

MINUTES

City of Alpena Planning Commission
Regular Meeting
January 14, 2014
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

Present: Hunter, Dort, Boboltz, Sabourin, Lewis

Absent: Glowinski, Heraghty

Staff: Adam Poll (Director of Planning & Development), Matt Waligora (Mayor), Don Gilmet (Building Official), Joel Jett (Police Chief), Vickie Roznowski (Recording Secretary)

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The January 14, 2014, agenda was approved as printed with one change; move Planning Commission Candidates ahead of the Public Hearing.

APPROVAL OF MINUTES:

None.

PLANNING COMMISSION CANDIDATES:

Planning Commission Candidates:

Sabourin invited the candidates to speak to the Commission.

Steven Gilmore stated he has lived within the City limits for approximately 6-7 years. Has been in love with the City for most of his life, but grew up in the township. Gilmore further stated he has a level head, can compromise when needed, and would love to serve on the Commission.

Clayton VanWagoner stated he was born and raised in Alpena. Father was on the Planning Commission many years ago. Lives in the township but owns several properties within the City limits and interested in City government. Would like to serve on the Commission if the Commissioners will have him.

Poll stated that the Planning & Enabling Act does allow for one member of the PC to reside outside of City Limits.

Hunter asked the candidates how they actually heard about the openings on the Commission. VanWagoner stated he saw an ad in the paper for the open seats and also online. Gilmore stated during the last election he was on the Johnson committee and heard there would be an opening on the Commission if Johnson was elected to City Council. Also saw it listed on the City website.

Sabourin stated the position on the Commission is a Mayoral appointment, subject to approval of the City Council. We would make a recommendation to the Mayor and because we have two vacancies and there seems to be nobody else coming forward it would be his opinion that we accept these gentlemen as potential candidates but we do need a consensus of the Commission before we make that decision.

Consensus is to recommend the 2 candidates to the Council for appointment to the Planning Commission.

PUBLIC HEARING AND COMMISSION ACTION:

Case 14-SU-01: Freedom Motors of Alpena Inc. has filed a petition requesting an extension of a Special Land Use Permit granted July 12, 2013 that is due to expire, which allows outdoor vehicular sales in conjunction with the development of a used vehicular sales lot located at 929 & 935 W. Washington Avenue in a CCD, Commercial Corridor District.

Poll stated the site in question is intended to eventually become the principal sales lot for Freedom Motors with the site at 826 W. Washington being vacated upon the completion of the site in question. This move was necessitated due to the lack of adequate space at the existing lot, and issues with other parties regarding the lot at 826 W. Washington. According to the Special Permit issued on July 12, 2013, the Planning Commission set eleven conditions upon the approval of the Special Land Use Permit in question, including two conditions which were time sensitive; 1) condition number ten stated that "All work on the subject property shall be complete to a level deemed sufficient by the City Building Official to legally operate the vehicle sales on this site by October 1, 2013, at which time the current sales lot at Ripley and Washington shall be vacated.", 2) and condition number 11 stated that "The Special Land Use Permit shall be implemented within six (6) months of its approval by the Planning Commission or become null and void. The Petitioner may request a time extension prior to the expiration of the Permit."

At present, it would appear that no significant demolition work has occurred and a building permit has not been requested. A demolition permit was obtained by the applicant in August 2013, and stamped plans for the proposed new construction were received December 10, 2013. The applicant is now requesting an extension to condition number 11 so the Special Land Use Permit does not become null and void.

The applicants have indicated that there were delays that led them not to receive the stamped construction documents until October 27, 2013, and indicated that due to the time of year, construction was not immediately able to commence. They have also noted that demolition has not commenced as individuals/groups have expressed interest in the greenhouse structures, however, no agreements have been reached. In another conversation, one of the applicants noted that the engineered plans had tied up money that would have been used for construction.

Staff would note that since July of 2013, the amount of reported incidents at both sites, that staff is aware of, has been reduced. Staff has received one complaint call in December, stating that vehicles were blocking the intersection visibility at 826 W. Washington; however, two hours later staff inspected the complaint and found no visibility issues.

If the Special Land Use Permit is extended, the Planning Commission could create a new timeline for completion. The applicant has asked for one month and 19 days for demolition of the existing structures and 6 months for construction. Staff believes that these tasks could be completed more quickly and that the Planning Commission could choose to shorten the timeline. In addition, if the Special Land Use Permit is extended, staff would recommend that the Planning Commission create a series of benchmarks for the applicants. These benchmarks could include anything from periodic inspections, regular reports to the Commission from the contractor or applicants, or a number of other alternatives in addition to deadlines for completion.

If the existing Special Land Use Permit is not extended, it will be considered null and void and Freedom Motors would only be able to utilize paved areas as a parking lot. Freedom Motors would be able to continue to operate their vehicle sales lot at 826 W. Washington as they have a separate Special Land Use Permit for that location. It should be noted that in May of 2013 the Special Land Use Permit was reviewed for the site at 826 W. Washington, and in the discussion, both the applicant and the Commission indicated Freedom Motors would be moving out of the 826 W. Washington location as quickly as possible and into the location in question, and a condition was placed that the applicant applied for a Special Land Use Permit for the site at 929 W. Washington which was applied for and subsequently granted with its own conditions as previously discussed.

