



City Hall
208 North First Avenue
Alpena, Michigan 49707
www.alpena.mi.us

Planning, Development, & Zoning

City of Alpena Planning Commission

Regular Meeting

Monday, February 12th, 2024 @ 6:00 p.m.

This meeting will be held in Council Chambers as well as virtually.

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofAlpena/planning-commission>

You can also dial in using your phone.

United States: [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 178-564-461

AGENDA

CALL TO ORDER;

ROLL CALL;

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – January 9, 2024

PUBLIC HEARING AND COMMISSION ACTION:

1. **MAP23-06 907 Merchant and MAP23-07 511 Long Lake Ave – Conditional Rezone to R-T**
Findings of Fact – Appendix A
Rezone Standards – Appendix B

BUSINESS

a) **UNFINISHED:**

b) **NEW:**

c) **COMMUNICATIONS OR REPORTS:** Recreation Plan Status

d) **CONTINUING EDUCATION:** MML Article: Open Meetings

PUBLIC COMMENT

MEMBER COMMENTS

ADJOURNMENT



Planning, Development, & Zoning

FINDINGS OF FACT MAP AMENDMENT

APPLICANT: KELLI PRENA ON
BEHALF OF JKP RENTALS
PROPOSED USE: DUPLEX
ADDRESS: 907 MERCHANT ST
511 LONG LAKE AVE
DISTRICT: R-2 TO R-T
REVIEW DATE: 1/22/2024
REPORT: MAP23-06 (907 MERCHANT)
MAP23-07 (511 LONG LAKE)



Summary of Request: Owner requests to conditionally rezone 907 Merchant St and 511 Long Lake Ave from R-2 (Single Family Residential) to R-T (Two Family Residential) for use as a duplex.

REZONING STANDARDS: SECTION 10.2

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

A. Consistency with Comprehensive Plan

A goal of the Comprehensive Plan includes allowing suitable housing opportunities for all income levels, age groups, household types, and resident types (year-round/seasonal). The Future Land Use map incorporates Single (R-1, R-2) and Two-Family (R-T) Residential districts into the same zone (Single & Two Family Residential). The recent housing study for the City of Alpena supports the need for more housing options.

B. Consistency of Use in Proposed District with Surrounding Properties

Both properties are surrounded by R-2 District on all sides; while the proposed use is not single family, it is low density residential.

C. Adverse Physical Impact on Surrounding Properties

No adverse impact to surrounding properties anticipated with proposed use; blight conditions at 511 Long Lake Ave have been remediated since new property owner purchased the property.

Requirement is 4 parking spaces (two per dwelling unit) and must be a hard surface;

- 511 Long Lake Ave: No hard surface driveway currently exists; adequate space is available in the side and rear yard off the alley, however, the alley is not a City maintained alley.
- 907 Merchant St: No hard surface driveway currently exists; Width of side yard could accommodate 1 vehicle width; rear yard appears to reduce in elevation to the rear. No curb exists and this space has been used for primary parking based on current condition.

D. Changes in Land Use to Immediate Area

None to note

E. Creation of a Deterrent

No deterrent to the improvement or development of adjacent property is anticipated.

F. Special Privilege

Duplexes already exist in the surrounding neighborhoods; see maps.

907 Merchant was a duplex up until January 17, 2005 when the owner requested to remove it from the registry; it is still physically separated as a duplex.

G. Public Facilities

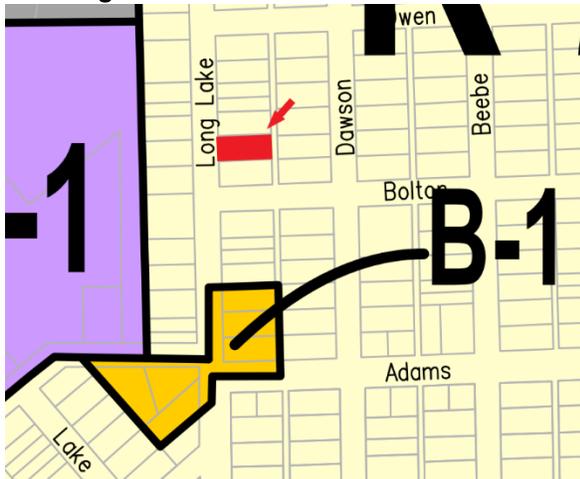
The lot is served by existing public facilities.

