



CITY COUNCIL

October 16, 2017

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, October 16, 2017. This meeting was called to order at 7:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: John Murphy, Mayor  
Kate Marshall, City Councilmember  
Izzy Lyman, City Councilmember  
Grant Dittmar, City Councilmember

Absent: Jeremy Wills, City Councilmember

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, Director of Public Works Michael Robbins, Downtown Director Becky Goodman and City Attorney James Murray.

Resolution No. 19108  
Approve Special-Assessment  
Downtown Programs & Services

A public hearing was held to receive comments on the proposed programs and services. The City Manager reviewed the process and the recommended rates for 2018 programs and services. The Mayor opened the public hearing at 7:07 P.M. and Jeff Grantham, 801 Baxter Street, commented that there needs to be a better p.a. system for events. The public hearing was closed at 7:09 P.M.

City Councilmembers inquired on the image campaign. The Downtown Director responded that the image campaign includes branding and marketing for Petoskey.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

WHEREAS, at its meeting of October 2, 2017, the City Council reviewed a report by the City Manager dated September 26, 2017, as required of City Code provisions, that listed proposed programs and services to be provided to property owners and tenants within the Downtown Management Board's territory during 2018 and a proposed roll of special assessments to be spread against properties within the Management Board's district at the same formula rate as last year, as a means of financing such proposed programs and services; and

WHEREAS, following its review of that September 26 report, the City Council scheduled a public hearing for 7:00 P.M., Monday, October 16, 2017, as required of City Code provisions, to receive comments concerning proposed Downtown Management Board programs and services; and

WHEREAS, the City Council now has conducted this October 16 public hearing to receive comments concerning proposed programs and services as recommended by the Downtown Management Board:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby approves proposed programs and services as recommended by the Downtown Management Board and costs as estimated by the Management Board to be assessed eligible property owners within the boundaries of the proposed assessment district at the same rate as last year that are coterminous to those of the Management Board's territory; and

BE IT FURTHER RESOLVED that the City staff be and is hereby directed to prepare a special-assessment roll in accordance with the City Council's determination and to provide such a roll with the recommended formula rate for the City Council's review at its regular meeting of November 6, 2017.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Murphy (4)

NAYS: None (0)

Hear 2018 Street Projects  
Presentation

Director of Public Works Mike Robbins gave a brief presentation concerning 2018 street projects including information on the Petoskey/Bay Street intersection safety improvements and the widening of the non-motorized trail

along West Lake Street; reviewed that Petoskey/Bay Street corner will be reconfigured by moving cross walk up to apex and bumping out curve on Bay Street; and that the sidewalk will be widened to 10' for non-motorized traffic on West Lake Street.

City Councilmembers commented that the brick pavers are uneven; inquired how well the loading zones are working near Petoskey/Bay Street intersection; and had questions on crosswalk legalities.

Mayor Murphy asked for public comments and heard comments that the intersection is dangerous and glad to see crosswalk reconfiguration and that the loading zone should be further up Petoskey Street.

Resolution No. 19109  
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of October 16, 2017, City Councilmember Dittmar moved that, seconded by City Councilmember Lyman adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the October 2, 2017 regular session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since October 2 for contract and vendor claims at \$1,004,955.18, intergovernmental claims at \$63,767.65, and the October 5 payroll at \$197,818.11, for a total of \$1,266,540.94 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Murphy (4)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and there were no comments.

Hear City Manager Updates

The City Manager reported that bargaining agreements for both Lieutenants and Officers are expiring on December 31, 2017 and that negotiations will begin in November and City Council could meet in closed session at the November 6 meeting to discuss negotiation strategies; that the sewer agreement with Springvale and Bear Creek Townships will be coming before Council in the next few weeks for approval; that there will be utility work on Howard Street this week with minimal closures; and that due to unseasonably warm temperatures, DPW is tentatively scheduling fall leaf pickup starting in early November.

