

MINUTES
City of Alpena Planning Commission
Regular Meeting
July 30, 2019
Alpena, Michigan

CALL TO ORDER:

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

ROLL CALL: PLANNING COMMISSION

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

ABSENT: Lewis

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

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Agenda was approved as printed

APPROVAL OF MINUTES:

June 11, 2019, minutes approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

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

Girard, 147 Barry Street Owner, stated she already has the license for six children. Three of the parents are pregnant so she would like to keep the families together is the reason she is requesting this special use permit to up the amount of children she is allowed so brothers and sisters can be together.

FAVOR:

None.

OPPOSITION:

None.

Closed public hearing at 7:06

COMMISSIONER'S DISCUSSION AND ACTION:

Gilmore questioned if the applicant was going to exceed the capacity of the license of 12 children in which Girard stated no. Sabourin questioned if there was indeed a fence at the property in which the applicant stated yes and that she owns two lots there. Wojda suggested that in regards to the letter received on the traffic issues, it appears to be directed toward one specific vehicle rather than traffic at large in the roadway.

Motion made by Boboltz, to approve the special use request subject to the approval of the recommendations of staff listed on report A. through I., and the requirements needed. **Seconded by Wojda.**

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

Nayes: None

Absent: Lewis

Motion approved by a vote of 8-0.

2. P.C. Case No. 19-TX-01. The City of Alpena has filed a request to amend the following sections of the City Zoning Ordinance relative to allowing Medical Marijuana Facilities as a use allowed by special land use permit.

Poll stated that he did not include a prepared staff report since this has been talked about at length. The first part Poll has indicated on the sheets provided specifying the five different types of commercial medical marijuana facilities that are allowed and regulated straight from the state law. Poll adds the other area of significant change that was included in the Planning Commissioner's packet is section 7.22., which states that all facilities must maintain buffers from the listed protected uses. Poll indicated adding under section 7.22 A. language that states buffers should be specified as being measured from the edge of the property line and not from the building. Poll also added language on District Regulations. Modifications in this section would allow Medical Marijuana facilities in certain districts with the approval of a special land use permit. Industrial Districts (I-1 and I-2) would allow Grow Facilities, Testing Facilities, Secure Transport Facilities, Processing Facilities and Provisioning Centers. Most Office, Business and Commercial Districts (OS-1, B-3, B-2, and CCD) would allow Testing Facilities and Provisioning Centers and the Central Business District (CBD) would allow Provisioning

Centers. Poll noted that these are the same recommendations that were given to Council.

FAVOR:

Jerry Griffin, President of GMG Public Affairs Consulting from Brighton, stated that he would recommend that the Planning Commission reconsider the buffers around a day care center. Day cares centers are often hard to identify where they are located and once they are it can become a conflict. Griffin also adds that children are getting driven to the day care and dropped off there, picked up from there and driven home. They are not wandering away from the day care center. Another buffer in question is the distance from one provisioning center to another. Although it is not anticipated that this would happen it can sometimes get challenging with the zoning and regulations put in place where provisioning centers could exist. Griffin does not feel that the language of 500 feet is necessary but to make it seem more feasible for the language to state that provisioning centers can't be store front to store front in the notice of it being a concentration. Griffin states that with allowing two he doesn't feel it will be an issue.

OPPOSITION:

None.

Closed public hearing at 7:19

COMMISSIONER'S DISCUSSION AND ACTION:

Wojda questioned if there was anything in the early sections of the ordinance that provides for general measurement standards. Wojda feels that buffers should be defined which would solve the measurement issue. Poll added that as long as it's ok with the Planning Commission he would define the measurement from the property line or improved area of property. Wojda added whichever is less restricted. Wojda also suggested in article 2 to remove the (medical) in parenthesis and word it Medical Marijuana Facilities and also under article 7 to add medical in front of Marijuana Facilities so there is no confusion on if recreational marijuana is allowed. Also in article 7 add the word of after City of Alpena consist "of" five different types of facilities. Language stating as defined in article 2 should also be added. Wojda also suggested adding language that states Medical Marijuana Facilities are subject to special regulations (the buffer language will follow below that). Mitchell questioned recreational marijuana. Poll stated that city council has opted out of allowing recreational marijuana. Boboltz questioned if the planning commission wanted to agree or disagree with what Griffin said. Mitchell feels that the buffer should stay the same for the daycares. Poll added that most daycares are going to be located in residential districts. There will probably be some that will border commercial districts that could become an issue. Sabourin questioned if a map was available to show all the special use

permits for daycares that have been granted previously. Poll stated he does not have one available right now but could be produced. Austin questioned if a daycare with 1-6 children was still considered a daycare in which Poll replied yes, they are still state licensed. Kirschner added that LARA (Michigan Department of Licensing and Regulatory Affairs) holds all that information. Sabourin mentioned that City Council should be made aware of what Griffin said and explain to them that the Planning Commission just came up with numbers for said buffers of day care centers etc., and this could be added to the motion since council will be making the ultimate decision.

Motion made by Wojda, to approve the ordinance language as suggested through amendment today and also move to forward to council the public comments that were received today with regard to buffer zones especially. **Seconded by Mitchell.**

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

Nay: None

Absent: Lewis

Motion approved by a vote of 8-0.

Poll stated that he will need to draft the stand alone ordinances with the City Attorney as well as any odor control issues after that is completed then it will be forwarded to council to attempt to adopt. Since it is an ordinance change, it will have to go through two readings and then it will be published. This will not be presented at the next council meeting but potentially the following meeting. Then there will be a period of time where we will take applications from people interested in operating facilities. Poll assumed that will be two months but wasn't positive. Poll also added that at this time he does not know how the applicants will be selected.

COMMUNICATIONS: None

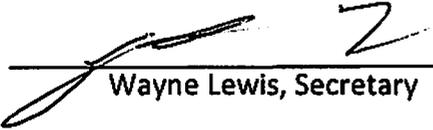
REPORTS:

1. Development Update: Poll stated that work with the MEDC continues on a number of projects although they recently changed their match of ten percent with public improvements. They are in the process of reevaluating and have not got back to Poll yet on what the change will be. Poll added that they are currently working with the owner of the Antique Store to try to get some development at that location. Park Place road project was put on hold to allow traffic to access for Brown Trout Festival.

CALL TO PUBLIC: None

MEMBERS COMMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:39 p.m. by Sabourin, Planning Commission Chair.



Wayne Lewis, Secretary