ADDITIONAL NOTES

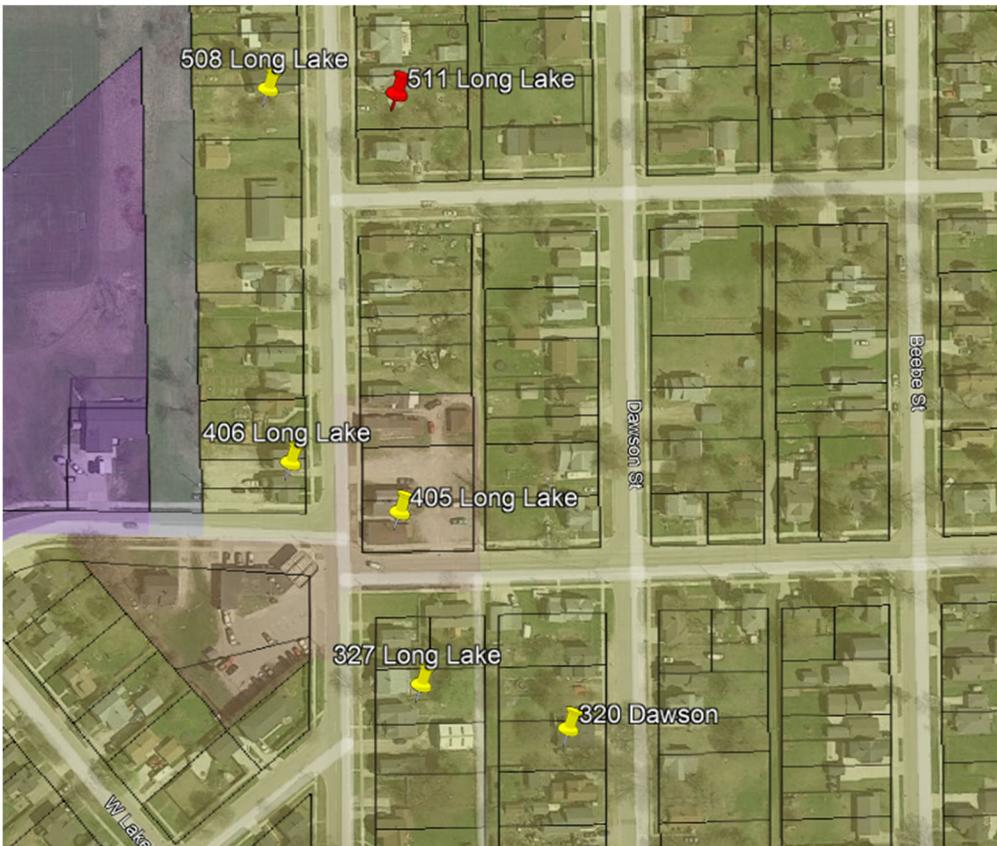
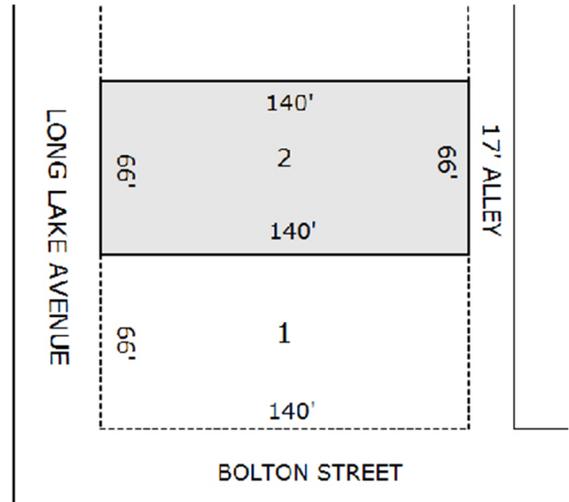
1. Renovations must meet building code requirements with applicable permits pulled and inspections completed.
2. If approved, property must be registered through the Rental Registration program and recertified every 3 years.
3. Applicant's Statement of Conditions: *Convert residence from single family dwelling to duplex.*
4. Recommend separate motions for each property.
5. Objections received from property owners within 300': None

Map/Photos:

511 Long Lake Ave:

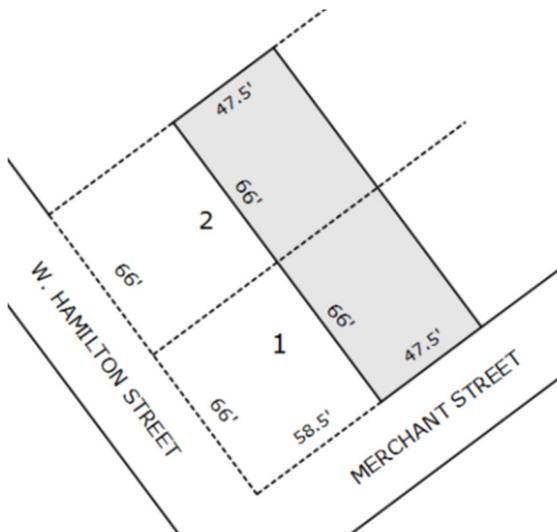
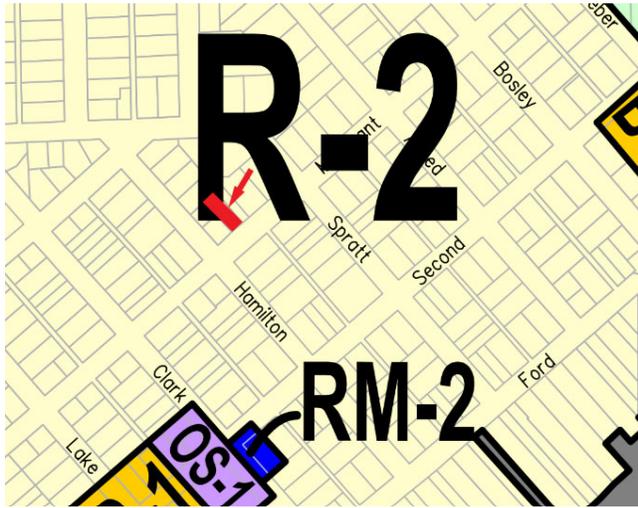


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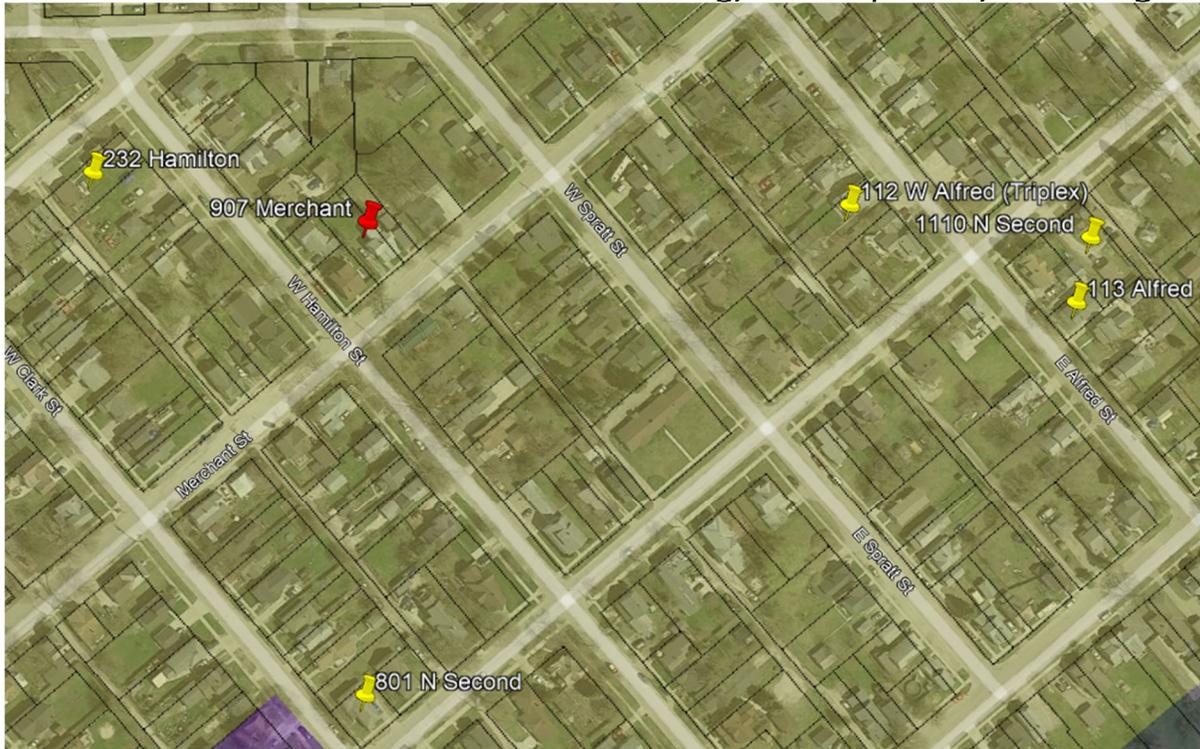


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907 Merchant St:



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**City of Alpena
Ordinance No. 21-468**

An ordinance to amend the City of Alpena Zoning Ordinance Article 10 (Adoption and Amendments).

