

CHARTER TOWNSHIP OF ALPENA PLANNING COMMISSION

MINUTES – Public Hearing

Monday, August 12, 2019

MEETING COMMENCED: 7:01 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Secretary Lisa Brendle, Larry Dehring, Chairperson Tom Hilberg, Jon Kohart, Vice-chairperson Chuck LeFebvre, Norm Poli, and Ann Marie Rich

ABSENT

None

OTHERS PRESENT

Tim Miller – 1583 Robin Ct, Gaylord
Austin Gilmet – 8427 Haken Rd
CR Yockey – 4581 US 23 N
David Seifferlein – 2293 Werth Rd
Jill Zaborney – 4541 US 23 N
Esther Gerzewski – 4501 US 23 N
Bev Pusateri – 4738 US 23 N
Nathan Skibbe – Township Supervisor

Jim Klarich – Alpena Chamber
Sue Skibbe – 130 Channel Rd #2
George Roznwoski – 2725 Pearl Rd
Tyler Dietz – 4541 US 23 N
Vanessa Gapske – 4592 US 23 N
Joan Smolinski – 4514 U S 23 N
Kirk Malcomson – Township Building Official
Tim Gulden – Township Attorney

ADOPTION OF AGENDA

C. LeFebvre made a **motion** to adopt the agenda, **supported** by A. Rich. *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

APPROVAL OF MINUTES

N. Poli made a **motion** to approve the June 10, 2019 minutes, **supported** by C. LeFebvre. *Motion passed.*

N. Poli made a **motion** to approve the July 15, 2019 minutes, **supported** by C. LeFebvre. *Motion passed.*

PUBLIC COMMENT

CORRESPONDENCE

- a. Reports 03-19/04-19 – R. Deuell, Planning Consultant
- b. Email Regarding Case #P-04-19

L. Dehring made a **motion** to receive and place on file all correspondence, **supported** by C. LeFebvre. *Motion passed.*

PUBLIC HEARINGS

1. **Case #P-04-19**, I2P, LLC requested that Parcel No. 018-103-000-116-01 be REZONED from Community Business (B-3) to Light Industrial (I-1). Property is located at 2329 US 23 South.

C. LeFebvre made a **motion** to open the Public Hearing, **supported** by N. Poli. *Motion passed.*

A public hearing was conducted during which Jim Klarich of the Alpena Chamber of Commerce and Tim Miller representing I2P, LLC addressed the Planning Commission and all other persons in attendance were then given the opportunity to comment on the subject of rezoning the parcel from Community Business (B-3) to Light Industrial (I-1). J. Klarich spoke to the economic growth throughout Alpena County but how that same growth was lacking in the US – 23 South Corridor. The proposed development would provide for ‘emerging technologies’ and there is a potential for jobs to be created from these standalone companies ‘commercial spin-offs’. T. Miller spoke to I2P, LLC’s long term involvement in the Alpena area and their commitment to oversee the stand alone companies. T. Miller also commented on the downstate trend of turning vacant ‘big box’ properties into developments as is proposed with this property. C. LeFebvre commented about community concerns with the development. He felt that the use of the word ‘industrial’ in a residential area was possibly the cause of concern. A. Rich speculated if a Community Business (B-3) Special Use Permit could be created instead of rezoning to Light Industrial (I-1). N. Poli questioned if there were restrictions that could be used with Light Industrial (I-1). T. Gulden stated there were safeguards in the Light Industrial (I-1) District. K. Malcomson commented that if businesses were registered it would be another means for business regulation. Discussions continued regarding the cost to repurpose the existing building and to rebuild.

L. Dehring made a **motion** to close the Public Hearing, **supported** by A. Rich. *Motion passed.*

Chairperson T. Hilberg reviewed the Findings of Fact Report provided by Planning Consultant, Rick Deuell. A copy of this report is included as part of the Planning Commission’s file for this case.

A **motion** was made by J. Kohart and **supported** by L. Dehring to adopt the following Findings of Fact from Rick Deuell’s Findings of Fact Report: Section A of the Report (“Request”); Section B of the Report (“Parcel Information”) with the correction of item 6 changing ‘formally’ to ‘formerly’. *Motion passed.*

