

MINUTES
City of Alpena Planning Commission
Regular Meeting
October 10, 2017
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. by Paul Sabourin, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Mitchell, VanWagoner, Boboltz, Sabourin, Wojda, Kirschner, Gilmore

ABSENT: Lewis, Austin

STAFF: Adam Poll (Director of Planning & Development), Mike Kieliszewski (Assistant Building Official), and Cassie Stone (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

The Agenda was approved as printed with one amendment; the Agenda to read a Commission Action only instead of Public Hearing and Commission Action.

APPROVAL OF MINUTES:

September 12, 2017, minutes were approved as printed.

COMMISSION ACTION:

Reconsider P.C. Case #17-SU-06 Status:

1102 Ford Avenue Special Use Permit to allow an owner occupied two unit home.

(Wojda voiced that he intends on abstaining from the vote because he has represented Jessica Urban on many matters and any vote would be a conflict with the situation, Planning Commission unanimously agrees).

Poll speaks briefly about the special use permit that was approved last month. In order for the special use permit to be allowed for a secondary dwelling unit at the property located at 1102 Ford Avenue the condition is that the owner must reside in one of the units. Mike Kieliszewski, recently conducted a rental inspection at 1116 Ford Avenue (both owned by Jessica and Jason Urban who is currently going through a divorce) and a follow up inspection at 1102 Ford Avenue where Kieliszewski stated in his email that Jason is currently residing and plans on staying at 1116 Ford Avenue and 1102 Ford Avenue will have to be sold through the divorce

settlement in 30-60 day. Jessica has moved out of 1102 Ford Avenue hence that property is no longer owner occupied. Kieliszewski stated that the current tenant at 1102 Ford Avenue failed the follow up inspection and is using the first and second floor resulting in the property being used as a single family only rental. The tenant at 1102 Ford Avenue is interested in purchasing the property but not at the requested price. Poll states that there are a few options as far as how to proceed. The Planning Commission can allow the special use permit to remain. If the house is sold as the owners have indicated that they are trying to do, whoever purchases the house would have the ability to keep it as a duplex and the owner could live at the property. Poll added that special use permits go with the land. If the Urbans maintained ownership and decided to reside there with the special use permit in place they could do that. Another option Poll explained was to pull the special use permit on the terms of very little or no effort made for the owner to occupy the home and convert it into a duplex as was requested. The applicants were not at the meeting and Poll was not able to talk to them regarding the matter. If the special use permit is revoked that would cause the new owners to have to go through the same process if they choose to do so later down the line. Poll added that notices could also be sent out to the neighborhood advising them that the Planning Commission is reevaluating the special use and contact the applicants to appear before the Planning Commission to make their case. Poll feels that the applicants indicated fairly clearly to Kieliszewski what their intentions were. Kieliszewski added that Jessica did move into the lower unit at 1102 Ford Avenue but has now moved out. Sabourin questioned if the property was currently a one or two unit home. Kieliszewski stated that 1102 Ford had been registered quite a while back as a duplex and is currently set up like a duplex. Right now the only way it is being used is through a special use with one of the units being owner occupied. Kieliszewski stated that the current tenant is currently working on some of the repairs on the property but is uncertain how deep he should go with the projects without knowing the outcome of the situation. The property currently needs a building permit in which only the owners are allowed to purchase unless a contractor is hired. Kieliszewski feels that there still is a lot of work to done to make the property compliant. Boboltz questioned if the current tenant wishes to buy the property what would be his intentions on it being a duplex or a single family resident? Kieliszewski stated that he has thought about possibly renting out the second floor for an extra income but not sure. Kieliszewski mentioned to him that he may have to come back to the Planning Commission for a special use permit. Sabourin questioned what the time period was on becoming compliant after an inspection is failed. Kieliszewski stated that he sets up an automatic 30 day re-inspection date but it's possible to call and be allowed an extension. Currently, the property is not being occupied as a duplex. Kieliszewski stated that 1116 Ford Avenue is not on a land contract with Jessica and Jason Urban's daughter which was previously stated by Jessica to Kieliszewski. The signed contract lists Jessica and Jason. Mitchell questioned if inspections keep on failing can the property just be rented. Kieliszewski replied that it would then be up to the courts to decide the outcome. If the inspection keeps failing a citation is issued to the owners. Failure to comply is a misdemeanor offense. Sabourin questioned other than occupancy what else has to be done to be able to comply. Kieliszewski stated that the property requires a lot of repairs to be

compliant as a duplex and if need be he could provide a list to the Planning Commission on what needs to be done and what had failed inspection. VanWagoner questioned if the special use permit was for the property or the owner in which Poll stated property.

