

MINUTES

City of Alpena Planning Commission
Regular Meeting
May 13, 2014
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 7 p.m. by Randy Boboltz, Planning Commission Vice-Chair.

ROLL CALL: PLANNING COMMISSION

Present: Hunter, Glowinski, Dort, Boboltz, Gilmore, Heraghty, Lewis

Absent: VanWagoner, Sabourin

Staff: Adam Poll (Director of Planning & Development), Vickie Roznowski (Recording Secretary)

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The May 13, 2014, agenda was approved as printed

APPROVAL OF MINUTES:

The minutes of the February 11, 2014, regular meeting were approved as printed. The minutes of the February 18, 2014, joint meeting were approved with one change; Roll Call should reflect that Commissioner Dort was in attendance.

PUBLIC HEARING AND COMMISSION ACTION:

Case PC 14-SU-02: Stacey Reynolds has filed a petition requesting a Special Land Use Permit to allow a Group Child Care Home (7-12 children) within a single family residence located at 1014 W Washington Avenue in a legal non-conforming home in a CCD, Commercial Corridor District. She currently operates a Family Child Care Home for 1-6 children at this location.

Poll stated that Reynolds has operated a Family Child Care Home (1-6 children) from her home at 1014 W Washington Street for several years. She has filed an application with the Michigan Department of Human Services for a Group Child Care Home License (capacity 7-12 children). A requirement of the application is zoning approval from the local jurisdiction. The home at 1014 W Washington Avenue is a residential use in the CCD, Commercial Corridor District. Due to the fact that the current Zoning Ordinance does not allow single family homes in the CCD Commercial Corridor District and the fact the home was built prior to the adoption of the Zoning Ordinance, it is considered a legal non-conforming use. The home is currently operating an existing Family Child Care

Home for 1-6 children. Staff has determined that providing that the residential use is the primary and legal use, expanding the childcare operation to 7-12 children would require a special permit.

The applicants purchased the property in 1999 and have made significant improvements to the property since purchasing it. The applicants have noted that there is a large play area in the side and rear that is completely enclosed via a fence. In addition, the applicants have purchased the property to the east of the home and incorporated that area into the play area while demolishing the existing home at that location. This action removed another legal non-conforming residence, which brought more of the area into conformance with the Comprehensive Plan.

The property in question is zoned CCD, Commercial Corridor District. The use in question would be located within a legal non-conforming home, but would appear to be accessory use to that home. The use would not appear to expand the footprint of the home, or any area that is not already legally used for daycare purposes. Because of the legal non-conforming status of the home, the similar, more intensive uses are allowed within the Commercial Corridor District, and the fact that special permits are required for daycares to be operated within homes that have 7-12 children in residential districts, staff has determined that a special permit would be the most appropriate way to review and potentially permit the use.

Other options that could be considered would be rezoning the home to a residential status and then obtaining a special permit. This option would not align with the Comprehensive Plan, (which calls for general business development) and would appear to be a detriment to the long term development plans for this area. Another option would be granting a use variance to allow for a daycare. Staff determined that this would not be the best option as a variance is permanent in nature, while a special permit can be reversed if the use becomes problematic.

The City's 2013 Comprehensive Plan calls for General Business development on this site, which does not include single family homes. It does however; allow uses similar to a daycare such as assisted living homes and residential human care facilities.

In reviewing the location and facilities, staff's concern would be in regard to traffic flow in and out of the property along Washington Avenue. As Washington Avenue is a State Trunk Line, traffic is heavier than on local roads. It would appear after inspecting the site and reviewing photos that there would be adequate space for multiple vehicles to not only pull in, but for turning around so backing out onto Washington Avenue would not be required. In addition, the applicant has indicated that drop off and pick up times are staggered to avoid congestion of the parking area. Staff would ask that due to the high traffic nature of Washington Avenue, that children are not allowed outside the fenced off play area except when being dropped off and picked up and accompanied by an adult.

The potential doubling of the number of children at any one time does raise concerns regarding sufficient number of staff to care for them. The City will rely on the State

Department of Human Services to ensure that adequately staffing levels are maintained as a requirement of the new license.

The existing structure has been a single family residence since its construction, although the zoning of the property has changed over the years. Currently the structure is considered a legal non-conforming residence. Six or less children would be permitted by right. Expanding that number to 7-12 children would not appear to be an expansion of the legal non-conforming status.

If the Planning Commission chooses to deny the special permit request, the applicant could still operate a daycare with 1-6 children at the location, which she has been doing for a number of years.