Resolution No. 19110 Adopt  
Ord. 758 – Creating Hospital Districts  
& Amending the Zoning Map

The City Planner reviewed that this was a second reading of a proposed ordinance that would create Article XXXI H - Hospital Districts and amend the zoning district map. The City Planner further reviewed that at the first reading on October 2, there were several questions regarding the height limits of the proposed Article XXXI Hospital Districts and showed an illustration of a proposed addition with a height elevation of 709'10"; that City Council also indicated that they did not want to include the "residential care and treatment facility" in the H-1 Hospital designation, so this use was removed from the H-1 in Section 3102; and that a proposed amendment to the Zoning Ordinance that defined the term "residential care and treatment facility" has not yet been adopted, so a clarified definition was added to this ordinance as Section 4.

City Councilmembers discussed voting on each district separately; inquired when the discussion process began on creating these districts; heard from those in favor that mental health services should be in behavioral health districts in H-1; inquired how long mental health services were at Lockwood Hospital; that there were neighborhood concerns with past facility in H-1 district; heard from those that would not like to see mental health facilities in H-1 District, but developmental facilities is favorable in H-1; and that mental health and addiction facilities should be located in H-2.

The City Planner reviewed zoning districts; that Planning Commission has discussed for years, but started in earnest when hospital site plan was submitted and began ordinance discussion in May 2017; that a definition may be needed for behavioral health districts; provided mental health definitions and examples; and reviewed permitted H-1 uses and what could actually take place as sight is limited.

Mayor Murphy asked for public comments and heard that residential care and treatment facilities should be permitted in H-1; which would allow for the treatment of Autism in this district.

City Councilmember Marshall moved that, seconded by City Councilmember Lyman to remove behavioral health facilities from the list of permitted uses and to include treatment for mental health and development disabilities as part of outpatient care centers as permitted uses and approve the H-1 zoning District.

Said motion was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar (3)  
NAYS: Murphy (1)

City Councilmember Lyman then moved that, seconded by City Councilmember Dittmar adoption of H-2 District as revised in section 3102.

Said motion was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Murphy (4)  
NAYS: None (0)

City Councilmembers adopted the following ordinance via the above two separate motions approving the H-1 and H-2 zoning districts:

**ORDINANCE NO. 758**

**AN ORDINANCE TO CREATE ARTICLE XXXI H – HOSPITAL DISTRICTS AND TO AMEND ARTICLE II OF THE CITY OF PETOSKEY ZONING ORDINANCE APPENDIX A TO THE PETOSKEY CODE OF ORDINANCES AND TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF PETOSKEY AS SET FORTH IN ORDINANCE NO. 451 TO REZONE SPECIFIC PROPERTIES H1 AND H2 HOSPITAL.**

**WHEREAS**, it is a goal of the City of Petoskey Master Plan to guide development and redevelopment in a manner that will maintain high quality living and working environments for current and future residents; and

**WHEREAS**, the Petoskey Planning Commission has determined that the current zoning of properties owned by McLaren Northern Michigan and associated entities that make up the hospital campus in the RM-2 Multiple Family, B3 General Business District, and B-3B Business Industrial District are not appropriate zoning classification for the subject properties; and

**WHEREAS**, the Petoskey Planning Commission believes that the properties owned by McLaren Northern Michigan and adjacent properties should be in a zoning district that supports and clearly defines the future of the hospital and outpatient campuses; and

**WHEREAS**, the H – Hospital Districts are designed to plan for and enable future growth of the medical sector in Petoskey that is compatible with existing facilities and adjacent properties; and

**WHEREAS**, the H – Hospital Districts are consistent with the Future Land Use Map of the Petoskey Master Plan that shows these areas as Public/Quasi Public; and

**WHEREAS**, The Petoskey Planning Commission held a public hearing on the proposed ordinance on September 21, 2017 and recommends to City Council that the H – Hospital Districts be created and that the Zoning District Map be amended to place the subject properties into the H-1 and H-2 Districts.

Now therefore be it resolved that the City of Petoskey ordains:

1. Article 31 (XXXI) of the Zoning Ordinance of the City of Petoskey shall be created to read as follows:

**ARTICLE XXXI H – Hospital Districts**

**Sec. 3100 Intent**

The H-1 and H-2 Hospital Districts are for the purpose of accommodating medical centers, hospitals and all their normally related functions and to ensure they are properly sited in relation to each other and pursuant to an approved plan for that district. The H-1 district is a lower intensity, primarily outpatient services medical district, while the H-2 district includes all hospital related activities in a functionally integrated manner.

