

MINUTES
City of Alpena Planning Commission
Regular Meeting (Council Chambers and Virtual)
July 11, 2023 Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Randy Boboltz, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Sundin, Boboltz, VanWagoner, Gilmore, Moses, Kostelic

ABSENT: Peterson

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting June 13, 2023, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: **Managing Order in Public Hearings** - Boboltz stated that at the last meeting, he allowed a public speaker to address someone in the audience and he did not redirect them to address him or the Commission. Fortunately, he said that there were no significant problems. Moses said his main concern was that one speaker, after being redirected to address the Chairman, was still addressing another person from the public by name rather than addressing the Chairman; this all occurred after the public portion of the hearing was closed. He said that there is a need sometimes to redirect or ask questions of an audience member, but what do they do when they have already given someone thirty minutes during the public speaking portion, then they come back again for seconds, and then others chime in; at that point, what do they do. Wojda said that it is a delicate balance because you never go wrong by allowing the

public an opportunity to comment and will not get into trouble from a due process perspective if you give them an opportunity to say their peace; on the other hand, you can't have disorder. Sundin said that Boboltz always gives directions on the public hearing, but maybe it needs to be reinforced to the public that everybody will have a chance to speak, but the public portion is the only chance to speak unless asked a specific question by the Chairman or a board member. Boboltz said that he did not think he has been making the statement about addressing the Chairman when explaining the procedures, but he intends to start. Moses said that there were a couple instances when a member of the public just spoke up when the Planning Commission members were deliberating. He said he understands that that might happen, but there is a concern for order. Birmingham stated that many citizens may not have participated in a public hearing before and are just honestly not aware of the procedures. Boboltz said that in all the years he has been on the Commission, there really have not been any serious issues.

Article 8 (Zoning Board of Appeals) and Article 10 (Adoptions and Amendments) –

Birmingham said that a lot of the changes were grammatical or simply adding the word Zoning to Board of Appeals.

Page 8-2F – that section was not removed, but it did change locations.

Page 8-6 Section 8.5 Variance Standards – Birmingham said that the Zoning Board of Appeals has seen a number of Sign Variances and the variance standards that are in there now do not really fit for signs so they took the same variance standards that they approved for Article 4 Sign Section and inserted them here.

Page 8-3 Section 8.2 Jurisdiction - Sundin asked what can be appealed to the Zoning Board of Appeals. Boboltz said that one thing is clear and that is if it is a Zoning issue that someone is asking for a change and [the Planning Commission] denies it, they can go to the Zoning Board of Appeals; with the Special Land Use permit, that would go to Circuit Court.

Page 8-4 Section 8.4F – Wojda suggested some changes to the new language written in. He said that the second time the word *Decisions* is mentioned should be omitted, and the word *shall* be changed to *may* – the new language would be changed to *Decisions regarding Special Land Use may be addressed in Circuit Court.*

Page 10-2 Section 10.1B – Public Hearing language updated.

Page 10-3 Section 10.2 – Rezoning Standards changed to Rezoning Factors per recommendation of Denise Cline, NEMCOG.

Page 10-3 Section 10.1 D 2 and 3 – Sundin suggested that the proposed language sounds like it is a way to circumvent the Planning Commission. Boboltz agreed. Sundin suggested that in number 3, the word *may* be changed to *shall*. Birmingham will confirm what the MZEA states.

Pages 10-7&8 Section 10.3H & I – Sundin asked if someone does not do what they said they were going to do for a Conditional Rezoning, can it revert back to the previous Zoning, rather than going through another Public Hearing and all the other things. He asked if a duplex was bought by someone and turning into single family, would that automatically revert that back to its original zoning. Birmingham said that the time period for establishing it was updated in Section 10.7G. Boboltz suggested that [the City] would realize if a duplex was changed from two units to one during the rental inspection process. Sundin said that he is not only talking about that particular situation, but also other [Conditional Rezones] and the time periods given to people and having to go through the whole public hearing process again. He also said that he thought it should automatically revert back to the previous zoning if not completed on time; then letters could be sent out to the surrounding property owners again notifying them, which would be much simpler than another public hearing. Gilmore pointed out that with Conditional Zoning, there is that certain condition and time period which should make it clear to the property owner. Wojda asked why they are considering the rezoning standards when it says [in the Ordinance] that it has to revert to it's former; if that is the case, all they have to decide is whether Subsection G has been violated, not whether zoning is appropriate. They would have to make a finding that they haven't done anything, to revert back to what it was before. Wojda said that someone such as the Zoning Administrator would have to determine that. Boboltz stated that it did not make sense to him that the reversion process should be initiated by the City Council; others agreed.

Page 10-9 – Section 10.4 Protest Petition – Boboltz asked about the 2/3 or 3/4 vote requirement. Sundin stated that the Council would have to have at least 4 out of 5 votes.

COMMUNICATIONS OR REPORTS: None.

CONTINUING EDUCATION: Birmingham provided an article from the MSU Exchange called Zoning Petitions. The article was not discussed, but rather provided to read on their own time.

PUBLIC COMMENT: None.

MEMBERS' COMMENTS: Boboltz informed the Planning Commission members that Rachel [Smolinski, City Manager] attended the Lion's Club meeting recently and she talked about the housing study group. He said that if anybody is interested in attending their meetings, they are in the Council Chambers on the second Tuesday of the month, at 1:00 pm. He said a research study for housing needs and assessments has just been finalized early this Spring and he felt it

may be of some interest to the members since they are working on rewriting the Zoning Ordinance.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:45 p.m., by Boboltz, Planning Commission Chairman.

Clayton C. VanWagoner, Secretary