

**City of Alma
Planning Commission Minutes
June 7, 2021**

Chairman Ayers called the regular meeting of the Alma Planning Commission to order at 6:03 PM on June 7th, 2021 on the Zoom Teleconferencing Platform.

Present: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler, and Therrien.

Absent: None

Others Present: Aeric Ripley, City of Alma Zoning Administrator
David Ringle, City of Alma Public Services Director
Lorrie Rhynard, Business Owner
Jon Rhynard, Business Owner
Audra Stahl, City Commissioner
Dawn Daniels
Michael J. Logan – Masonic Home CEO
Todd Moeggenborg – Masonic Home CFO
Scott DeVires – Bethany Christian Services CFO
Krista Stevens – Bethany Christian Services Executive Branch Director – East Lansing
Lukas Ziomkowski – Bethany Christian Services
Dana Anderson – Bethany Christian Services
Sandra Severo-Lopez, Bethany Christian Services
Marlene McGuirk
Robi Jo Rodriguez
Stephanie Slaughter
Tommy Dunn, Jake's Fireworks
Troy Williamson
Yvette Franco-Clark
(989) 463-3983
Andrew Hall
Ryan Smith, Gemini Capital
Lynn Ludy
Marcia Moore
Sheila Grunwell
Anne Swan
Ralph Ectinaw
Chuck Griffith, Architect
Alan
Jordan Block

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Mr. Ripley opened nominations for membership of the Alma Planning Commission. Nominees included Don Ayers as Chairperson, Jim Wheeler as Vice-Chairperson and Heather Therrien as Secretary.

A motion was made by Mapes and supported by Pitts at 6:05 PM to appoint Don Ayers as Chairperson, Jim Wheeler as Vice-Chairperson and Heather Therrien as Secretary of the Alma Planning Commission.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien
No: None

Mapes congratulated everyone on their appointments.

Ayers notified that an agenda change has occurred to remove item 8, a request by Gemini Capita'l requesting a public hearing to amend their proposed PUD plan for structure heights at 319 E Downie St. Ayers continued to explain that item 9, an introduction of a conditional rezoning request by Masonic Pathways may be a topic on which many present would wish to express an opinion on, however tonight's introduction is not a formal public hearing and that a date for an official public hearing will be set later in this meeting.

A motion was made by Pitts and supported by Mapes at 6:06 PM to approve the minutes of the May 3rd, 2021 Planning Commission meeting.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien
No: None

Public Hearing – Special Use Permit Request for temporary outdoor sales of Fireworks has been received by Jakes Fireworks located in the parking lot at 2805 W Cheesman Road (Meijer Parking Lot). The proposed dates for the sale are June 23, 2021, to July 5, 2021.

A presentation was given by Ripley. Jake's Fireworks has requested to locate a temporary tent for outdoor firework sales. The outdoor sales will be located in the parking lot at 2805 W Cheesman Road, also known as the Meijer parking lot. The Special Use Permit application has received for this outdoor sales request. The hours of operation will be June 23, 2021 to July 5, 2021, 10 am to 10 pm. The proposed location resides within the B-2, General Business District. The proposed use is a Permitted Use with the issuance of the special use permit. The sales space is proposed as a 30' x 50' Fire Retardant Sales Tent. A lease agreement with the property owner and proof of insurance have been provided. The location of sales tent will not interfere with the flow of traffic within the parking lot. An evacuation plan has been provided for sales floor in the tent. A State of Michigan license for the sale of fireworks has been provided in the

packet. A copy of the Special Use Permit and supporting materials will be provided to the Public Safety Department.

The public hearing was opened by Ayers at 6:08 PM.

Gunn thanked the commission for their consideration and explained that he has been active in the business for many years with several brick-and-mortar locations throughout the state. Gunn expressed frustrations with his supply chain due to the recent pandemic, but feels his inventory is in a good place for the upcoming season.