Staff recommends approval of the Special Land Use Permit to allow for the increase from 1-6 children to 7-12 children in a legal non-conforming home in a CCD, Commercial Corridor District with the following conditions; a copy of the State License shall be provided to City staff for its file when granted by the State of Michigan, documentation of the minimum number of staff to be required on-site by the State shall be provided to City staff, the applicant be required to maintain a fenced play area, and children must stay within that area except when dropped off or picked up, the primary use of the structure must be a residential dwelling with any Family Child Care Home use as an accessory to the principal use as a residential dwelling, and the Special Land Use Permit shall be implemented within twelve (12) months of its approval by the Planning Commission or become null and void. The petitioner may request an extension prior to the expiration of the Permit.

FAVOR:
None.

OPPOSITION:
None.

COMMISSIONER'S DISCUSSION AND ACTION:

Gilmore asked Reynolds if she has had any incidents where all 6 children are dropped off at the same time. Reynolds stated that the children all arrive at different times and leave at different times. Reynolds further stated she has children that start getting dropped off at 5 a.m. and then there are some dropped off at 6:30 a.m. and some at 7:15 a.m. Even when Dial-A-Ride picks up children to drop them off at Besser Elementary, there are no parents that are dropping off their kids at the same time. When new children start at the daycare, we make sure that the parents don't work the same shift as a parent that currently has a child at the daycare, only because it makes it hard when a bunch of children are walking in the door at once to get their coats off and get them ready for the day. Boboltz stated that condition #3 sounds like it is trying to prohibit supervised excursions. If it is properly supervised and is not prohibited by the Department of Human Services, whom are we tell them that they can't take the children out for a walk. Dort stated that he agrees, but doesn't think that is the intent of the

condition. Poll stated we could clarify and add “.....when supervised by an adult”. Reynolds stated that when she takes the children for a walk her older children go along because they do the buddy system and because they are on a busy road. Poll stated he will change the language to “must stay within that area except when supervised by an adult” and that he will remove the language “when dropped off or picked up”.

Motion made by Dort, seconded by Hunter, to approve the Special Land Use Permit to allow for the increase from 1-6 children to 7-12 children in a legal non-conforming home in a CCD, Commercial Corridor District, as written except for the changes made to condition #3.

Ayes: Glowinski, Dort, Boboltz, Gilmore, Heraghty, Lewis, Hunter

Nays: None

Absent: VanWagoner, Sabourin

Motion passed by a vote of 7-0.

BUSINESS:

None.

COMMUNICATIONS:

None.

REPORTS:

1. Freedom Motors Update

Poll stated that the greenhouses have been demolished. They are a little behind in there site prep, but it is less than a week. Things are moving forward. Hopefully they will continue to move forward at a reasonable pace, but we will keep you informed if for some reason they don't. Heraghty stated that they are still packing the lot with cars from time to time. Poll stated the City hasn't received any complaints. They are definitely packing the lot and the sooner they can get out of that location, the better it will be for everybody.

2. Update on Planning and Development Projects

MSHDA Grants

Poll stated that last month he did mention that the City has submitted for a new round of grants for 10 units for the CBDG grant program which will allow up to \$40,000 per unit, not only the downtown area, but also extended down the Chisholm corridor as well as 10 additional units out in the neighborhoods for the Rental Rehab portion, which gives an amount just under \$15,000 for rental rehabilitation. Expects both of those to be approved.

Update on Planning and Development Projects

Poll stated there are a number of development projects under way but as usual there have been a couple of delays with various state agencies that we are working diligently with to try to rectify so we can get these development projects moving faster. Poll further stated there is a lot of commercial activity within the City and one of these days we can announce them or hopefully they will be coming before the Commission.

Dog Park

Poll stated that next month he does anticipate an application to come before the Commission for a dog park that will be located on the northside. Poll further stated Cal Howard just missed the application deadline for the May meeting so it will be held in June.

CALL TO PUBLIC:

None.

MEMBERS COMMENTS:

Boboltz stated that he knows the gentleman who is building the new home at the corner of Second and White Street. Has heard that the plans for the home is for it to become the Hospitality House. Poll stated he is not familiar with this. Boboltz stated the only reason he brought it up is because if this is the plan for this house then they would have to have approval for a Special Use Permit. Poll stated he would check with Gilmet and see what he knows because he would be doing the inspections and if they are intending to use it for commercial purposes then he would know if they built it to commercial standards.

Hunter asked if there is anything new on the Food Truck Ordinance. Poll stated The Flattery is having their grand opening tomorrow at the Culligan Plaza and encourages the Commissioners to check it out. Poll anticipates getting the ordinance done by the mid to end of summer. Will have to go to the Planning Commission, as that kind of ordinance would, as well as City Council. The Flattery is happy with the arrangement they have with the City to operate within the parks. The other food truck is planning on setting up next week, as far as when he starts selling on the beach. The ordinance is still in the works, but all the food trucks that want to operate in Alpena, or have at least told us about it, are more than happy about the arrangement we currently have.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:33 p.m. by Vice Chair Boboltz.

Wayne Lewis, Secretary