Chairperson T. Hilberg continued the review of the Findings of Fact Report provided by Planning Consultant, Rick Deuell with Section C of the Report (“Discussion”). T. Gulden explained the criteria for rezoning and case law standards to be considered in this rezoning. Discussions continued with special attention to the following areas. *1. Master Plan Designation.* The parcel is located in a Commercial Future Land Use Area in the 2017 Township Master Plan. Current zoning along this segment of the US 23 South Corridor includes both I-1 and B-3. There are a couple of points to consider. First, the master plan is a policy and guide for future development, but it allows for flexibility in special circumstances. There are parcels located south of the applicant’s property

that are currently zoned I-1 and used for those purposes. One of the I-1 zoned parcels, touches the southwest corner of the applicant's property. *2. Consistency with zoning classification in the general area.* The parcel is located within a commercial/light industrial corridor. The proposed rezoning would be compatible with adjacent B-3 and I-1 zones and uses. Parcels along the south side are zoned FR and R-3. *3. Consistency and compatibility with general land use patterns in the area.* Discussions centered around the adjacent B-3 and I-1 zones and with the proposed 'Business Zoning Overlay District' when the Township's Zoning Ordinance is updated which would make transitioning to business ventures more appealing. *4. Suitability of the proposed use in the zoning district.* Uses under I-1 would be equally suited for the parcel and the Zoning District including the US – 23 South Corridor. *5. Adequacy of public services.* The parcel is currently served by public water and sewer and no adverse impacts would be anticipated. *6. Traffic.* Discussions included the access to/from the parcel. There is a traffic light at the intersection of US – 23 and Werth Road and another access point just north of that intersection near the Salvation Army building. No adverse impacts would be anticipated. *7. Consistency with any planning recommendation.* There is consistency with the proposed development with the adjacent B-3 and I-1 zones and uses. *8. Reasonable use under current zoning classification.* The proposed development has a reasonable use under the I-1 zoning with the adjacent B-3 and I-1 zones and uses. It is anticipated that this proposed development will be a catalyst to the commercial business in the adjacent areas. *9. Identifiable public need.* Although no identifiable public need was identified, it was noted that with the proposed development there could be commercial 'spin off' business created. *10. Spot zoning.* It was determined that this would not be spot zoning with the adjacent B-3 and I-1 zones and uses. *11. Effect on surrounding property.* The developer plans on transforming the building to a 'high end look' which will have a significant impact on the surrounding properties. While some adjacent parcels are not currently developed for allowed residential uses, it would be important to provide screening and landscape buffers to "soften" the transition from I-1 to residential uses. Under the current zoning ordinance, Section 1815 addresses access management along the US 23 South Corridor. According to the section, development projects such as change of use or operation, redevelopment of a site, or reconfiguration of a site shall meet these standards as nearly as possible. The overlay zone was established to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns and enhance visual characteristics of entryways to Alpena Township. The applicant will need to consider requirements within this section when the parcel is redeveloped. For example, landscaping along the frontage will improve the visual characteristics of the corridor. *12. Mistake or change of conditions.* To our knowledge, there has been no mistake. *13. Diminution in Value.* Currently the building on this parcel is vacant. With the proposed remodel, it is anticipated to have a beneficial affect on surrounding commercial business.

N. Poli made a **motion** to recommend to the Board of Trustees rezoning Case #P-04-19 from Community Business (B-3) to Light Industrial (I-1) , **supported** by L. Dehring. The granting of this rezoning is conditional on the adherence to the Findings of Fact Report provided by Planning

Consultant, Rick Deuell, Report 04-19 as submitted to the Planning Commission at their public hearing on August 12, 2019.

Roll call vote: L. Brendle-aye; L. Dehring-aye; T. Hilberg-aye; J. Kohart-aye; C. LeFebvre-aye; N. Poli-aye; and A. Rich-aye. **Motion passed.**

2. **Case #P-03-19**, Tyler Dietz requested a SPECIAL APROVAL USE to operate a landscaping business. Property is located at 4541 US 23 North, Parcel No. 012-003-000-551-00 in a Mixed Residential (R-3) zone district.

L. Dehring made a **motion** to open the Public Hearing, **supported** by N. Poli. **Motion passed.**

T. Gulden stated that a Home Occupation is permitted with Special Approval in a Mixed Residential (R-3) zone district. Tyler Dietz stated he wanted to pursue a Special Approval Use so that he could operate a landscaping service business from his home. T. Dietz has been working with Kirk Malcomson to correct any violations as he had not been aware that he could not store the debris, i.e. leaves, branches, and cut trees, collected from his home occupation at his residence and has procured a location for dumping. In addition, T. Dietz has purchased a chipper to assist in the cleanup of his parcel. Esther Gerzewski and Bev Pusateri reported that although the property had been cleaned up this past week, why should the neighbors have to look at the debris. Joan Smolinski commented about the dust coming from T. Dietz's driveway when the trucks left in the mornings. Neighbors had also reported that previously T. Dietz had 'bon fires' with the debris on his parcel. N. Skibbe reported the Township's Fire Department had been dispatched to the Dietz property on more than one occasion because of the 'bon fires'. T. Hilberg stated there is a Burn Ordinance and without a permit the property owners can be ticketed. CR Yockey was opposed to the Special Approval Use and felt that the parcel should be zoned as commercial.

