



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 13, 2016, 7:00 p.m.

Alpena, Michigan

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Regular Meeting August 9, 2016

PUBLIC HEARING AND COMMISSION ACTION:

BUSINESS:

1. Introduction of Cassie Stone, Office Clerk to the Planning Commission
2. Medical Marihuana- Senate modified HB 4209 to legally authorize provisioning centers.

COMMUNICATIONS:

REPORTS:

1. Development Update
2. Redevelopment Ready Communities Update

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:



MINUTES

City of Alpena Planning Commission
Regular Meeting
August 9, 2016
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: Hunter, Gilmore, VanWagoner, Boboltz, Lewis, Mitchell, Sabourin, Heraghty and Brian Dort

Absent: None

Staff: Adam Poll, Director of Planning & Development and Lesslee Dort, DDA Director

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The August 9, 2016, agenda was approved as presented.

APPROVAL OF THE MINUTES: June 14, 2016

The June 14, 2016 minutes were approved as presented.

PUBLIC HEARING AND COMMISSION ACTION:

None.

BUSINESS:

Proposed conversion of Second Avenue from Chisholm Street to Water Street to a two-way traffic pattern.

Poll noted the DDA would be requesting to convert Second Avenue to a two way traffic pattern from Chisholm Street to Water Street in September, and that he wanted the Planning Commission to review the concept. Poll noted that typically street changes like this are not brought before the Planning Commission for review, but due to the impact of this proposed change, it would be beneficial for review by the Planning Commission. Poll noted that the DDA had approved the conversion at their last meeting and noted that Lesslee Dort, DDA Director was available to answer any questions. Poll noted that Engineering was still finishing up the proposed design and it would not be ready until the City Council meeting. Poll noted that the design and comments included in the packet were provided by LSL Planning and their contracted planners as part of the Downtown Plan and Marketing study. Poll noted that half of

that studies' funding was provided with Technical Assistance funds from the Redevelopment Ready Community Program that the City is involved with. The attached maps showing where parking could be added was a draft they provided, and some of the areas designated for parking would more than likely not be feasible as the widths of the roads or parking spaces were not adequate. Poll noted that if the conversion was made on Second Avenue there would be a loss of on street parking, and the hope is that additional on street parking could be added nearby. Poll noted that part of the proposal was to add reverse angle parking on River Street. He noted that this type of parking was proven to be safer than standard angle parking as it increased visibility when exiting the parking space and this type was preferred by the City Engineer. Poll noted that this would probably be one of the aspects of the proposed changes that would take some time to get used too, and if it proved to be too challenging, it could be easily replaced with standard angle parking. Poll noted that DDA had been working with MDOT to try to convert all of Second and Third Avenue to a two way pattern as well, but these sections had additional challenges as they are MDOT trunk lines. Poll noted that the DDA is still working with MDOT but wants to pursue the sections under local control at this time.

Boboltz questioned how much parking would be lost. Poll indicated it was not certain at this time, but noted that he expected to lose parking on one side of Second Avenue, but some of the lost parking could be compensated by installing reverse angle parking on River Street.

Sabourin noted that the street trees in the downtown are beginning to get tall enough where they are blocking signage, and may have to be replaced soon and questioned if narrowing the sidewalks would be an option to preserve on street parking. Poll noted that with the pedestrian traffic and outdoor dining options, that narrowing the sidewalks is not ideal.

Lesslee Dort noted that only 3% of truck traffic turns in the downtown area and the DDA believes that MDOT will eventually be able to convert the rest of Second Avenue to a two way pattern.

Hunter questioned the impact of the Chisholm and Second Ave intersection and noted there was the possibility that it could back up. Poll noted that MDOT had reviewed the intersection and approved the changes. Poll also noted that River Street would have a traffic signal. He also indicated that hopefully by converting Second Ave to two way, it would alleviate the backups that occur on the section of Third Avenue that was converted to a two way pattern last year.

