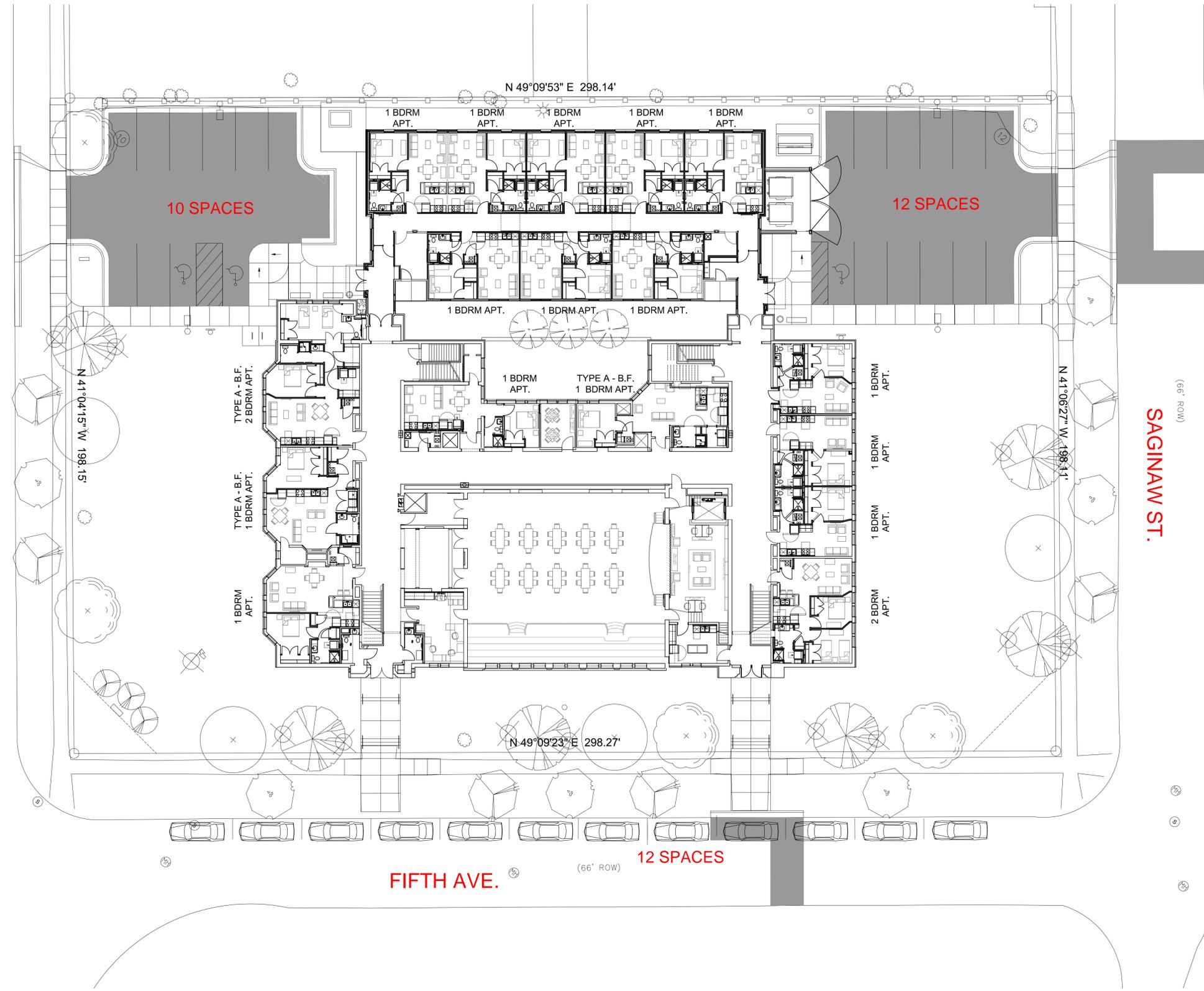
DEVELOPER:
HOPE NETWORK
3075 ORCHARD VISTA DR
GRAND RAPIDS, MI 49546
P: 616-301-8000

BRIGHAM SCHOOL
-
ALPENA, MICHIGAN

SHEET TITLE:	ISSUED FOR:	DATE:	REVISION:
	OWNER REVIEW		
DWG NO.	OWNER REVIEW		

2021 Site Plan

MC KINLEY ST.
(66' ROW)



OVERALL FIRST FLOOR PLAN
W/ SITE INFORMATION
SCALE: 1/16" = 1-0"

UNIT MIX
(29) ONE-BEDROOM
(6) TWO-BEDROOM
(35) TOTAL UNITS

BINGHAM APARTMENTS
ADAPTIVE RE-USE & ADDITION
555 S 5TH AVE. | ALPENA | MICHIGAN 49707
DEVELOPER:
HOPE NETWORK HOUSING & COMMUNITY DEVELOPMENT
3075 ORCHARD VISTA | GRAND RAPIDS | MI 49546

10/29/21	CITY REVIEW
09/21/21	BIDS & CONSTRUCTION
MARK: DATE:	ISSUED FOR:

SHEET TITLE	OVERALL FIRST FLOOR RENOVATION PLAN W/ SITE (1/16" SCALE)
DRAWING NO.	-

CONSULTANT:
SEAL:

Destigter
Architecture & Planning
18 G. COPPIN SW | GRAND RAPIDS | MI | 49503
616.461.8120 | KIM@DESTIGTERARCHITECTURE.COM