City of Alpena, Alpena County, Michigan ordains:

SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE

That the City of Alpena Zoning Ordinance, Article 10 (Adoption and Amendments) is hereby amended to read as follows:

Section 10.2 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request:

- A. Is the proposed rezoning consistent with goals and objectives of the current Comprehensive Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

Section 10.3 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Ten Things

Every Municipality Should Know About the

Open Meetings Act

—By Anne Seuryneck

While municipal officials in Michigan are taught that they must comply with the Open Meetings Act (OMA), the OMA's language is not always clear and its application is not always straightforward. Consequently, misperceptions exist about OMA requirements. Because of this, it is important to go back to the basics and address ten issues that every municipality should know to ensure that it does not run afoul of the OMA.



1. Why Have Open Meetings?

The OMA was expressly enacted by the Michigan Legislature to promote transparency. Its purpose is to provide access to governments so that the public understands decisions the public body is making and can participate in the process.

2. What Are Some of the General Rules of Meetings?

All meetings subject to the OMA must be open to the public, be held in a place available to the general public, and, pursuant to the Americans with Disabilities Act, provide necessary accommodations that allow disabled individuals the opportunity to participate. In addition, a municipality may not place conditions on *attendance* at a public meeting, such as requiring visitors to sign in or otherwise identify themselves by name.

3. Are Members of the Public Allowed to Comment at Meetings?

Everyone in attendance at a public meeting has the right to address the public body. Thus, every regular or special meeting must have at least one public comment period. While the public body cannot place conditions on the right to attend the meeting itself, the OMA does allow the public body to place reasonable limitations on individuals who desire to speak, such as imposing time limits for individual speakers and requiring that speakers provide their names and addresses. However, a municipality must not limit the total time for public comment—a public body is not permitted to cut off public comment after a set period of time.

4. Can Meetings be Recorded by the Public?

The right to attend a meeting of a public body includes the right to tape record, videotape, and broadcast the public proceedings, including recording the meeting on a person's phone. Even if a municipality prohibits videotaping or audiotaping, generally, in a building, videotaping, or recording must be allowed during an open meeting.

“The best way to stay on the right side of the law is to be proactive, educate your public officials and administrative staff, and work with experienced legal counsel to plan and conduct your meetings.”

5. What is a Public Body?

The OMA applies to meetings held by a “public body.” A “public body” is specifically defined under the OMA and includes boards, commissions, and other entities that exercise governmental or proprietary authority or perform a governmental or proprietary function. Most municipal officials understand that “public bodies” include village and city councils, zoning boards of appeal, and planning commissions. However, certain committees and subcommittees may also have decision-making authority that would qualify the committee as a public body. In contrast, committees with only advisory authority may not meet the definition of “public body.” Because it may be difficult to evaluate whether a particular committee is purely advisory, a public body may consider consulting with legal counsel when forming a new committee.

6. What is a Meeting?

Discerning what is a “meeting” for purposes of the OMA is not always easy. The OMA statute defines a “meeting” as the convening of a public body (1) at which a quorum is present, (2) for the purpose of deliberating toward or rendering a decision (3) on a public policy. Both decisions and deliberations on public policy must be made at an open meeting; therefore, the municipality should also be concerned about having improper meetings behind closed doors. For example, email correspondence among a quorum of the members of a body on a municipal issue could be considered an improper “meeting.” Because the public has no opportunity to attend and comment, that email “meeting” may run afoul of the OMA.

7. What Type of Meeting Notice is Required?

Public bodies must provide notice of meetings, and the rules related to notices are specific. For example, for regular meetings, the public body must post a notice at its principal office stating the dates, times, and places of its regular meetings, and contain the name of the public body, its telephone number, and its address. That regular meeting notice must be posted within ten (10) days after a public body's first regular meeting of the calendar or fiscal year. If a public body changes its regular meeting schedule, it must post a new notice stating the changes within three days after the meeting at which the change was made.

For special meetings, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting (1) at the public body's principal office and, (2) on the municipal website (only if the public body directly or indirectly maintains an official Internet presence that includes monthly or more frequent updates of public meeting agendas or minutes). The public notice on the website must be on the homepage or on a separate webpage dedicated to public notices and accessible via a prominent and conspicuous link on the homepage. It is a common mistake to either fail to put the notice on the website or to put the notice in an improper place, such as buried in the municipal calendar.