Lesslee Dort indicated that the proposed changes should be better for visitor as well, and indicated that 4 of the 5 entrances into the downtown have "Do Not Enter" signs. Dort noted that mid-block pedestrian crossings could be a possibility eventually as well.

Mitchell noted that if trucks are an issue in the downtown, they should be routed down First Avenue to Water Street and around Second Avenue between Chisholm and Water Street.

Brian Dort indicated that the Bi-Path crosses Second Avenue at Water Street and wanted to make sure that the crossing received any additional work that would make it as safe as possible for pedestrians.

Boboltz asked if the Engineering Department was considering installing a four way stop at the intersection of River Street and Second Ave. Poll indicated he did not know. Boboltz asked if he could share that suggestion with the Engineering Office and Poll indicated that he would.

VanWagner questioned if speed would be an issue with the conversion to a two way pattern. Poll noted that the studies indicate that two way traffic is generally slower than a one way pattern.

Sabourin questioned if a vote was expected on this issue. Poll indicated it was not, and this was a review by the Planning Commission and that he would bring any concerns so he could relay them to City Staff and City Council.

Hunter indicated that although they are not voting on the proposal he could not say he supports the conversion or opposes the conversion as he has not had enough time to analyze the information.

Boboltz noted that the conversion would appear to be beneficial to the existing back up issues on Third Avenue.

COMMUNICATIONS:

None.

REPORTS:

Development Updates

Poll indicated that the former Alpena Power Office building demolition project is complete.

Poll noted that other grant projects were moving forward, The Owl is open, and Alpena Furniture would be starting work soon.

CALL TO PUBLIC:

None.

MEMBERS' COMMENTS:

Poll noted that Vickie Roznowski, had taken a medical retirement and encouraged Planning Commission members to thank her for her service when they see her. Poll noted that the City was in the process of filling the position.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:49 p.m. by Chair Sabourin.

Wayne Lewis, Secretary

1 (f) 1907 PA 101, MCL 445.1 to 445.5.

2 (g) 1913 PA 164, MCL 449.101 to 449.106.

3 (h) The uniform partnership act, 1917 PA 72, MCL 449.1 to
4 449.48.

5 Sec. 203. A registered qualifying patient or registered
6 primary caregiver is not subject to criminal prosecution or
7 sanctions for purchasing marihuana from a provisioning center if
8 the quantity purchased is within the limits established under the
9 Michigan medical marihuana act. A registered primary caregiver is
10 not subject to criminal prosecution or sanctions for any transfer
11 of 2.5 ounces or less of marihuana to a safety compliance facility
12 for testing.

13 Sec. 204. This act does not limit the medical purpose defense
14 provided in section 8 of the Michigan medical marihuana act, 2008
15 IL 1, MCL 333.26428, to any prosecution involving marihuana.

16 Sec. 205. (1) A marihuana facility shall not operate in a
17 municipality unless the municipality has adopted an ordinance that
18 authorizes that type of facility. A municipality may adopt an
19 ordinance to authorize 1 or more types of marihuana facilities
20 within its boundaries and to limit the number of each type of
21 marihuana facility. A municipality may adopt other ordinances
22 relating to marihuana facilities within its jurisdiction, including
23 zoning regulations, but shall not impose regulations regarding the
24 purity or pricing of marihuana or interfering or conflicting with
25 statutory regulations for licensing marihuana facilities. A
26 municipality shall provide the following information to the board
27 within 90 days after the municipality receives notification from

1 the applicant that he or she has applied for a license under this
2 act:

3 (a) A copy of the local ordinance that authorizes the
4 marihuana facility.

5 (b) A copy of any zoning regulations that apply to the
6 proposed marihuana facility within the municipality.

7 (c) A description of any violation of the local ordinance or
8 zoning regulations included under subdivision (a) or (b) committed
9 by the applicant, but only if those violations relate to activities
10 licensed under this act or the Michigan medical marihuana act.

11 (2) The board may consider the information provided under
12 subsection (1) in the application process. However, the
13 municipality's failure to provide information to the board shall
14 not be used against the applicant.

