

MINUTES

City of Alpena Planning Commission
Regular Meeting
July 8, 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, Glowinski, Dort, VanWagoner, Sabourin, Lewis, Gilmore

Absent: Boboltz, Heraghty

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The July 8, 2014, agenda was approved as printed.

APPROVAL OF MINUTES:

The minutes of the April 8, 2014, regular meeting were approved as printed.

The minutes of the May 13, 2014, regular meeting were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

1. PC 14-SU-03: Allen Reynolds has filed a petition requesting a Special Land Use Permit to allow for the construction of a 40' x 72' (2880 SF) auto repair facility in a CCD, Commercial Corridor District located east of 1014 W Washington Avenue.

Allen Reynolds is requesting to open an auto repair facility on a vacant lot adjacent to his home. The lot in question is zoned CCD Commercial Corridor District which requires auto repair facilities to obtain a Special Land Use Permit from the Planning Commission. The proposed repair facility would measure 40 feet by 72 feet and include three vehicle repair bays. The proposed location does meet zoning requirements with a 10' setback from the front property line and the parking is located along side and behind the proposed building. The applicant has proposed construction of a pole frame building, with vertical metal siding, but noted that he would like the building to look nice and would be willing to make façade improvements for the most visible portions of the building.

Prior to the property in question being vacant, it was a legal non-conforming single family home which the applicant purchased and demolished. By demolishing a non-conforming use and proposing a commercial use, the applicant would be bringing the property into conformance with the Future Land Use Map.

The applicants request would not appear to be out of character with the existing land uses. Surrounding land uses include professional offices to the north, a car dealership is under construction to the northeast, a nursery/greenhouse to the east and south, and another auto repair facility east of that, and a legal non-conforming single family home owned by the applicant to the west.

The surrounding land use of most concern would be the single family home to the west. It is currently owned by the applicant and his wife operates a daycare at that home. In many cases, allowing an auto repair facility next to a residential use would cause potential conflicts due to potential noise, smells, or similar byproducts of the automotive repair use. In this case however, the residential use is legal non-conforming, and owned by the applicant. If the house were sold, the new residents could potentially have an issue with the presence of the auto repair facility, but would have purchased the home with the knowledge of the non-conforming status of the home, as well as the existence of the repair facility. Staff would ask that if approved a condition placed to require that the use is screened from the residence/daycare use to the west.

Access to the property and visibility would not appear to be an issue. A driveway is already in existence from the previous use as a single family home, but would need to be moved west to accommodate the new use. In addition there would appear to be adequate space to pull in and turn around as long as an area in the rear is left open for that purpose.

Staff would have some concerns with the appearance of the structure. The applicant is proposing a pole frame structure with vertical metal siding. This portion of Washington Avenue is a gateway into the City and highly visible. The applicant has noted that he wants the building to look nice, and indicated that he is willing to make façade improvements. Staff would ask that if the Planning Commission approves the request that a condition is added to the approval requiring a brick façade on the north and west side of the building.

The City's 2013 Comprehensive Plan calls for General Business development on this site. The proposed use would appear to fit into this category.

Staff recommends that the Special Land Use Permit to allow the proposed auto repair facility at 1004 W Washington in a CCD Commercial Corridor District be approved as it appears to meet Special Land Use Approval Standards with the following conditions: 1) A solid fence be constructed along the west property line due to the presence of a residential use/daycare, and 2) The north and west façade of the proposed building are improved with brick.

Per Section 6.12, Special Land Use Approval Standards, the proposed development complies with these standards as follows except as noted: A) Allowed Special Land Use; auto repair facilities are allowed in the CCD Commercial Corridor District with the approval of a Special Land Use Permit by the Planning Commission, B) Compatibility with Adjacent Uses; surrounding uses include professional offices and other commercial uses based on auto use. The proposed auto repair facility would appear to be compatible with these uses. There is a legal non-conforming residential use to the west, but it is owned by the applicant and screening will be required, C) Public Services; the addition of an auto repair facility will not have a significant impact on the demand of police, fire and other public services, D) Economic Well-Being of the Community; the granting of the Special Land Use Permit will have a positive effect on the neighborhood or the community by bringing in jobs and additional services to the area, E) Compatibility with the Natural Environment; this site was previously a legal non-conforming home. Construction of an auto repair facility in this location would keep commercial development in commercial areas and out of residential or undeveloped areas, F) Impact of Traffic on the Street System; there would appear to be adequate access and visibility for the site in question. West Washington is a State Trunk Line and can handle any additional traffic generated by this use. In addition, there is an existing driveway in place so an additional drive would not be added, G) Non-Detrimental Standards; the proposed use would be required to meet environmental standards for an auto repair facility, H) Consistent with Zoning Ordinance and Comprehensive Plan; the proposed use is consistent with the Comprehensive Plan which calls for General Business for this location, and I) Compliance with Supplemental Site Development Standards; the proposed use would have to meet all supplemental standards including but not limited to no outdoor storage and adequate customer parking.