Any development or construction in these districts requires consistency with a current Master Site and Facilities Plan approved by the Planning Commission. The Master Site and Facilities Plan shall indicate current uses and anticipated uses for a minimum of the next 20 years. This plan shall show adjacent properties sufficiently to identify surrounding uses and potential impacts on them by the applicant's plan and shall conform to the requirements of the **Section 3106**.

**Sec. 3101 Master Site and Facilities Plan Standards**

A master site and facilities plan shall conform to the following site development standards:

1. Every principal building or groups of buildings shall be so arranged as to permit emergency access.
2. Every development shall have legal access to a public or private street.
3. The plan shall provide vehicular and pedestrian circulation systems that reflect and extend the existing street pattern, pedestrian and bicycle ways in the area.
4. A pedestrian circulation system shall be provided which is physically separated and insulated from the vehicular circulation system.
5. All parking areas shall be located in a manner which will reduce the visual impact of such parking areas from adjacent public streets.
6. Where the opportunity exists, developments shall use shared drives and interconnect with adjacent properties to reduce travel distance and curb cuts and create alternative access routes.

**Sec. 3102 H-1 and H-2 Districts Permitted Uses**

In the H-1 and H-2 Hospital Districts, no building or land shall be used except for one or more of the following specified uses unless otherwise provided in this Ordinance.

<b>Key</b>	
P	Permitted Use
SCU	Special Condition Use (Regulated by Section 171)
NA	Not Allowed

	<b>H-1 District</b>	<b>H-2 District</b>
Alternative Energy Sources Building-Mounted	SCU	SCU
Assisted Living Facilities	P	P
Boarding Houses	P	P
Dwellings, multiple family	P	P
Day Care Facilities	P	P
Hospitality houses	P	P
Hospice houses	P	P
Hospitals	NA	P
Landing areas for air ambulance	NA	SCU
Medical, Dental, Optical Clinics	P	P
Outpatient care centers (including treatment mental health and development disabilities)	P	P
Pharmacy without drive-through	SCU	P
Pharmacy with drive through	NA	SCU
Residential care and treatment facilities	NA	P
Urgent care centers	P	P

**Sec. 3103 District Standards**

	<b>H-1 District</b>	<b>H-2 District</b>
<b>Height (Maximum)</b>	35 feet from adjacent public street grade	The maximum building height shall not exceed Elevation 710 feet with the following exceptions: 1. Structures adjacent to Connable Avenue have maximum height of 35 feet, with an additional one foot of height allowed for each two feet of setback over 25 feet, not to exceed Elevation 710.

		2. Structures adjacent to West Lake Street have maximum height of 35 feet.
<b>Front Setback (Minimum)</b>	25 feet	25 feet
<b>Side Setback (Minimum)</b>	25 feet	25 feet
<b>Rear Setback (Minimum)</b>	35 feet	25 feet
<b>Surface Parking (Maximum)</b>		1,155 spaces

**Sec. 3104 Additional Requirements.**

1. All roof-mounted equipment, including satellite dishes and other communication equipment, shall be hidden from view by a parapet, screen, or similar architectural feature. The equipment shall not be visible from recreation trails or from public sidewalks adjacent to the site. Screening shall incorporate exterior building materials similar or complementary to those of the main building.
2. No material, equipment, or goods of any kind shall be stored on the roof of any building or outside unless otherwise allowed by ordinance.