15 (3) A municipal ordinance may establish an annual,
16 nonrefundable fee of not more than \$5,000.00 on a licensee to help
17 defray administrative and enforcement costs associated with the
18 operation of a marihuana facility in the municipality.

19 (4) Information a municipality obtains from an applicant
20 related to licensure under this section is exempt from disclosure
21 under the freedom of information act, 1976 PA 442, MCL 15.231 to
22 15.246.

23 Sec. 206. The department, in consultation with the board,
24 shall promulgate rules and emergency rules as necessary to
25 implement, administer, and enforce this act. The rules shall ensure
26 the safety, security, and integrity of the operation of marihuana
27 facilities, and shall include rules to do the following:

ORDINANCE NO. 11-410

AN ORDINANCE OF THE CITY OF ALPENA, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ALPENA BE AMENDED BY MODIFYING AND REVISING ORDINANCE NO. 392 OF SAID CODE.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, STATE OF MICHIGAN, AS FOLLOWS:

1. The Zoning Ordinance of the City of Alpena, being Ordinance No. 392 establishing zoning districts, schedule of regulations and zoning map is hereby amended and revised in the following manner:

Article 2, Section 2.1 Definitions

MEDICAL MARIHUANA:

1. **MICHIGAN MEDICAL MARIHUANA ACT:** Initiated Law 1 of 2008, as amended (the "Act").
2. **MEDICAL MARIHUANA:** Marihuana as defined by the Michigan Medical Marihuana Act (MCL 333.26421 *et seq.*) grown, used or transferred for "medical use" as defined by the Act.
3. **MEDICAL MARIHUANA CULTIVATION:** The growing of marihuana for medical purposes as permitted by the Act.
4. **PRIMARY CAREGIVER:** An individual with a registry identification card issued by the Michigan Department of Community Health pursuant to the Act who agrees to assist a Qualifying Patient in the use of Medical Marihuana. May also be a Qualifying Patient.
5. **QUALIFYING PATIENT:** An individual with a registry identification card issued by the Michigan Department of Community Health pursuant to the Act entitled to use Medical Marihuana for the purpose of alleviating the effects of a diagnosed debilitating medical condition as defined in the Act and included in a list maintained by the Michigan Department of Community Health, as amended.

MEDICAL MARIHUANA CULTIVATION

Article 5: Zoning Districts Medical Marihuana Cultivation will be listed as a “Permitted by Right” use with “Supplemental Regulations – Article 7” (R*) under the Indicated “Uses Permitted By Right & Special Land Uses” Matrix Category for each District.

Section 5.7.B, R-1 and R-2: One-Family Residential Districts

Residential Uses/Accessory Buildings
Medical Marihuana Cultivation R*

Section 5.9.B, RT: Two-Family Residential District

Residential Uses/Accessory Buildings
Medical Marihuana Cultivation R*

Section 5.10.B, RM-1 and RM-2: Multiple-Family Residential Districts

Residential Uses/Accessory Buildings
Medical Marihuana Cultivation R*

Section 5.11.B, WD: Waterfront Development District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.12.B, CBD: Central Business District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.14.B, CCD: Commercial Corridor District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.15.B, OS-1: Office Service District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.16.B, B-1: Local Business District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.17.B, B-2: General Business District

Residential Uses/Accessory Buildings & Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.18.B, B-3: Commercial District

Commercial/Business/Service
Medical Marihuana Cultivation R*

Section 5.19.C, I-1: Light Industrial District

Commercial/Business/Service

Medical Marihuana Cultivation R*

Section 5.24.E.5 (Uses), PUD: Planned Unit Development District

The cultivation of Medical Marihuana shall be permitted only if specifically included in the list of uses in the final approved PUD ordinance amendment.

Article 7: Supplemental Development Regulations

Add the following new section.