Reynolds stated he does not want to use metal siding. I would like to go with vinyl siding and then go up 4 feet with split face stone. I want it to look real nice. It is going to be an auto repair facility but I don't want it to look like that, I want it to look nice. Gilmet asked Reynolds what walls he is going to put split face stone on. Reynolds stated he would prefer to put it on the 3 sides of the building that you are able to see. Gilmet stated that this is similar to what Freedom Motors is going to do with their building. Reynolds stated he is going to use shingles on the roof and not metal because it is noisy.

FAVOR:
None.

OPPOSITION:
None.

COMMISSIONERS DISCUSSION AND ACTION:

Hunter stated that on the drawing there are 4 parking spots along the fence and then parking spots behind the building, so is there enough room for someone to pull into the parking lot and turn around to get out. Reynolds stated if you were to swing into one of the parking spots then yes. The way I originally had it was the building was at the back of the property but because of the way the rest of the buildings were I had to change it.

Hunter asked Reynolds if he had it his way would he put the building more towards the back of the property. Reynolds stated he would put the building to the very rear of the property. Hunter asked Reynolds why that would be better. Reynolds stated he felt it would be better and more convenient for the customer. Hunter asked Reynolds if he thought having the parking at the back would make the business less successful. Reynolds stated that in a sense, yes it would. There are other issues I have with putting the parking in the rear. Hunter asked Reynolds what the other issues were. Reynolds stated the other issues were with safety and people coming out from around the building and vehicles left behind the building with easier access to break into the vehicles because they are less visible. Poll stated the applicant initially submitted a site plan showing parking in the front, but upon review of the zoning district it was discovered that parking in front was not allowed. Hunter stated although there are exceptions allowed. Poll stated there are exceptions that the Planning Commission can make for specific uses that would require parking in the front. Gilmet asked wouldn't that have changed because it's in the CCD and the whole thought behind it is even though there are existing businesses that are that way and to move forward wouldn't that require ZBA. Poll stated there is a clause in the ordinance that says the Planning Commission can make specific exceptions for uses that require a larger setback. It doesn't say anything about parking. Hunter stated on the one side of the road you got 2 buildings that come close to the road and one set back a little, but on the side this new building is going to be built there is nothing conforming and the auto shop is allowed to park a few cars in front of his place. I tried driving through there with the idea of aesthetics and remembering a basic principal of design, which is form follows function. What is the use? This commercial corridor I think it makes sense if you have an office type building to put parking in the rear, but for a place that repairs cars where you are going to have vehicles coming and going then it would make sense to have parking in front.

Motion made by Hunter, seconded by Gilmore, to approve the Special Land Use Permit to allow the proposed auto repair facility at 1004 W. Washington in a CCD Commercial Corridor District with the building located to the rear of the property and parking in front of building and new screening on the south property line.

Dort stated that part of his decision on making the motion to approve Stacey Reynold's request back in May was because there was such a large back yard. Already we can see that the backyard has been reduced quite a bit. It almost looks as though that backyard cannot be used right now. It makes me concerned that we were sold a bill of goods on the May petition for this property. The main reason I approved that motion is because of the large space that was available. It was kind of a surprise that I am seeing this request. You look at the drawings and now that backyard is reduced by more than half, which is my concern even approving this. Reynolds stated that the children's playground area in the yard is very large. Gilmet stated that the yard back behind the house is about 3,000 square feet. Poll asked Gilmet if we have allowed daycares with similar size yards in the past. Gilmet stated yes and much smaller sized yards. The amount of play area is regulated by the State of Michigan. When you look at our lot coverage we require maximum 35% lot coverage on a residential lot which you have to equate to daycare because that is the rule it kind of falls under. The new property line