A motion was made by Wheeler and supported by Pitts at 6:10 PM to close the public hearing.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

A motion was made by Therrien and supported by Pitts at 6:11 PM to approve the Special Use Permit for the sale of fireworks by Jake's Fireworks located at 2805 W Cheesman Road from June 23, 2021 until July 5, 2021.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

Conditional Rezoning Request – Lori and Jon Rhynard have submitted a draft Conditional Rezoning on behalf of Bobenal Investments for 314-322 E Center Street to allow the use of outdoor sales of vehicles at the location. This is not allowed within the B1, Central Business District, but can be considered under the Conditional Rezoning Ordinance. Included with packet are draft conditional rezoning agreement with the proposed primary and additional use restrictions and site plan.

A presentation was given by Ripley. The following additional conditions will be applied to the Conditional Rezoning Agreement under the B2, General Business permitted and special use requirements. 314 E Center to be used in part for used vehicle sales with outdoor sales area in adjacent parking lot. No on-site vehicle repairs, damaged vehicles to be stored off site or in building. Shared parking lot, striped to accommodate 24 spaces for sellable vehicles as approved in site plan. The remainder of the lot will be for customers of the used vehicle lot, and commercial space at 314 & 322 E Center Street. The used vehicle hours of operation will be between 9:00 a.m. to 7:00 p.m. Owner shall provide a change of use plan and any other required permits to the appropriate building trade inspections locally and at the State of Michigan. Business will utilize existing lighting fixtures on the building and the existing light poles in the parking area. A green space will be created and maintained between the parking lot and E Center Street. Signage will consist of one unlighted sign for both businesses at 314 E Center Street on front of the building. Exterior trash receptacles will be concealed to the rear of building and be of the residential roll-a-way type.

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The site plan will reconfigure the Plaza Parking Lot – Providing (28) spaces in the “Displayed Car Parking”, the conditional rezoning is requesting (24) spaces for sellable cars. There are (49) regular spaces provided and (6) ADA spaces provided. Shopping Centers (Required 6 Per 1,000 sq. ft. of UFA) required 84. Staff feels the number provided is sufficient. Parking spaces provided are 9’ x 20’ – 9’ x 18.5’ is required. The maneuvering lane provided is 24’ – 25’ – 24’ is required. Lighting plan utilizes the existing light poles and wall lights on the building. The landscaping plan includes removal of the asphalt between the property line and the street curb along E Center Street and plant grass to provide a green buffer. The planting of six ornamental trees within the ROW. Species of tree to be approved by City Forester. Waste Receptacle location to the rear south portion of the building – roll away cart(s).

If the conditional rezoning is approved by City Commission, the owner shall apply for and receive all required permits for building, electrical, plumbing needed for the change in use. As stated in the Primary Use Restrictions. A sign permit will be required. Owner must maintain the approved site plan as approved; no changes can be made without resubmitting amendments to the Planning Commission.

Ayers opened the public hearing at 6:17 PM.

Mapes inquired if the dumpster enclosure to the East side of the building would remain in use or if it would be replaced by roll-a-way carts?

Ripley replied that the existing dumpster would remain as it is used by El Vaquero for their waste and that the carts would be added for use by this business and would be stored outdoors in the rear of the building and taken curbside on trash collection day in the same fashion as residential waste carts.

Mapes inquired if fencing or other buffer is being considered to hide the carts?

Rhynard commented that it would include one or two residential style carts that would not be visible to the public right of way outside of trash collection day.

Ayers inquired if the neighbor has communicated approval of this plan.

Ripley replied that the neighbor’s main concern involved the volume of waste a dumpster contains and contamination during a flood event.

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Ayers and Pitts commented that the proposed carts stored outdoors in the rear of the building without screening would be acceptable.

Richter inquired if the proposed hours of operation of 9am until 7pm would be seven days a week?

Rhynard replied that the hours of 9 until 7 was a broad range proposed to make the hours of operation flexible on a daily basis. She envisions a couple of days of week being open until 7 with the day starting at 11 am with other days being 9am until 5 pm Monday through Saturday.

Richter suggested that this be more clearly stated in the use restrictions.

Mapes inquired if there was any particular problem with the business being open on Sundays?

Richter expressed a concern with Sunday sales with the property being adjacent to downtown as it may disruptive to other activities occurring on Sundays.

Mapes added that other businesses within the downtown are open on Sundays without issue.

Ayers added that traditionally auto sales businesses are not open on Sunday due to difficulties contacting institutions involved in financing.