Section 7.22. A. Medical Marihuana Cultivation and Transfer

The cultivation of Medical Marihuana shall comply with the following supplemental regulations:

- A. Cultivation on a Zoning Lot containing one (1) One-Family Dwelling Unit
 - 1. No more than 72 Medical Marihuana plants shall be cultivated per Zoning Lot.
 - 2. Medical Marihuana Cultivation shall comply at all times with the requirements of the Michigan Medical Marihuana Act and those rules established by the Michigan Department of Community Health, as amended.
 - 3. All cultivated Medical Marihuana plants shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that limit access only to the Primary Caregiver or Qualifying Patient residing on the property.
 - 4. Cultivation shall be conducted in such a manner as not to create unreasonable dust, glare, noise, odors or light spillage detectable beyond the Zoning Lot and shall not be visible from an adjoining public way or property.
 - 5. The Principal Use of the Zoning Lot shall be a one-family dwelling and shall be so occupied for such use.
 - 6. No transfer of Medical Marihuana to a Qualifying Patient shall occur on the Zoning Lot except to a Qualifying Patient residing thereon.
- B. Cultivation on a Zoning Lot containing more than one One-Family Dwelling Unit, a Two-Family Dwelling Structure, a Multiple-Family Dwelling Structure, and/or One or More One-Family Dwelling Units located in a Non-Residential/Mixed Use Building
 - 1. No more than twelve (12) Medical Marihuana plants may be cultivated per dwelling unit.

2. Medical Marihuana Cultivation shall comply at all times with the requirements of the Michigan Medical Marihuana Act and those rules established by the Michigan Department of Community Health, as amended.
 3. All cultivated Medical Marihuana plants shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that limit access only to the Primary Caregiver or Qualifying Patient residing on the property.
 4. Cultivation shall be conducted in such a manner as not to create unreasonable dust, glare, noise, odors or light spillage detectable beyond the dwelling unit and shall not be visible from an adjoining public way or property.
 5. The Principal Use of the Unit shall be as a Residential Dwelling and shall be so occupied for such use.
 6. No transfer of Medical Marihuana to a Qualifying Patient shall occur within the Dwelling Unit except to a Qualifying Patient residing therein.
- C. Cultivation by a Primary Caregiver in a non-residential building or the non-residential portion of a mixed-use building located in the following zoning districts:
- CCD; Commercial Corridor District
 - OS-1; Office Service District
 - B-2; General Business District
 - B-3: Commercial Corridor District
 - I-1: Light Industrial District
1. The unit shall not be the place of residence of the Primary Caregiver.
 2. No more than 72 Medical Marihuana plants shall be cultivated per Zoning Lot.
 3. Medical Marihuana Cultivation shall comply at all times with the requirements of the Michigan Medical Marihuana Act and those rules established by the Michigan Department of Community Health, as amended.
 4. All cultivated Medical Marihuana plants shall be cultivated within the non-residential building or the non-residential portion of a mixed-use building and be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that limit access only to the Primary Caregiver.
 5. Cultivation shall be conducted in such a manner as not to create unreasonable dust, glare, noise, odors or light spillage detectable beyond the Zoning Lot and shall not be visible from an adjoining public way or property.

6. No signage of any kind indicating that Medical Marihuana is cultivated on the site may be displayed.

D. Transfer of Medical Marihuana

1. Any and all registered Primary Caregivers cultivating Medical Marihuana in any zoning district listed in these standards, shall not dispense, deliver or transfer Medical Marihuana to a Qualifying Patient on the Zoning Lot in which he/she cultivates the Medical Marihuana, except to a Qualifying Patient residing therein.
2. No transfer of Medical Marihuana shall take place on any public property in any zoning district of the City whatsoever.

EFFECTIVE DATE

THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT TEN (10) DAYS AFTER BEING ADOPTED BY THE MUNICIPAL COUNCIL AND DULY PUBLISHED.

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF ALPENA, MICHIGAN, AT A REGULAR MEETING HELD ON THE _____ DAY OF AUGUST, 2011.

CAROL A. SHAFTO
Mayor

KAREN HEBERT
City Clerk/Treasurer/Finance Director

First Presented: August 1, 2011
Adopted: August 15, 2011
Published: _____
William A. Pfeifer, City Attorney