8. Are Closed Sessions Permitted?

There are exceptions that allow public bodies to hold closed sessions, such as to consider material exempt from discussion or disclosure by a state or federal statute. Municipalities should keep in mind that the exemptions are very specific and may not be improperly expanded. For example, a public body may go into closed session to consider a complaint against the city manager (if the city manager requests the closed session) because it is permitted under Section 8 of the OMA, but may not go into closed session to discuss the city manager's contract renewal because Section 8 of the OMA does not include that purpose. The purpose of the closed session must be included in the motion. Common mistakes include moving into closed session without a proper purpose or failing to state or sufficiently describe the purpose of the closed session in the notice.

9. Are Meeting Minutes Required?

Minutes of each meeting must be kept showing the time, date, and place of the meeting. The minutes must also state the names of all members present and absent, any decisions made, all roll call votes taken at the meeting, and the reason for any closed sessions held. Minutes for open meetings

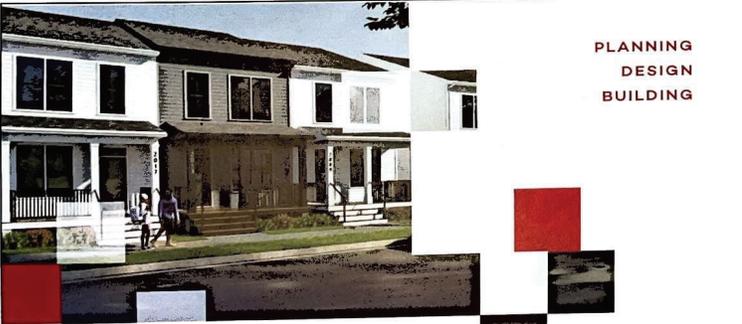
must be made available to the public. For closed sessions, a separate set of minutes must be taken by the clerk or designated secretary of the public body. The closed session minutes must be retained by the clerk and are not available to the public.

10. What Happens if the OMA is Violated?

A decision made by a public body may be invalidated if the public body has not complied with certain provisions of the OMA. If a public body violates the OMA, a person may also commence a civil action to compel compliance or to enjoin further non-compliance with the OMA. Public officials who are found to have intentionally violated the OMA are subject to monetary fines and misdemeanor penalties.

In many ways, this summary merely scratches the surface of what a municipality must know about complying with the OMA. The best way to stay on the right side of the law is to be proactive, educate your public officials and administrative staff, and work with experienced legal counsel to plan and conduct your meetings. ■

Anne Seurnyck is a shareholder with Foster Swift Collins & Smith PC. You may contact her at 616-726-2240 or aseurnyck@fosterswift.com.



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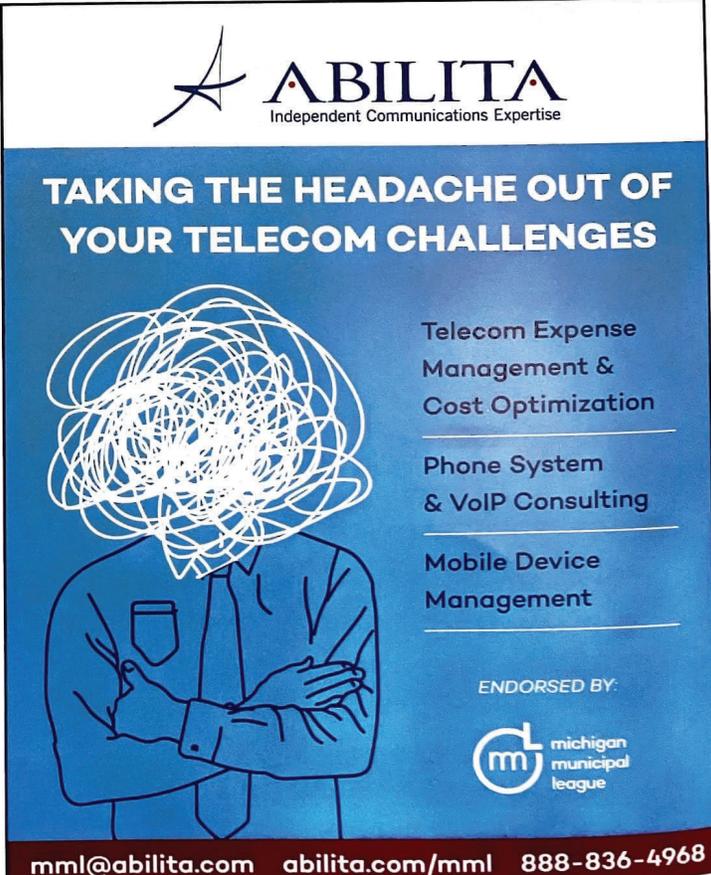
Effective Planning and Zoning Solutions for Housing

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