Rhynard commented that she does not plan to be open Sundays and does not envision ever wanting to do so.

A motion was made by Pitts and supported by Schooley to close the public hearing at 6:23 PM.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

A motion was made by Pitts and supported by Therrien to approve the site plan as presented at 6:24 PM.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

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A motion was made by Schooley and supported by Wheeler to recommend the conditions of the conditional rezoning as presented to the City Commission at 6:25 PM.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

Rhynard and Griffith thanked the planning commission for their recommendation.

Site Plan Review 315 & 319 E Superior – Gemini Capital Management XIV is proposing to construct a 6,600 sq. ft. commercial building on the vacant parcel. The parcel is located just west of the E Superior and Pine Avenue intersection. The property is zoned B1, General Business. The proposed uses are a permitted use in the B1, Center Business District. The project requires a site plan approval by the Planning Commission.

A presentation was given by Ripley. Gemini Capital Management XIV, LLC is proposing to build a new 6,600 sq. ft. Commercial Building, with a 2,000 sq. ft. outdoor patio adjacent to E Superior Street. The proposed site covers two parcels located at 315 & 319 E Superior Street, just west of the E Superior & Pine Avenue intersection. The zoning for this site is B1, Central Business. Within the B1, Central Business District, the proposed uses are a restaurant and studio/café and are permitted uses. There are no lot coverage requirements within the B1, Central Business District. The lot size is 13,939 sq. ft. (.32 acres). The proposed building is 6,600 sq. ft. with a height of 26 feet (2 stories). There are no setback requirements within the B1, Central Business District. Proposed along the west wall is a drive-up window; the alley would be left two-way, vehicles would access the window from the alley off Pine Avenue heading east, then south on the north-south alley toward Superior Street. The window would also be accessible along the north-south alley coming from the Downie Street heading south on the alley toward Superior Street. The use of the alley will need to be approved by the City Commission. The presented parking plan provides for 4 employee parking spaces on the north side of the building next to the dumpster enclosure. Since the new building is located within the B1, Central Business District and located within 500' of municipal lots, this location is eligible to use the municipal lots for customer and staff parking. The waste removal plan includes a dumpster enclosure located 10' from the north side of the building and south of the east-west alley. The B1 District allows for construction lot line to lot line, a 20' x 100' concrete front patio is planned along Superior Street. The lighting plan includes (9) Gooseneck Lighting fixtures along E Superior on the front of the building, lighting the patio and (4) Gooseneck Lighting fixtures along the north-south alley on the westside of the building.

East Superior Street restoration shall match the existing profile or restored as directed under the MDOT permit. Contractor will be responsible for detour route and barricading. The developer is responsible to restore the sidewalk and brick in the original pattern. Approval is based on Site Plan compliance, receiving permits with Public Works for water, sewer, and storm

connections. Permits obtained before construction. A Sign permit is required for each new tenant.

Mapes commented that this appears to be an exciting project and inquired about the stacking arrangement of the proposed drive-up window.

Ripley commented that the stacking would occur within the public alley from Pine Avenue or Downie street.

Mapes expressed concerns with partially converting a public space to private use and inquired if the commercial investor have some responsibility of maintaining the alley in the future.

Smith commented that he does not feel that having a car parked in a public alley for a few minutes for a pick up constitutes a private use and asking a private company to reconstruct the public alley is not reasonable considering that city has been lax in maintaining the alley to date. The intention is to replace sections of the alley which may become damaged due to heavy equipment use during the construction process.

Mapes added that on a previous project conducted by Gemini Capital, a stairway was constructed in an alley and the company agreed to future maintenance costs of the alley in return for the right to build the stairway.

Smith replied that in that case, the alley was vacated to him during this process, and it became his property. Within the scope of this current project no request to vacate the alley has been made.

Ripley added that on the previous agreement the alley was not vacated, but an easement was granted to allow for the construction of the stairway. Ripley suggested that we could examine the issue in greater detail and bring information at the next regular meeting.

Pitts expressed that the alley is very rarely used, and that traffic should not be an issue in this area and that it would be nice to have a use in the alley. Pitts added that it is unfair to require the developer to make repairs in the alley given its current condition.

Ripely suggested that the issue could be discussed in greater detail when presented to the City Commission.

