

**Alma Planning Commission
April 6, 2009 Regular Meeting**

Chairperson Lambrecht called the regular meeting of the Alma Planning Commission to order at 5:30 p.m. at the Alma Municipal Building.

Present: Lambrecht, Wheeler, Ayers, Nyman, Pellerito, Boyce, Royer, Moore & Koutz
Absent: None

Also present: A sign-in sheet with forty (40) names listed is in the file of this meeting.

A motion was made by Nyman, supported by Boyce to approve the March 2, 2009 meeting minutes.

Yes: Lambrecht, Wheeler, Ayers, Nyman, Pellerito, Boyce, Royer, Moore & Koutz
No: None

Public Hearing – Zoning Text Amendment Request

Chairperson Lambrecht opened the Public Hearing for discussion. A request to amend the text of the City's Zoning Ordinance to allow Tattoo/Body Piercing establishments within the B-1, Central Business District has been received from Mr. James Watson. The City Commission has referred this matter to the Planning Commission for review, public hearing and recommendation.

Secretary Stasa stated the proposed rules of this ordinance and explained the request of the text amendment.

Mr. James Watson, owner of the proposed tattoo parlor, explained his proposal.
Chairperson Lambrecht explained the proposed ordinance.

Dr. Lynn Church whose office is at 322 N. State Street voiced some questions. How many Special Use Permits are issued? What about Adult Book stores?

Mr. Rob Dunn of 224 W. Center Street, DDA Chairperson stated that at first, he was highly concerned about "600 feet from residential" being removed from the wording in this proposal. Also of concern, the word "church" is removed from the proposed ordinance. Mr. Dunn considers this is short-sighted; wants the community to remain clean and pedestrian-oriented. He has concerns about what could come after this; for teenagers & children, a line should remain in the sand.

Mr. Watson spoke, disagreeing that tattoo parlors being anti-family or taboo. He stated that the windows are to be covered up to a height of four (4) feet. He tries to keep things clean.

Discussion followed, including Stacie who lives on Polk Rd. who agrees with Mr. Watson and stated that tattoos are an art in her opinion. She stated that children are not allowed to run around inside the shop and in her opinion this is something Alma needs.

Additional comments were made by Mr. Watson's daughter who stated that she has worked for her dad and believes that the business is family-oriented in nature. Sharon Church was concerned about the business not being within 1000 feet of a church. Barb Van Atten stated that she has a 10-year old son. She would rather have him go somewhere familiar; somewhere she can check out. Ken Solomon, owner of Alma Sewing Center, and DDA Board Member noted that some of the DDA members are in favor of proposal and some are not-including him. It's not something you want in an area where people browse.

Whitney Lockner, an artist who works with Mr. Watson stated that she does not see a connection with Adult Bookstores or why church locations should govern this business location.

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Mr. Lambrecht explained why “churches“ were removed from the proposed ordinance language. There are changes in laws that allow churches to be located anywhere.

More discussion followed including that negative comments are based on biases about people who get tattoos. Lisa Comer, business owner at 316-1/2 N. State Street stated that times are slow and the community needs businesses. A tattoo parlor would be regulated.

Susan Smith inquired why Mr. Watson wishes to be located in the downtown area. Mr. Watson replied that he has identified a location in the downtown area where he could receive foot-traffic. Also he found that Wright Avenue locations were too expensive.

Dr. Church wondered “how far do you want to go?” Discussion followed regarding ordinances, uses, and the process. Mr. Watson added information about the timeframe of this process. Mr. Ken Kline owner of a business at 307 E. Superior noted that this is an economic decision, but should not be the only basis of a decision.

Planning Commission Member Don Ayers indicated that Alma needs to be welcoming for businesses. Kathy Watson added that the business cannot be judged without giving it an opportunity.

Mr. Watson added that a new State Law coming into effect will regulate the industry and will make an impact.

Mr. Dunn spoke again stating that his comments are directed at the amendment, not a personal attack on the business owner. Again, he is concerned with this type of business within a pedestrian area. The B-2 District is perfect for this type of use – he is not against this business, but it is about the location. He feels that the ordinance should remain as is for the safety of our children and teenagers.

There was more dialogue speaking on behalf of the proposal.

Mr. Scott Moes inquired about how many vacancies are in the downtown area. Mr. Aeric Ripley, DDA Director replied that there are eight to ten. Mr. Moes added that it is time for Alma to give somebody a chance; to try something different.

Member Nyman reiterated that it is not about the individual; it is about changing the ordinance.

Member Dave Koutz stated that a lot of thought has gone into this process. In regard to the churches, we would have to try to define “a church”. That is not an easy task.

Mr. Stasa read a letter that was submitted by Ms. Dottie Wassenaar. Ms. Wassenaar’s letter was against the proposed ordinance changes to allow Tattoo/Body Piercing establishments within the B-1, Central Business District.

Mr. Stasa once again reviewed the processes involved in amending the Zoning Ordinance and requesting a Special Use Permit.

A motion was made by Nyman and supported by Koutz to close the Public Hearing.

Yes: Lambrecht, Wheeler, Ayers, Nyman, Pellerito, Boyce, Royer, Moore & Koutz

No: None

A motion was made by Ayers and supported by Koutz to recommend to the Alma City Commission that the proposed draft ordinances to allow Tattoo/Body Piercing establishments within the B-1, Central Business District be approved as presented.

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Yes: Lambrecht, Wheeler, Ayers, Nyman, Pellerito, Boyce, Royer, Moore & Koutz
 No: None

Public Hearing- Rezoning Request

Chairperson Lambrecht opened this Public Hearing for discussion. A request to rezone the property commonly referred to as 517 & 525 W. Center Street has been received from Alma College. The request is to rezone the property from R-1A, Single Family Residential to R-2, Two Family Residential.