The Planning Commission has several available options which they can precede in regard to this extension request; 1) grant an extension to the Special Land Use Permit and use the applicant's submitted timeline. The applicant submitted a timeline that noted that demolition would start by March 31, 2014 and construction would begin on May 19, 2014 and could be completed November 19, 2014, 2) grant an extension to the Special Land Use Permit and use a timeline created by the Planning Commission. As the Commission initially granted 6 months for the Special Land Use Permit to be implemented, the Commission may want to shorten the requested timeline, and/or draft a more detailed timeline that could potentially spell out additional benchmarks that must be met by certain dates. Benchmarks could potentially include periodic site visits,

specific dates for permits to be requested, or requiring an oral monthly report on progress to the Planning Commission, or 3) deny the extension to the Special Land Use Permit. The Commission could deny the request. The applicants would not be allowed to sell (outdoor) or repair vehicles at the location, but would be able to utilize paved areas as a parking lot.

If the Special Land Use Permit is extended, staff would recommend that the conditions from the original request are retained and add one new condition; if any of the deadlines in the given timeline are not met, the Special Land Use Permit will be reviewed by the Planning Commission at its earliest convenience where they will have the option to terminate the Special Land Use Permit, in addition to a benchmarked timeline for completion.

Howard Reeves, Freedom Motors, stated he is overseeing the construction at the site located 929 W. Washington Avenue. When the weather started getting bad we didn't have any permits so that was part of the reason we were held up on the demolition and construction and would like the Commission to take that into consideration.

Poll further stated that during a conversation with Dave Kroll, it was referenced that they had issues getting funding because the stamped engineering plans cost more than initially anticipated so one condition staff would like to add is to have the applicants provide something from their financial institution stating that they either have the capability or assets on hand to cover the construction without any issues.

Maren Kieliszewski, owner of Freedom Motors, stated that they ended up spending \$10,000 on the site plans which was a little more than anticipated. Doesn't see a problem providing financials showing that we can afford this going forward. It is a matter of proving to the investor that this is a worthwhile project and that we are not going to continue to have difficulties achieving the permits. Doesn't see a problem moving forward with this project.

Favor:
None.

Opposition:

Sabourin read a letter into record that the City received on Friday, January 9, 2013 from Duffy Gorski, Duffy's Computers & Supplies, Inc., stating that as of January 12, 2014, he will no longer allow Freedom Motors to park any vehicles in the 10' right-of-way alongside the building between his building and Freedom Motors. There are 6" of his property between the building and the right-of-way; therefore all vehicles must be ten feet and six inches from Duffy's Computers & Supplies, Inc. The right-of-way will be posted that any vehicle in the right-of-way will be towed at owner's expense.

COMMISSIONER'S DISCUSSION AND ACTION:

Boboltz stated that the Commissioners received a potential timeline that was not in the agenda packet and is not sure where it came from. Sabourin stated the potential

timeline was created by City Staff. Poll stated that staff came up with a timeline that set a number of benchmarks that they believe would be the most efficient to enforce and to make sure that the timeline has the ability to be met. It certainly can be shortened by the Planning Commission or lengthened for that matter. This is something that Poll and Gilmet have determined would appear to be more than adequate time.

Gilmet stated the timeline is not 100% set in stone. The reason we came up with this is because the original timeline that was submitted gave a 6 week period for demolition and another 6 month period when the construction would be done. There were really not a lot of benchmarks. If the Commission decides to approve the extension then you could be there October 15th and the greenhouses are down and that is all that has happened then they are within the conditions that were set so we tried to come up with some easy to meet benchmarks. It just sets things at a quicker pace so the Special Use Permit is complied with. Sabourin stated that the front end of the staff produced timeline is pretty much the same as theirs; we are just shortening it up on the back end. Gilmet stated that we are shortening up a tad and filled in the gaps.

Lewis asked if the applicant has seen the timeline that City staff has generated. Reeves stated they just received it tonight and doesn't see a problem with it.

Dort stated that if the Commission approves the extension and approves the timeline then he feels it makes sense to have a review at the May meeting to see where the demolition is at. Sabourin asked if Dort is proposing this as item 12 and have it added to staff recommendation. Dort also would like to have a review of a future timeline at that time also. Lewis stated that one of the suggestions is that they could give an oral presentation. We potentially have 6 Planning Commission meetings during that time so what is wrong with having an update from them every month. Kieliszewski asked how the Commission felt about Freedom Motors reporting the progress to Gilmet or Poll.

Boboltz supports granting the extension and is pleased to hear that Freedom Motors is happy with the timeline that staff has generated. Doesn't feel that the Commission needs get an update every month other than from staff assuming that staff is following the progress of Freedom Motors. Lewis stated the reason for suggesting this is because human nature is if you have to give a report showing your progress then you might have some progress. We haven't had much progress on this project up to this point.