Mapes agreed that it will likely not be an issue with the current proposed use, but this may not always be the case in the future and it is important to set conditions to protect interests into the future.

Griffith introduced himself as a designer and architect and expressed concerns with cars exiting the alley across the sidewalk to the South. He inquired if provisions were in place to prevent automobile and pedestrian interactions. He also added that if this project were to be proposed in other locations, the developer would be required to provide adequate room for stacking within their property boundaries.

Mapes added that the 20-foot-deep patio space at the front of the building creates room for greater visibility regarding automobiles and pedestrians.

Schooley inquired if any other restrictions are placed upon alleys which cross the sidewalk in the downtown district.

Ripely replied that there were not.

Mapes suggested that signs be placed in the alley visible to motorists to watch for pedestrians.

Smith commented that during the construction process an existing foundation will be removed that will disrupt the asphalt in the alley and that portion of the alley will be restored as part of the project.

Griffith inquired as to what Smith's plan was for the second story of the building.

Smith replied that though the building is technically two stories in height, the spaces within are a single story with open ceilings. He commented that the West tenant will be utilizing a small mezzanine space to house audio/visual equipment, but that it would not be a public area.

A motion was made by Wheeler and supported by Therrien to approve the site plan as presented and recommend it to the City Commission at 6:43 PM.

Yes: Ayers, Mapes, Wheeler, Pitts, Schooley, Richter, and Therrien

No: None

Smith thanked the commission for their recommendation.

Masonic Pathway Conditional Rezoning Information - Provided in the packet is a memo from staff regarding Masonic Home's request and some background from Bethany Christian Services regarding program the Conditional Rezoning use is being requested. Representatives from Masonic Home and Bethany Christian Services will be in attendance to discuss and answer questions.

A presentation was given by Ripley. City staff met with representatives from the Masonic Home and Bethany Christian Services to discuss the zoning for a possible new use for the Warwick Living Center Facility. The structure was built in 2008, the Masonic Home purchased the Warwick Living Facility in 2014. The facility is located in an R3, Multiple Family Residential District and operated under a special use permit as a Convalescent/Nursing Home. One of the casualties of the COVID -19 pandemic was the closure of the Warwick Living Center in 2020 and moving the residents to the main campus on Wright Avenue.

Bethany Christian Services reached out to the Masonic Home to lease the Warwick Living Center building as a Transitional Foster Care Center for Unaccompanied Children. Unaccompanied Children are children who have crossed the national border in the United States without legal guardianship and who do not have legal status in the United States. The children are referred to this program as they await a safe and permanent placement with a sponsor in the United States. Bethany Christian Services Transitional Foster Care Shelter programs are specialized, community-based, and licensed to house the Unaccompanied Children temporarily, which averages 40 days. The youth are provided sleeping quarters, meals and supervision 24/7. During the duration of their stay, the youth receive medical and social services to prepare them for successful transition into life after their stay.

The Warwick Facility would house up to 36 beds and receive male youths ages 12 to 17. Typically, the facility would receive 6-10 youths at any one time. All services are provided on site, including any educational lessons, so the youth will not be attending the school system. The only time a youth would be off site would be for the occasional doctor's visit. Masonic Home feels the Warwick Facility is set up perfectly to meet all the criteria of the program, since the proposed use would function in much the same manner as the former nursing home. Bethany has provided a more detailed program description for the Planning Commission to review.

The proposed use does not fit under the current special use permit the facility operated under. As staff reviewed the zoning ordinance to classify this use within the R3, Multiple Family Zoning District nothing fit the use specifically. The closest use under the ordinance is a Boardinghouse, which is a special use. A Boardinghouse is defined as "A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons". Since the use is for a specific population, the Boardinghouse definition does not really fit. Boardinghouses are also limited to 20 persons; the program needs 36 beds.

The only way forward to allow this use at the Warwick Living Center Facility is to use the Conditional Rezoning Ordinance. Masonic Home and Bethany Christian Services are interested in pursuing the Conditional Rezoning and willing to work with the Planning and City Commissions to complete a Conditional Rezoning Agreement and the use conditions of the facility.

