

MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
December 13, 2022  
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: Boboltz, VanWagoner, Gilmore, Moses, Sundin, Kostelic

ABSENT: Wojda, Peterson

STAFF: Montiel Birmingham (Planning, Development, and Zoning Director), Kathleen Sauve (Recording Secretary), Rachel Smolinski (City Manager appeared at 6:16pm)

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as printed.

APPROVAL OF MINUTES: Meeting October 11, 2022, minutes were approved as printed.

Boboltz explained the procedures for the public hearing.

PUBLIC HEARING AND COMMISSION ACTION: **Case # 22-Z-07** – Aaron Zarbaugh, is requesting a Conditional Rezone for his property at 423 South Seventh Avenue from R-2 to R-T to allow for a residential duplex rental dwelling.

Birmingham presented the Finding of Fact report. See Appendix A and B in Commission packet.

FAVOR: Zarbaugh, property owner, explained to the Commission that he bought the property assuming that it was already a legal duplex because it has two of everything – furnaces, hot water heaters, driveways. Moving forward, he said he would like to do everything the right way and move in the right direction. He stated that he tries to maintain the property nice and up to code.

OPPOSITION: Birmingham read one letter of opposition that was received.

Boboltz closed the public hearing at 6:11 pm.

Kostelic questioned whether there is something that the City can do going forward so that this situation does not happen as frequently. Birmingham stated that City officials have contacted all real estate agencies in our area to make them aware of the registration program and how it works. In the future they will revamp the City's website to include more information about the program so it is more obvious, and it would be an improvement from what the City has today. Kostelic suggested having a page people could go to, to see if their property is registered, which currently the BS&A program for the public does not offer.

Kostelic said she does not have any concerns about the overall upkeep of the property, as Zarbaugh owns seven rentals in the City and this one is in very good condition.

Sundin stated that it also lies on the real estate agents to pass along the information to the potential buyers that they need to do their due diligence, that they need to check if the zoning is correct, and to check it before they purchase. He stated this property fell through the cracks when he was City Planner and City Manager, and that the inspectors were always coming across properties that were not registered. He said he can not tell anybody why, and it is unfortunate, but those things do happen. He did not feel that it is the Planning Commission's responsibility to rectify on the part of the applicant, but it has been a duplex for many years, and it seems to be well maintained. He said that in his mind, he still sees this as spot zoning, even though it has conditions, which makes it a difficult case in that regard.

Birmingham stated that Sauve receives all the deeds from the County of Alpena as properties change hands, and as she is going through them to file them, there are some clues that she can key in on that would tell her if something could possibly be a rental that is not registered and has found several in that way.

VanWagoner asked if there is a list of pending issues that the City may have on certain properties. Birmingham answered that the City keeps track of that by looking for open enforcement records or cases that have not been finalized in BS&A system which only dates back to 2008, but in this case, because it was so old, it never made it into the system so we relied on the paper file to give any information of past history of any action on it.

Boboltz asked Zarbaugh if the separate mailing addresses were clearly marked previous to him owning it. Zarbaugh stated that there were always two mailboxes, but he put the numbers on them. Boboltz then stated that the City of Alpena's Comprehensive Plan incorporates R-1, R-2, and R-T into the same zone, so, although there have not been any proposed language changes to make the recommendation to City Council, that does tend to sway him a particular direction. Birmingham stated that there will be proposed changes coming in the future as they get into that part of the Zoning Ordinance update.

Moses stated that it really is a nice home. He asked if there was an open ordinance violation prior to the home being purchased. Birmingham stated that there was not.

Gilmore ***motioned*** to approve the recommendation to City Council, by City Staff, for the request of a Conditional Rezone of 423 South Seventh Avenue from R-2 to R-T as presented in the Finding of Fact report (Appendix A and B of Commission packet).

Kostelic ***seconded*** the motion.

Motion ***approved*** by unanimous vote.

UNFINISHED BUSINESS: None.

NEW BUSINESS: Review of Zoning Ordinance Article 1 and Article 2 – Birmingham stated that they will not be approving anything at the meeting, but simply discussing proposed language changes and circling back later as other articles are discussed. Discussion proceeded page by page, and any Commissioners with questions or comments spoke up at that time with notes below:

Page 2-9 Tourist Homes – discussed keeping Bed & Breakfast definition separate from Tourist Home and changing Tourist Home definition to Short Term Rental for clearer understanding.

Page 2-11 Child Care Homes – clear up the language of “between” vs current language for number of children

Page 2-16/17 Fourplex, Single Family Conversion – why do some talk about entry points and some do not? There are so many ways to design a building, should we be qualifying or possibly restricting based on entry points? Duplexes ownership vs rental – would require a zero lot line and it would have to be two separate lots for ownership. Single family conversions – why couldn't a duplex be considered a single family conversion as well? Most conversions within the city have been to a duplex. How many definitions do we need? Need to consider zoning and allowable uses.

Page 2-19 Why is a definition for a Full Time Equivalent Employee needed? Definition of an FTE might not always be defined exactly the same.

Page 2-20 Should we be defining by 30 or more days from a hotel stay perspective?

Page 2-22 Kennels – should the municipal code (3 dogs) be changed instead of the zoning ordinance (4 dogs) since they are in conflict?

Page 2-30 Parcel and lot may be interchangeable unless people are thinking of the word in terms of being a platted lot.

Page 2-34 Rooming House – look at combining definition with tourist home/short term rental – “rooming house” term is out of date.

Page 2-46 Transit Center - Need to expand the definition to include how the Thunder Bay Transportation Authority operates in case we ended up with something similar within City limits.

COMMUNICATIONS OR REPORTS: Approval of the 2023 Meeting Schedule - All dates are all tentatively set on the normal second Tuesday of the month. Boboltz suggested changing November’s meeting to a date other than the 14<sup>th</sup>. Commissioners all decided that the previous Monday, November 13<sup>th</sup> would be a good alternative.

Sundin ***motioned*** to approve the 2023 meeting schedule with the exception of Tuesday November 14<sup>th</sup> date being changed to Monday November 13<sup>th</sup>.

VanWagoner ***seconded*** the motion.

Motion ***approved*** by unanimous vote.

CONTINUING EDUCATION: Birmingham stated that she will be sending some information related to housing, and also for the RRC program.

PUBLIC COMMENT: City Manager Smolinski thanked the Planning Commission for serving on the Board, and Staff for working hard to prepare the materials for the meeting.

MEMBERS’ COMMENTS: Boboltz suggested that the City staff do something special for former Chairman Paul Sabourin for his lengthy tenure on the Planning Commission of more than forty years. City staff were in agreeance and stated that something was in the works and will be announced in the near future.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:18 p.m., by Boboltz, Planning Commission Chairman.

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Clayton C. VanWagoner, Secretary