Members Boyce and Nyman recused themselves due to a Conflict of Interest as both are employed by Alma College.

Mr. Lloyd Bernard, 217 Grant, stated that he has lived there since 1979. He is asking to deny the rezoning. The issue concerning him is noise as his bedrooms face the alley and noise will echo into these rooms.

Dr. Nick Piccolo, Vice President of Student Affairs indicated that a 9 bed fraternity is proposed for an honorary music fraternity. Dr. Piccolo also stated that there will be no chapter room in this house. Discussion followed.

Mrs. Susan Smith of 225 Cedar spoke against the proposed rezoning. Mrs. Smith stated that she has had nothing but problems with the TKE's that live across the street from her residence. Discussion followed.

Secretary Stasa explained the process involved to change this house to a fraternity house. The property must be rezoned and a Special Use Permit must be obtained. Another Public Hearing must be held prior to consideration of the Special Use Permit.

Mrs. Smith said that the proposal would be OK if it were the right students. Much discussion followed.

Member Royer inquired as to what happens to the group if not allowed. Dr. Piccolo stated that they would have a floor in a residence hall.

A discussion of what a Functional Family is and consists of followed. Discussion followed.

A motion was made by Ayers and supported by Pellerito to close the Public Hearing.

Yes: Lambrecht, Wheeler, Ayers, Pellerito, Royer, Moore & Koutz
 No: None
 Abstain: Nyman and Boyce due to the Conflict of Interest stated above.

A motion was made by Wheeler and supported by Pellerito to recommend to the Alma City Commission to rezone the property commonly referred to as 517 & 525 W. Center Street from R-1A, Single Family Residential to R-2, Two Family Residential.

Yes: Wheeler, Ayers, Pellerito, Moore & Koutz
 No: Royer
 Abstain: Lambrecht, Nyman, Boyce due to the Conflict of Interest stated above.

NOTE: Chairperson Lambrecht stated that he has a Conflict of Interest because he teaches and receives compensation from Alma College.

Public Hearing – Review of Special Use Permits for Alma College

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Vice Chairperson Pellerito open this Public Hearing to consider a request from Alma College to review their Special Use Permits for their small group housing units to be used for student housing for the 2009-2010 academic year.

Chairperson Lambrecht, Members Boyce and Nyman recused themselves do to a Conflict of Interest as all are employed by Alma College.

Mrs. Susan Smith and Mr. Lloyd Bernard presented the problems with the small group housing units. Discussion followed.

Mrs. Smith would like the Special Use Permit for the TKE's (Tau Kappa Epsilon) at 627 W. Center to be revoked as the noise situation is unbearable.

Member Koutz asked what has been done to address the problems. Much discussion followed.

Mr. Ken Kline asked what was posted inside the house. Dr. Piccolo responded that nothing is posted, a contract was signed.

Secretary Stasa briefed all present on the process used in the granting of the Special Use Permits. Inspections are conducted in June and re-inspections made by the August meeting to verify that requested corrections are made. A report is then made at the August meeting and a final vote is taken on the Special Use Permits.

A motion was made by Wheeler and supported by Koutz to close the Public Hearing.

Yes: Wheeler, Ayers, Pellerito, Royer, Moore & Koutz

No: None

Abstain: Lambrecht, Nyman, Boyce due to the Conflict of Interest stated above.

A motion was made by Moore and supported by Wheeler to tentatively approve the Special Use Permits for Alma College for their small group housing units to be used for student housing for the 2009-2010 academic year contingent upon inspections and police reports.

Yes: Wheeler, Ayers, Pellerito, Royer, Moore & Koutz

No: None

Abstain: Lambrecht, Nyman, Boyce due to the Conflict of Interest stated above.

Request for Amendment to a Site Plan

Vice Chairperson Pellerito opened this item of business. Leisure Living Management has submitted a revised Landscaping Plan for the Arbor Grove Assisted Living Project, 1320 Pine Ave. The Planning Commission has the authority to waive or modify the requirements of a Landscaping Plan.

Chairperson Lambrecht was recused as he has a financial interest in this project.

Secretary Stasa briefed the Commission Members. Leisure Living Management has submitted a revised Landscaping Plan for the Arbor Grove Assisted Living Project located at 1320 Pine Avenue. They are requesting to replace the proposed hedge with pine trees and burning bushes in the areas where there is an adjacent residential use. Mr. Stasa stated that it is Staff's opinion that the requirements for screening for a landscape buffer are being met with this proposal. Mr. Stasa reminded the members that the Planning Commission has the authority to waive or modify the requirements of a Landscaping Plan.

Discussion followed with Keith Kolb from Green Side Up representing Leisure Living Management.

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A motion was made by Moore and supported by Wheeler to accept this request.

Yes: Wheeler, Ayers, Pellerito, Nyman, Boyce, Royer, Moore & Koutz

No: None

Abstain: Lambrecht due to the Conflict of Interest stated above.

Goals & Objectives for the Countywide Master Plan

Member Phillip Moore briefed the Commission. The City has been requested to provide any goals and objectives that are specific to the community for inclusion into the countywide master plan.

Mr. Ken Kline made some suggestions: striped parking and a semi-permanent facility for the Farmer's Market. He also suggested some type of recycling center for people to come into.

Other Business

Member Bob Boyce told the Commission that next month will be his last meeting as he will be leaving the area. He has been offered and has accepted another position out of state. All present expressed their sadness at losing Mr. Boyce as a member and wished him well in his new position.

Being no further business to discuss, Chairperson Lambrecht adjourned the meeting at 7:43 p.m.

Respectfully submitted,

M. Daniel Stasa, Secretary
Alma Planning Commission