Moggenborg comment that Masonic Pathways has been operating the 45 bed facility since 2018, but has been vacant since March 5th due to the recent pandemic. Masonic has been approached by Bethany Christian services to lease the facility as housing for juvenile refugees aged 12-17 in age. Masonic feels this would be a positive use of the facility though it would require conditional rezoning for approval within its zoning district.

Stevens introduced herself as the Bethany Christian Services Executive Branch Director for the greater Lansing Area. Bethany Christian Services started out of the Grand Rapids area and has been working in the area of child welfare for 77 years. Since 2013 they have assisted over 10,000 unaccompanied children and refugee families. The children who would be in this facility would be male and between the ages of 12 and 17. They are unaccompanied minors who have come to this country on their own seeking asylum fleeing their country of origin, typically Central American. They are fleeing for reasons of trafficking, violence, and persecution. The housing is intended to provide temporary shelter and services until the children can be placed with a host family which are typically direct relatives. The federal government provides the funding for the project through the Office of Refugee Resettlement. The fact that the location is setup for a residential use makes it ideal for this project with all of the services needed including security, meals, beds and education on site. Staff would include health staff, educators, therapists, social workers and caregivers.

Moggenborg added that many residents are native Spanish speakers and that the language arts departments of local colleges could be utilized to assist at the facility through internships. He agrees that this program would be a positive use for the currently vacant facility.

Stevens added that food, supplies and other items and services would be sourced from the local community whenever possible.

Devries feels that this is an opportunity to meet a great and growing need within this country and the 36-bed facility is a nice alternative to larger scale facilities operating in other locations as it allows for a better staff to resident ratio. This is generally six residents for every staff member.

Stevens added that all services are provided within the facility for convenience and safety. Residents undergo 24-hour supervision. Security standards are set by the federal government and State of Michigan. They work directly with ILRS for security accountability. The children are not generally cared for a period exceeding 40 days.

Schooley requested the oversight criteria for review.

Stevens agreed to submit them prior to the public hearing.

Mapes commented that information regarding background checks screening for violent behavior is

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important.

Stevens commented that there is a rigorous screening process in place from the moment these individuals from the moment they enter the United States, and the process continues throughout their stay at the facility.

Pitts inquired as to comments staff have received regarding this project as she has been approached by many people regarding this project.

Schooley confirmed that many comments have been received through letters and phone calls. He reiterated that it is important that we follow our established process and that comments will be an important part of the Public Hearing. For this reason, he feels it is important to have a venue of significant size to accommodate the Public Hearing portion of the process.

Rodriguez asked permission to make a comment. Commissioner Ayers granted the request. Schooley reiterated that this is not the public comment portion of the meeting. Rodriguez requested that the process be denied at this time due to the number of people opposed to the project. Rodriguez commented that accepting this proposal would worsen the refugee crisis at the United States border with Mexico. The caller at (989) 463-3983, seconded Ms. Rodriguez's concerns.

Pitts requested that public comment stop as this is not an open Public Hearing, though she understands the concern.

Ripely iterated that this group is composed of unpaid volunteers that have an established process to follow and that Masonic Home has the right to request this use and undergo this process.

The caller at (989) 463-3983 expressed that they do not desire for this process to continue to a public hearing and that the process should stop now.

Ripley, Schooley and Ayers informed the caller that the process requires a public hearing and that all public comments will be considered and welcomed at that time.

Schooley clarified that no decision has been made at this time and that a decision will not be made until the end of the process. He communicated that tonight is the introduction of the request and the next step is a public hearing.

Ayers and Mapes agreed that a public hearing is warranted, and this should be the next step. Ayers commented that if this should leave the Planning Commission with a recommendation to City Commission, the City Commissioners have the right to request a second public hearing if they desire.

A motion was made by Mapes and supported by Richter at 7:09 PM to set the public hearing for this request on July 12, 2021 at 6pm at the Alma Public Schools High School Auditorium.

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Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Ripley commented that though this would be our regular meeting, he would try to keep it a single item agenda.

A motion was made by Wheeler and supported by Mapes at 7:10 PM to adjourn.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Respectfully submitted,

A handwritten signature in cursive script that reads "Aaron K. Hale". The signature is written in dark ink and is positioned above the printed name and title.

Aaron K. Hale

Planning Commission Recording Secretary