will be along the edge of the parking lots and there is still 1,500 to 1,600 of grass area. Dort stated he agrees but that is not what we were told in May. This isn't something that just came up in the last 2 months. This was in the works, so why weren't we given the information that this it is going to be this much space given for the children in the daycare. It makes me question what else aren't we being told. Glowinski stated he doesn't remember Stacey Reynolds representing that piece of the property was going to be part of a play area though. Dort stated there were photos of the backyard. Gilmet stated he talked to Stacy Reynolds several months before her request. We talked about her husband wanting to putting a pole barn in the yard to do auto repair because it was something they thought about doing in the future. Doesn't feel that anything was intended to be misrepresented. My opinion, it is quite possible that their financial situation has changed now that they have doubled the children that Stacey is caring for and it accelerated their timeframe of doing their future dream of building this garage. I personally don't feel that there was anything they were trying to do to deceive or pull the wool over our eyes. My opinion is that there will be plenty of room for 12 kids even with the property line moved. The first people that would have concerns if they didn't think there was enough room would be the parents bringing their children there and right behind them would be the State of Michigan. Gilmet stated there was a daycare we approved last year and we made quite a point over the backyard being fenced in for the children to play in and after we approved it that way the State of Michigan said no kids could play in that yard. She was required to take them to a playground to play. Having a lot of room for the kids is driven by the state inspectors who come and look at these daycares.

Glowinski asked if there is any concern about existing contamination on that site with Andre's being there and the contamination that was left from the tank farms back in that area. Gilmet stated it's not a huge concern unless you are trying to build a house there. By what I see on the site plan, most of it is going to end up paved by the time Reynolds is done, so if anything it is going to encapsulate whatever contaminations are there underground. Glowinski stated in putting this type of a business there and potentially contributing hydrocarbons at some point in the future wouldn't you want a base line to find out whether there is something there. Gilmet stated that is up to the property owner. If he is going to the bank to borrow money you know they're going to get a base line done before they will lend a penny. If he has cash to pay for it all then that is not going to become an issue until later on when there is a contaminate found and that he didn't have a base line. Poll stated he knows there have been some issues with the properties to the east. To my knowledge, the DEQ seems to think that whatever is underground is moving towards the Northeast.

VanWagoner asked if there is storm sewer on Washington/M-32. Gilmet stated there was new ones were put in when the M-32/Ripley intersection was redone. VanWagoner stated that it looks like the whole piece of property is going to be hard surface, so will there be storm drains that would tie into the storm sewers. Poll stated Reynolds would be required to meet City Standards regarding storm water management and hooking up to the storm water system or some kind of retention would be required. Gilmet stated Reynolds would not be allowed to off-site any more water than what's running off that

site right now. VanWagoner stated his point is its unimproved now so storm water runs into the ground but once it is paved, where will that go. Gilmet stated that the storm water is going to have to be dealt with and not just run onto the neighbor's property either retained, whether that is above ground or below ground or piped into the storm sewer. VanWagoner stated that according to the proposed drawing there are overhead doors facing to the west. Reynolds stated the overhead doors will be facing towards my home. Sabourin asked where the doors would face if the building was to the front of the property. Reynolds stated the doors would be facing towards the street.

Sabourin asked Poll if the drawing that was submitted to the Planning Commission was done to acknowledge consistency within the neighborhood of those businesses that have buildings close to front of the street as opposed to those back. It appears from the overhead that there were more buildings towards the street than there were facing the back. Poll stated the way the ordinance was written it is for consistency. Sabourin asked if the site plan the applicant submitted was what Poll requested from the applicant. Poll stated the applicant submitted his initial site plan and when I did have a chance to review that and look at the Zoning Ordinance I asked him to change the site plan or he would have to request a variance. Sabourin asked if it wasn't one of the goals of the Planning Commission and the overall Comprehensive Plan to create consistencies within neighborhoods. Poll stated that is one of the stated goals. Glowinski asked when the ordinance was adopted. Poll stated it was adopted in 2010.

Sabourin stated there is a motion on the floor to approve the site plan per the original drawing of the applicant.

Failed by vote as follows:

Ayes: Hunter, Lewis

Nays: Glowinski, Dort, VanWagoner, Sabourin, Gilmore

Absent: Boboltz, Heraghty

Motion made by Glowinski, seconded by Lewis, to approve the Special Land Use Permit to allow the proposed auto repair facility at 1004 W Washington in a CCD Commercial Corridor District as staff presented including screening on the south side.

Ayes: VanWagoner, Sabourin, Lewis, Gilmore, Hunter, Glowinski

Nays: Dort

Absent: Boboltz, Heraghty

Motion passed by vote of 6-1.

Hunter informed the applicant that he does have the option to appeal to the Zoning Board of Appeals if he would like to have them approve his original site plan.

2. PC 14-SU-04: Dustin Hamer has filed a petition requesting a Special Land Use Permit to allow for a secondary dwelling (apartment) unit to be located in the upper level of his home located at 535 W Miller Street while he will continue to reside in the main level unit.