**Sec. 3105 Procedure for all Master Site and Facilities Plans.**

1. *Pre-application conference.* Before submitting a Master Site and Facilities Plan, an applicant shall meet with the City Planner to review the proposed plan, the Petoskey Code of Ordinances, and the City Master Plan.
2. *Application.* An applicant shall submit a Master Site and Facilities Plan for consideration not less than 21 calendar days before the date on which such plan shall be introduced to the Planning Commission. The plan shall be submitted to the City Planner for review according to the standards and requirements of this Code.
3. *Official review.* The City Planner shall circulate the Master Site and Facilities Plan to the Department of Public Works and the Department of Public Safety to provide comment to the Planning Commission.
4. *Referral.* After staff review and determination that the submittal requirements for the Master Site and Facilities Plan have been met, it shall be referred to the Planning Commission for review with a recommendation to approve, deny or modify the plan and said recommendation shall also be forwarded to the applicant.
5. *Notification; Action.* The Planning Commission shall make no decision regarding a Master Site and Facilities Plan until a public hearing is scheduled and notification of said hearing is provided as required by the Michigan Zoning Enabling Act, *MCL 125.3103*. The Planning Commission shall review the Master Site and Facilities Plan according to the standards and requirements of this article.
6. *Compliance.* After approval of a Master Site and Facilities Plan, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the Master Site and Facilities Plan, as approved by the City. No zoning permit or building permit shall be issued without an approved Master Site and Facilities Plan and approved site plan in accordance with the provisions of this article.
7. *Amendments Standards and Procedures.* Requests for changes or revisions to an approved Master Site and Facilities Plan may be initiated by the applicant. The City Planner shall determine which category of plan revision applies to the request. In the event an applicant wishes to appeal such an interpretation, the request shall automatically be presented to the Planning Commission for review.

- (a) *Minor change.* A slight modification to a Master Site and Facilities Plan involving the siting of buildings, the adjustment or extension of utilities, walkways, traffic ways and parking areas and similar modifications may be approved by the City Planner.
- (b) *Major change.* A change or amendment to a Master Site and Facilities Plan, involving a significant change in the number and location of access points to public streets, alleys and parking areas, a major relocation or re-siting of buildings, a significant increase in the building footprint or height of a building, a significant reduction in open space and similar major changes shall require the approval of the Planning Commission.

**Sec. 3106 Master Site and Facilities Plan Submittal Requirements.**

1. The plan shall be drawn to scale, rendered on a minimum sheet size of 11 inches by 17 inches and include the following:
  - (a) The property owner and applicant/preparer name and address;
  - (b) A legal description of the property;
  - (c) The plan scale, date, north arrow and vicinity map;
  - (d) The zoning classifications of the surrounding properties;
  - (e) The lot lines, yard designations and setbacks;
  - (f) Existing and proposed private and public street names with right-of-way and pavement width indicated;
  - (g) Natural features such as topographic features, boundaries of regulated wetlands, 100-year flood plain elevations and water features such as lakes, rivers, creeks, springs, etc.;
  - (h) Location of existing and proposed building envelopes and their sizes in three dimensions (length, width & height);
  - (i) The percentage of property allocated for buildings, parking areas/structures, and open space;
  - (j) A general circulation plan for pedestrians and motorists;
  - (k) A general parking plan, taking into account parking requirements established in Section 1704;
  - (l) A preliminary storm water management plan.

**Sec. 3107 Site Plan Approval**

Once a Master Site and Facilities Plan has been approved, no building shall be constructed without first obtaining site plan approval subject to Section 1716 of the Zoning Ordinance. Those uses identified as Special Condition Uses in Section 3102 shall also provide the information required in Section 1717 and Section 1718.

**Sec. 3108 Site Development Standards**

In addition to requirements of Section 1716, 1717, and 1718, the following site development performance standards shall apply.

1. Buildings. In review of building facades and features, the Planning Commission shall consider:
  - (a) Exterior materials should be of a finished appearance and textural quality suitable to the desired image for this entryway to town. The Commission may limit the amount of or prohibit the use of corrugated metal, concrete block, sheet metal and colored plastic or fiberglass. The Commission may consider such factors as whether the building is an accessory structure, the adequacy of the setback and screening, and any impact upon street view and view from nearby residential buildings.