Hunter stated that on staff's potential timeline the proof of financials needs to come early in the timeline because a number of things could be held up by a lack of money. Poll stated that we should have that documentation by the next time the Planning Commission meets in February. Hunter asked Poll what he would like to see as certification that there is adequate financial backing for this project. Hunter further stated that we need to know how much all this will cost and a commitment to pay that amount of money. Poll stated he would like Freedom Motors to show that they are able to obtain that amount of money from their financial institution or investors. Hunter asked if there is an estimate as to the total cost of the project. Poll stated he has not received anything regarding the total cost. Would think that Freedom Motors can provide us a figure and

Gilmet is fairly accurate at making sure that it would be the correct figure. Hunter stated that he would like it in the potential timeline that by the next Commission meeting that there be an estimate of cost agreed upon by staff and certification by investor or others and that they will financially back that amount.

Motion made by Lewis, seconded by Boboltz to extend the Special Land Use Permit using amended timeline starting with February 11, 2014 meeting and extending through October 15, 2014, with the 10 conditions outlined by staff plus condition 11, proof of financial capability, and condition 12, review of progress by staff each month.

Ayes: Dort, Boboltz, Sabourin, Lewis, Hunter

Nays: None.

Absent: Heraghty, Glowinski

Motion passed 5 - 0.

BUSINESS:

1. Discuss Implementation of Goals and Objectives of the Comprehensive Plan.
Poll stated as we discussed at our last couple of meetings we really want to develop a list of attainable goals and objectives that can be done within the next 12-24 months. We have noted numerous times that all of the goals and objectives are important, however, Poll would like to get a feel for what the Planning Commission feels staff should be focusing on. Dort stated that it should be noted that a lot of the action items are done because staff is already doing them. Just because they aren't included doesn't mean that they aren't important. Sabourin stated that what Poll is trying to get from the Commission is a list of physical projects that can be accomplished within a 12-24 month timeline. Dort stated we have discussed these sections, but have we really accomplished anything, have we really given Poll any direction. We have submitted what we each felt was important to us but he doesn't know if we can really come to any consensus going through the goals and objectives and if it is really valuable to continue this discussion. Sabourin stated he went through the action items that everyone went through and the ones that have multiple hits are maybe the ones that we should take a better look at.

COMMUNICATIONS:

1. 2013 Zoning Board of Appeals Report
Poll stated there were two cases heard by the Zoning Board of Appeals in 2013; 1) 221 Dawson Street, single family residence, requested to allow for the replacement of section of fence, with the fence posts and supports facing the street/neighbor property. It was granted as the previous fence that had been legally built had been identical in appearance, and the neighbor's fence also was legally constructed to match the proposed fence. In addition several other fences in the area were legally constructed with the supports and posts facing the outside, and this fence was not easily visible from the street and 2) 726 Sable Street, single family residence,

requested to allow for the construction of a covered deck 6' from the rear property line, 21' less than required and 2,100 SF (45%) of lot coverage, 483 SF (10%) more than allowed. It was granted as the property was a 1/2 size lot and a number of other homes in the area on similar sized lots were found to not meet setback or lot coverage requirements, and it would also be 6' from the property line, equal to a required side yard setback for a house, or rear yard setback for an accessory structure.

REPORTS:

1. Update on Planning and Development Projects

Downtown Rental Rehab and Neighborhood Rental Development

Gilmet stated all of the rental units being done under these grants have been completed. MSHDA and MEDC used to get their grants separate of each other but now they are combined. Now there is in-house fighting regarding what those grant dollars best be used for. MEDC uses it for one thing and one thing only; to create jobs, and MSHDA; housing, apartments, and revitalizing downtowns which we argue it does create jobs even though they may be short-term. We are hopeful that we will get this resolved. There are a lot of people at the state level on our side that know how they work. The City has an absolutely 100% successful program. It is an example for other communities in the state to try to do what we do. It is very hard to do it as good as we do. We are garnering more interest. Now we are going to try and have the projects identified before we apply for funds. The projects are going to have price tags on them moving forward for the approval. Dort asked how many units have been completed through these grants. Gilmet stated there are a total of 22 units that have been completed.

Poll stated that there has also been some interest in private development within the City both downtown and outside of the downtown.

Main Street Designation

Poll stated that the City is working very closely with the DDA for the Main Street designation which will open up the opportunity for a number of grants as well historical surveys. They offer a lot of services that we cannot get right now. It is a tremendous advantage if we can get approved for this. If for some reason we didn't get it this year, there would be a very good chance for next year.

CALL TO PUBLIC:

Mayor Waligora, 304 Sable Street, stated that when Poll presented the Comprehensive Plan to City Council one of the comments that he made was being able to put some of the goals and objectives into action. Keep in mind that the City has Visioning Committees that were created and if at any time there is a Visioning Committee that some of these goals and objectives would fall under then forward those to that Visioning Committee. Some of the committees haven't met in quite some time so if there is something that matches a Visioning Committee find out who is on the committee, find out who the chairman is, or contact Greg so the action item can be forwarded to

Committee. The Planning Commission doesn't have to do all of these action items, put these Visioning Committees back to work and forward these items to them.

CALL TO PUBLIC:

None.

MEMBERS' COMMENTS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:20 p.m. by Chair Sabourin.

Wayne Lewis, Secretary