The applicant is requesting to be able to rent out the upper portion of his home located in an R-2 One Family Residential District. Secondary dwelling units are allowed in the R-2 district by Special Land Use Permit as long as it meets a number of regulations including that the homeowner resides in the main level. The house in question was in the name of the applicant's grandmother, and the applicant was purchasing the home on land contract. The applicant was recently added to the deed of the property and is now considered a legal owner of the home.

Staff is aware of a number of other legal non-conforming duplexes in the area, including four different addresses on the 500 block and two more on the 600 block of Miller Street.

The apartment unit in the upper level of the home had been rented in the past, prior to the adoption of the current Zoning Ordinance (2010) by the previous owner. Specific details regarding the dates are not known as it was not registered with the City.

The applicants request would not appear to be out of character with the existing land uses. The Zoning Ordinance allows for a secondary dwelling unit as long as a number of criteria are met. Some of these criteria include limits on size, exterior entrance locations, etc. The proposed use would appear to meet most criteria.

The Zoning Ordinance does require that 1.5 "on site" parking spaces are provided per unit. The site in question only provides 2 spaces located in a detached garage. Due to the size of the lot and the configuration of the yard it would appear to be difficult to add another parking space. Additional parking is available in the curb lawn as well as on street parking. A condition could be added that requires any tenant in the secondary dwelling is provided with garage parking.

The City's 2013 Comprehensive Plan calls for Single and Two-Family Residential on this site. The proposed use would appear to fit into this category.

The request would not appear to alter the character in the neighborhood and would appear to meet the supplemental regulations for secondary dwelling units. The Planning Commission could add a condition that any tenant would be provided with parking in the garage.

Therefore, staff recommends that the Special Land Use Permit to allow a secondary dwelling (apartment) unit to be located in the upper level of his home located at 535 W Miller Street be approved as it appears to meet Special Land Use Approval Standards.

Per Section 6.12, Special Land Use Approval Standards, the proposed development complies with these standards as follows except as noted: A) Allowed Special Land Use; secondary dwelling units are allowed in an R-2 district as long as the supplemental regulations found in section 7.32 are met. The proposed secondary dwelling would appear to meet those standards, B) Compatibility with Adjacent Uses; surrounding would appear to be principally single family homes. The applicant has noted that he believes there are other duplexes in the area. Staff has confirmed that there are at least six other legal non-conforming duplexes located nearby on Miller Street. The exterior of the home would not change with the proposed use and still appear to be a single family home, C) Public Services; the residence will have the same demand on police, fire and other public services, D) Economic Well-Being of the Community; the granting of the Special Land Use Permit will not have any adverse effects on the neighborhood or the community, E) Compatibility with the Natural Environment; this is a previously developed site. No additional impacts will be created, F) Impact of Traffic on the Street System; two off-street parking spaces are provided in the garage, but there does not appear to be any additional off-street parking. The ordinance requires that 1.5 parking stalls be provided "on site" for each dwelling unit. Additional parking is available in the curb lawn, as well as on-street parking, G) Non-Detrimental Standards; the existing use does not result in any activities that produce hazardous environmental impacts, H) Consistent with Zoning Ordinance and Comprehensive Plan; the proposed use is consistent with the Comprehensive Plan which calls for Single and Two-Family Residential for this location, and I) Compliance with Supplemental Site Development Standards; The proposed use would have to meet all supplemental standards including but not limited size, exterior entrance locations, parking requirements for the secondary dwelling unit.

Poll stated he did receive a letter from Heather Bodem, 611 Beech Street, with concerns of not having adequate parking and she does feel there isn't enough space there now.

Hamer stated he did mention to Poll about additional parking between the curb and the sidewalk.

FAVOR:

Francis Stafford, 5425 Long Rapids Road, stated he and his wife purchased the house because we lost our daughter; the applicant's mother. There will be money available at a later date in a trust so we are giving him the opportunity to put as much on a land contract until we have passed and then the house would automatically go to the applicant anyways. The house next door will be condemned and we could buy that and tear it down so there will be enough room for parking when this happens. We aren't in this to make money. In fact, we will continue to improve it with new carpeting and other things. Within 4 months we have put \$10,000 into the house.

OPPOSITION:

None.