L. Dehring made a **motion** to close the Public Hearing, **supported** by A. Rich. **Motion passed.**

Chairperson T. Hilberg reviewed the Findings of Fact Report provided by Planning Consultant, Rick Deuell. A copy of this report is included as part of the Planning Commission's file for this case.

A **motion** was made by C. LeFebvre and **supported** by N. Poli to adopt the following Findings of Fact from Rick Deuell's Findings of Fact Report: Section A of the Report ("Request"); Section B of the Report ("Parcel Information"); Section C of the Report ("District Standards").

Motion passed.

T. Gulden continued the review of the Findings of Fact Report provided by Planning Consultant, Rick Deuell with Section D of the Report (“Findings of Facts”). *Section D. Finding of Facts, 1. The property is used for personal residence. 2. The proposed home occupation is a landscaping business (Fair & Square Lawn Care). 3. Any business actions are conducted away from the property, since the service is performed on other persons properties. 4. Most of the customer interaction is conducted via the phone or internet, so customer traffic will be very minimal. 5. General business hours are Monday-Friday 8am to 6pm. Generally, trucks and equipment leave the property to perform work and return at the end of the work day. 6. Any debris (wood, lawn clippings, brush, etc.) will be disposed of away from the property and at another location.*

Special Land Uses Procedures and Supplemental Site Development Requirements (Section 1807), Standards Review: *Uses by special permit shall be subject to the following special requirements of this section, in addition to the requirements and standards of the Zoning District wherein located, in order to prevent conflict with or impairment of the principal permitted uses of the Zoning District. 1. The use, location and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principal permitted uses of adjacent or neighboring lands and buildings. The corridor has been transitioning to commercial/office uses. Properties adjacent to and nearby have commercial/office uses. The landscaping business will be conducted work off-site with the principal use being residential. 2. The use shall not diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties. The primary use will still be residential. Work will be performed off-site. The applicant states any debris from the landscaping operation will be disposed of off-site and therefore will not increase potential of fire or other dangers, nor cause visual detractions from the highway or neighbors properties. 3. The use shall not increase traffic hazard or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways. The applicant states there will be minimal customer traffic to the site, since most communications are done via the phone or internet. There is currently one access point onto the property. Since the property is located in the Access Management Overlay District, the driveway must meet all standards in the ordinance. 4. The water supply and sewage disposal system shall be adequate for the proposed use. It is not anticipated to be an issue. 5. Uses by special permit shall not be more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted use. Provided the applicant operates the home occupation in accordance with statements in the application, this is not anticipated to be a problem. Recommended Actions: 1. The applicant meets standards for a special use permit to operate a home occupation. 2. Consider adding language to the Special Use Approval in the applicant’s letter and summarized in the Findings of Fact. This could include home occupation status, number of employees, primary business is away from property, general business hours, customer traffic, and not using the property for debris disposal and storage. 3. The Zoning Ordinance requires a site plan be submitted with the special use permit application. There was no site plan in the application packet. Therefore the planning commission cannot approve the request. The site plan was received at the meeting and approved.*

N. Poli then made a **motion** to grant the SPECIAL APPROVAL USE for Case #P-03-19 based on the items listed in Rick Deuell’s Findings of Fact Report 03-19; the above-noted discussion regarding special approval use requirements; and the following contingencies; **supported** by C. LeFebvre:

- a. Not more than 1 non-resident employee.
- b. Exterior signs shall be limited to a maximum of four (4) square feet, and must be removed when the occupation ceases.
- c. Off street parking as required by General Provisions shall be provided.
- d. Normal hours of operation from 8:00 a.m. – 6:00 p.m.
- e. The property shall not be used for debris (wood, lawn clippings, brush, and related materials) disposal or storage.
- f. Dust control on driveways.

Roll call vote: *L. Brendle-aye; L. Dehring-aye; T. Hilberg-aye; J. Kohart-aye; C. LeFebvre-aye; N. Poli-aye; and A. Rich-aye. Motion passed.*

DISCUSSION

NEXT MEETING – August 19, 2019 at 6:00 p.m. (workshop)

ADJOURNMENT – Meeting adjourned by Chairperson Hilberg at 9:36 p.m.

Respectfully submitted,

Lisa Brendle
Secretary

/ldt