Motion made by Boboltz to give Jason and Jessica Urban a six month time period to comply with the requirements of the special use permit and to make their intentions clear. Poll clarified that the requirement of the special use permit is to have one of the units owner occupied. Sabourin asked what would happen to the property if the house sold within the six month period. Poll stated that the way the motion is made, the new owners would have the same opportunity to utilize the existing special use permit. **Seconded by Mitchell.**

Yays: Boboltz, Mitchell

Nays: Gilmore, Sabourin, Kirschner, VanWagoner

Abstained: Wojda

Absent: Lewis, Austin

(Motion failed)

Sabourin questioned what the next step was. Poll stated that at this point the Planning Commission can direct him to talk to the applicants and try to bring them back in next month. A different motion can be made that has different criteria or let it be and the special use permit remains. Sabourin stated that he would like to see either the applicant appear before the Planning Commission and give their intentions or give staff something in writing so the Planning Commission has something to reference by so we are aware what their intentions are in fact. VanWagoner stated that when the applicant came and applied for this special use permit they were in their divorce proceedings, they applied but didn't comply so the special use permit should go away. Gilmore questioned if the special use permit even really existed and were the requirements for the special use permit ever met. Poll stated that there was a brief period where it was occupied. Kieliszewski added that when he talked to the tenants at the property they did say that Jessica did move in on the first floor but only for less than a week. Wojda stated that he felt that it wouldn't be a bad idea to give the applicants an opportunity to be heard on the issue as this would affect property right that has been granted. It would allow them the opportunity to know that there was going to be a hearing where they could present themselves.

Motion made by VanWagoner that the City staff contact the property owner and have them appear next month at the next Planning Commission meeting or provide a written document if they wish to express their intentions. **Seconded by Boboltz.**

Yays: Kirschner, Mitchell, Gilmore, Sabourin, Boboltz, VanWagoner

Nays: None

Abstained: Wojda

Motion approved by a vote of 6-0.

BUSINESS:

Public Participation Plan

Poll explained that the Planning Commission has been engaged in the Redevelopment Ready Communities Program (RRCP) and are quickly approaching meeting all the requirements but one of the requirements that have not made a lot of progress on is a public participation plan. Poll referenced the draft that was included in the packet that basically shows one central document that tells all the various ways the City attempts on getting the public involved and the methods that are used to do so. Poll stated that social media (Facebook, Twitter, etc.) is not listed on the draft. The efforts that have been made have not been successful. There isn't enough new information to be updated and it has been more of a staff's waste of time to keep it updated. Potentially in the future it could be added. The City has recently updated its website.

Motion made by Boboltz, seconded by Wojda to pass the public participation plan and send it to council for approval.

Yays: Wojda, Sabourin, Kirschner, Gilmore, VanWagoner, Boboltz, Mitchell

Nays: None

Motion approved by a vote of 7-0.

Review Sign Ordinance

Poll states that he hasn't had much time to spend on the sign ordinance. Poll did briefly add that a sign concern did come up on Washington Avenue where wall signage at a house at roughly 15 square feet each, 30 total feet was displayed. The current regulation for residential signage for a wall sign in a single family home or duplex is one name plate at 2 feet, no matter what type of sign it is. This situation involved too many signs displayed and too many square feet of signage. Poll stated that the sign ordinance does need to be updated in the near future.

COMMUNICATIONS: None

REPORTS:

Development Update

Poll stated that he has some people coming through the City that are interested in various developments but added he is not able to go public with the information as of yet. The Thunder Bay Transportation building is open and operating. Alpena Furniture project is just about done and Poll has been working on getting all the grant documents in order.

Redevelopment Ready Communities:

Poll is going to send the Public Participation Plan to council and once approved Redevelopment Ready Communities will almost be finalized.

CALL TO THE PUBLIC: None

MEMBER'S COMMENTS: Sabourin states that all of the traffic he has seen in his travels he is very concerned with the amount of people that run red lights around town. Sabourin added that he did obtain one license plate number and emailed it to the City Police Department. Sabourin went on to report that there was nothing the police could do because they don't have it on camera so they can't prosecute. With not being able to report safety concerns to the police, Sabourin is concerned that if this continues we are not considered a safe community to live in and how do you handle situations like this when coming up with the Comprehensive Master Plan. There needs to be more traffic control.

VanWagoner added that the intersection at First and Chisholm is a horrible place to try and make a left turn especially while pulling a trailer and he believes that intersection needs a light and questioned if that was a MDOT issue. Poll stated that it is a MDOT trunk line but added that he will let it be known that members of this community are concerned with there not being a light there.

Mitchell added he feels there is a safety concern at Bagley and Third. First thing in the morning and after school there should be a left hand turn signal there. People try to get through the light, traffic gets backed up and it can get pretty deadly out there.

Boboltz questioned the timing of the lights on Second Avenue and suggested in order to slow traffic down put up a four way stop instead of vehicles racing to make it through the lights.

Sabourin also stated that he was lead to believe that the blinking lights at Miller and North Second were cheaper to have blinking then to have the light removed and install four stop signs there.

Poll stated that with all the traffic concerns he would talk to the Engineering Department and see if Steve or Rich could attend a Planning Commission meeting to help answer some traffic/safety questions and concerns.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:01 p.m. by Sabourin, Planning Commission Chair.



Wayne Lewis, Secretary