COMMISSIONER'S DISCUSSION AND ACTION:

Sabourin stated he has been kicked off of his tree lawn area (grassy area between the sidewalk and curb) where he live and was told a number of years ago that he could not park there because it was a City ordinance. Gilmet stated since about 1940 the ordinance states that between the sidewalk and curb the only person that can park a vehicle there is the adjoining property owner or their invited guest. If you have concern about parking in the tree lawn area and that there isn't enough parking spots the chain link fence next to the garage can be removed and a car can be parked in the backyard if it got to be an issue. Gilmet further stated that the house was originally a duplex but the person who owned it didn't have any intention of renting the apartment out so it was never registered as a rental. Glowinski asked if this would be subject to the rental inspection program. Gilmet stated that it would be subject to the rental inspection program.

Motion made by Dort, seconded by Glowinski, that the Special Land Use Permit to allow a secondary dwelling (apartment) unit to be located in the upper level of his home located at 535 W Miller Street be approved as it appears to meet Special Land Use Approval Standards.

Ayes: VanWagoner, Sabourin, Lewis, Gilmore, Hunter, Glowinski, Dort

Nays: None.

Absent: Boboltz, Heraghty

Motion passed by a vote of 7-2.

BUSINESS:

None.

COMMUNICATIONS:

None.

REPORTS:

1. Freedom Motors Update

Gilmet stated nothing is going to change from the submitted site plan, but the construction will change a little. The original structure they planned on saving is not worth saving the way it is. It is basically a slab on grade with just a couple blocks. It doesn't have a full foundation. Not sure what that structure was to begin with but it almost looks like a roadside fruit stand. Gave them a couple different options for the reconstruction. They can either stay with the posts and get footings underneath those bearing points every 8 feet or they can tear it down and do a cross protective footing. In either case they have to have their draftsperson draft that up and get it stamped by the engineer. It may slow them down a little. Sabourin asked if there is a target date for occupancy. Gilmet stated the date of occupancy was sometime in November. If they keep going they can hit that target date.

2. Update on Planning and Development Projects

MSHDA Grants

Poll stated he has received a letter from MSHDA announcing that the City has received the grants for the downtown program. It will be \$400,000 for 10 units. We already know where the units should be going. There should be 6 going into the old St. Vincent De Paul on US-23, 2 going above Player's Pub, and 2 above Music and More located in the downtown on Second Avenue.

Low to Moderate Income Community Designation

Poll stated that the City is proceeding to get the low to moderate survey completed. Again, this is just going to help us get future grants including downtown infrastructure as well as façade grants. We already have a number of individuals interested in the façade grants but they don't meet the job creation requirements and if we can complete the survey and we can show that we do meet the standards then we don't need to meet those job creation requirements for those façade grants.

Update on Planning and Development Projects

Poll stated that he is working with Target Alpena and should have some news on some new development soon.

Redevelopment Ready Communities Program

Poll stated that the City was selected for the Redevelopment Ready Communities Program. Basically, the program is to make us more accessible for existing and new businesses to maneuver through our processes, be it getting a building permit or be it the Planning Commission, to make us more transparent and easier for them to work with the City. We are coming up with some processes and trying to streamline that. There will be a presentation at the August 18, 2014 City Council meeting and would encourage the Planning Commission members to attend.

Poll stated when he sends out notifications we include property owners within 300 feet of the petitioned property. Historically, we have not included the Planning Commission in these mailings. It was brought to his attention by Sabourin that it would be nice to know at least something is going on so if the Commissioners are asked questions then they can respond. In the future Commissioners will receive the notification via email.

Poll further stated that Sabourin had questions about the property at Third and Washington Avenue. The request was a ZBA request. The applicant wanted to distribute small amounts of propane at the site out of a residential style tank, which was approved. This is in conjunction with his plan to move into the car dealership building and opening a general store/meat market. He has local farms that are going to provide the meat for the store and have a general store there as well, so there is going to be another building that is going to be occupied. He was approved to sell propane and will be allowed to fill small propane cylinders. There are a number of restrictions including that he will be required to cover at least 2 sides of the tank with 2,000 pound landscaping blocks and is restricted to the size of the propane tank.

The distribution of the propane is what caused this to have to go through the appeal process.

CALL TO PUBLIC:

None.

MEMBERS' COMMENTS:

Glowinski stated this is probably going to be my last meeting on the Commission. My wife and I have decided to pursue a 30 year dream and are moving out of town. I have enjoyed my time working with everyone that has been on the Commission. I admire the time they have all put in as volunteers. It has been a lot of long hours put in over the time that I have been on the Commission and again I admire that. Thank you for all the things that you have contributed to my way of thinking. Sabourin wished Glowinski good luck on his move and expressed that the Commission has certainly appreciated the help that Glowinski has given and his expertise over the years.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:05 p.m. by Chair Sabourin.

Wayne Lewis, Secretary