- (b) The scale, bulk, shape, exterior materials, and color of buildings shall be evaluated for their compatibility with the site size and shape and with surrounding buildings and structures.
  - (c) Buildings shall be situated to fit the existing site rather than imposed on the landscape in a manner that requires significant alteration of site grades. This restriction may be waived by the Planning Commission where significant alteration of grades would result in preservation and protection of a scenic view or other significant natural or manmade resource, or would result in an improved site layout and function without adversely impacting significant resources.
  - (d) Street fronting walls shall have no less than 30% fenestration.
2. Open space and site landscaping
- (a) All areas on a property not used for buildings or for pedestrian or vehicular traffic circulation shall be either left in a natural state or be landscaped.
  - (b) No parcel shall have less than 15 percent of the total site area devoted to natural or landscaped open space.
  - (c) Along street frontage of the parcel, larger scale trees shall be planted at a minimum of one tree per 50 feet of street frontage and, where possible, near buildings with long facades or multistory structures.
  - (d) Plantings of shrubs and flowers shall highlight vehicular and pedestrian access points, such as driveway ingress, building entry doorways, etc. Such vegetation should be clustered for adequate scale and visual interest.
  - (e) Existing vegetation that is healthy and suitable for landscaping objectives shall remain undisturbed. Existing trees that are five inches in diameter or greater should be retained to the extent possible. The Planning Commission may permit greater or less disturbance of said material where it determines proposed new landscaping and an improved site layout warrants such a waiver of standards.
  - (f) Landscaping shall be irrigated and maintained.
3. Parking, circulation and loading
- (a) Loading zones and freight truck storage shall be in the rear yard only and shall be screened so as not to be visible from the road or from neighboring properties. Where an existing use already has a loading zone in the side yard and it is not feasible to relocate the zone with proposed improvements, then the Planning Commission may permit continuation of the loading zone in the side yard subject to provision of appropriate screening.
  - (b) Surface parking shall be in the side or rear yards only. In cases where an existing use is proposed for expansion, the Planning Commission may determine it is not feasible to relocate all parking to the side or rear yards. The commission may then approve the front yard parking but shall reduce said front yard parking as much as feasible and shall require screening of the parking.
  - (c) Surface parking, driveways, and other circulation features shall be designed to follow the dominant topographic contour lines of the site to reduce long views down parking aisles and to allow drainage to function naturally.
  - (d) Parking lot interior landscaping shall consist of a minimum of seven percent of the total parking area, and a ratio of one canopy tree per eight parking spaces. Landscaping islands shall be a minimum of 80 square feet in area, and a minimum of eight feet in width.
  - (e) Parking areas and driveways shall have a minimum of eight feet of landscaped area separating the pavement edge from any property line, except where two or more adjacent properties have a written agreement or easement for a shared driveway access.
  - (f) Parking areas in side yards shall be screened from the street frontage with evergreen plant materials, berms, a screening wall, or a combination that has a minimum height of 42 inches above the surface grade of the parking lot.

Screening devices meeting this height requirement may also be required by the Planning Commission where a parking lot is judged to be near enough to an adjacent property or properties that the lot must be screened to mitigate impacts of noise, light, and visibility upon the neighbor(s).

- (g) Screening walls shall be durable, weather-resistant materials compatible with building finishes on the site. Physical relief in the surface and facade of any wall or fence should be provided with landscaping bands or clusters to soften the appearance of the fence or wall. The finished side of the wall or fence shall face the adjoining property or public right-of-way.
- (h) Sidewalks shall be included to provide safe access to buildings on the site and to permit safe pedestrian movement along the street frontage of the property.
- (i) Parking structures, public or private, subject to the following standards:
  - i. Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. All ramping shall be concealed from public view.
  - ii. Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
  - iii. A roof top treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs, corbels, and other devices may be employed.

4. Perimeter screening.

When a permitted use in the H-1 and H-2 District abuts residential or park uses, complete visual screening shall be provided if there is no existing buffer. Such screening shall be a minimum of six (6) feet in height and may include a masonry wall, fence, landscaped berm, or evergreen landscaping. In the case of a wall or fence, the finished side shall face the adjoining property or public right-of-way. Any landscaping shall provide a complete visual buffer when planted.

2. The Zoning District Map of the City of Petoskey shall be, and the same hereby is, amended in order that the following described property be shown as being located in the H- Hospital District and the zoning classification hereafter for said property shall be H1 Hospital. The property hereby re-zoned is described as follows:

Commencing at the south 1/4 corner of Section 32, Township 35 North, Range 5 West, City of Petoskey, Emmet County, Michigan; thence along the north and south 1/4 line of said Section 32 N 01°04'06" W 919.88 feet (recorded as N 1° 15' W 920.00 feet); thence S 89°03'14" E 659.00 feet (recorded as S 89°15' E) to the PLACE OF BEGINNING; thence N 00°48'28" W 133.86 feet; thence N 10°45'36" W 271.08 feet to an angle point in the south line of Golf Street; thence along said south line of Golf Street and the South line of the Plat of Sunset Park S 89°00'40" E 642.73 feet to the northeast corner of the unrecorded Plat of Woodcroff Estates; thence along the east line of said unrecorded Plat of Woodcroff Estates S 00°48'28" E 398.94 feet to a 1" pipe marking the Southeast corner of Lot 72, Woodcroff Estates; thence N 89°03'14" W 595.83 feet (recorded as N 89°15' W) to the PLACE OF BEGINNING; **AND**

Commencing at the south 1/4 corner of Section 32, Township 35 North, Range 5 West, City of Petoskey, Emmet County, Michigan; thence along the north and south 1/4 line of said Section 32 N 01°04'06" W 919.88 feet (recorded as N 1°15' W 920.00 feet); thence S 89° 03'14" E 659.00 feet (recorded as S 89°15' E) to the PLACE OF BEGINNING; thence N 00°48'28" W 133.86 feet; thence N 10°45'36" W 271.08 feet to an angle point in the south line of Golf Street; thence along the westerly line of Golf St. N 33° 00'40" W 115.94 feet; thence along the South line of Main St. now Arlington Ave. S 82°16'58" W 555.96 feet to said north and south 1/4 line; thence along said north and south 1/4 line S 01°04'06" E 411.92 feet; thence S 89°03'14" E 659.00 feet to the PLACE OF BEGINNING; **AND**

Commencing at the south 1/4 corner of Section 32, Township 35 North, Range 5 West; Thence North 01 ° 15' West, along the North and South one-quarter line of said section, 902.00 feet; thence South 89 ° 13' East 33.02 feet to a concrete monument which is the Point of Beginning. Thence North 01 ° 15' West 228.10 feet to a T-iron stake, thence South 82 ° 41' East 165.72 feet to a T-iron stake; thence South 07 °43' West 182.29 feet to a concrete monument; thence North 89 °13' West 189.20 feet to the Point of Beginning.

3. The Zoning District Map of the City of Petoskey shall be, and the same hereby is, amended in order that the following described property be shown as being located in the H- Hospital District and the zoning classification hereafter for said property shall be H2 Hospital. The property hereby re-zoned is described as follows:

Part of Government Lot 1, Section 1, Town 34 North, Range 6 West, City of Petoskey, Emmet County, Michigan, which is more particularly described as follows: Commencing at the East ¼ corner of Section 1, Town 34 North, Range 6 West, City of Petoskey, Emmet County, Michigan; thence along the East and West ¼ line as monumented West 283.40 feet to the Point of Beginning; thence continuing along said East and West ¼ line West 204.60 feet; thence North 264.00 feet; thence West 165.00 feet; thence North 228.00 feet; thence North 80°32'51" East 187.14 feet; thence North 86°42'00" East 193.20 feet; thence South 00°07'30" East 16.14 feet; thence North 87°56'46" East 0.96 feet; thence South 516.27 feet to the Point of Beginning; being subject to the rights of the public across the Southerly 33 feet as occupied by U.S. – 31 and being subject to any easements, restrictions, reservations, exceptions or conditions of record; **AND**

Beginning at the Southeast corner of Government Lot 1, Section 1, Town 34 North, Range 6 West (also the Southwest corner of Government Lot 4, Section 6, Town 34 North, Range 5 West); thence North 88°28'00" East 54.00 feet along the South line of said Government Lot 4; thence North 00°20'12" East 383.02 feet; thence North 88°20'00" East 210.00 feet; thence North 00°20'12" East 161.47 feet; thence South 89°30'26" West 547.16 feet; thence South 00°20'12" West 544.50 feet to the South line of said Government Lot 1; thence along the South line of said Government Lot 1, South 89°31'20" East 283.25 feet to the Point of Beginning; being part of Government Lot 1 of said Section 1, and part of Government Lot 4 of said Section 6; **AND**

Part of Block 7, West Park Addition to the Village of Petoskey, as recorded in Liber 3, Page 18 and part of Government Lots 3 and 4, Section 6, Town 34 North, Range 5 West, City of Petoskey, Emmet County, Michigan, now described as:

Commencing at the Southeast corner of Government Lot 4, Section 6, Town 34 North, Range 5 West, Emmet County, Michigan; thence along the line between Lots 3 and 4 of said Section 6 North 00°03'00" East 527.31 feet to the North line of Jackson Street for a Point of Beginning; thence along the North line of Jackson Street South 88°26'00" West 98.00 feet; thence North 01°44'00" West 126.09 feet; thence North 51°37'46" West 48.58 feet; thence North 89°40'22" West 344.40 feet; thence South 00°03'00" East 168.72 feet; thence South 88°26'00" West 27.00 feet; thence North 00°03'00" West 330.00 feet; thence South 88°30'35" East 417.02 feet to a point 4.99 feet Westerly of the former Westerly corner of the brick at the Emergency Entrance of Little Traverse Hospital; thence North 38°09'00" seconds East 65.71 feet to the Northerly corridor wall; thence along the building wall in the following five courses: South 51°51'00" East 1.21 feet, North 38°09'00" East 20.67 feet, North 51°51'00" West 16.13 feet, North 38°09'00" East 17.95 feet, and 8.63 feet along the arc of a circular curve to the right, radius 5.63 feet, delta 87°56'34", chord North 84°09'26" East 7.81 feet; thence North 38°09'00" East 3.88 feet; thence South 51°51'00" East 104.45 feet; thence South 38°09'00" West 3.14 feet; thence South 51°51'00" East 6.42 feet; thence South 38°09'00" West 11.06 feet; thence South 51°51'00" East 51.43; thence South 38°09'00" West 28.00 feet; thence North 51°51'00" West 2.00 feet to a vertical joint in the brick facing on the exterior wall of the Burns Clinic building; thence South 49°07'00" East 80.45 feet; thence North 78°09'07" East 72.40 to the Westerly line of Highway U.S. 31; thence along the Westerly line of Highway U.S. 31 in the following course: South 37°58'50" West 13.34 feet; and 147.58 feet along the arc of a circular curve to the left, radius 879.02 feet, delta 09°37'10", chord

South 33°10'18" West 147.41 feet; thence along the North line of Jackson Street South 88°26'00" West 36.73 feet to the Point of Beginning; **AND**

Commencing of the Southeast corner of Government Lot 4, Section 6, Township 34 North, Range 5 West; thence along the East and West ¼ line of said Section 6, South 88°28'00" West 263.60 feet; thence North 00°03'00" East 33.01 feet to the North line of Charlevoix Avenue (Highway US-31) which is the Point of Beginning; thence South 88°28'00" West, along the North line of said Charlevoix Avenue 50.02 feet; thence North 00°03'00" East 150.00 feet; thence South 88°28'00" West 150.06 feet; thence North 00°03'00" East 70.00 feet; thence South 88°20'00" West 163.57 feet; thence North 00°03'00" East 207.90 feet to the South line of Jackson Street; thence North 88°26'00" East, along the South line of said Jackson Street, 363.65 feet; thence South 00°03'00" West 428.11 feet to the Point of Beginning; **AND**

Part of Blocks 2, 3, 6, and 7, West Park Addition to the City of Petoskey, and part of Government Lots 3 and 4, Section 6, Township 34 North, Range 5 West, described as follows, to-wit: Commencing at the Southeast corner of Government Lot 4, Section 6, Township 34 North, Range 5 West; thence North 00°03' East along the line between Government Lots 3 and 4 of said Section 6, a distance of 527.31 feet to the North line of Jackson Street; thence South 88°26' West along the North line of said Street 511.29 feet; thence North 00°03' West 330.00 feet to the Point of Beginning; thence North 00°03' West 270.05 feet; thence North 88°26' East 200.00 feet; thence North 00°03' West 18.82 feet; thence North 58°57' East 90.73 feet; thence North 56°37' East 94.98 feet; thence North 58°06' East 5.91 feet; thence North 00°17'30" East 186.34 feet to the Southerly line of West Lake Street; thence North 58°06' East, along the Southerly line of said Street, 176.84 feet; thence North 57°21' East 8.25 feet to the West line of Lowrie Avenue; thence South 00°03' West, along the West line of Lowrie Avenue, 113.79 feet; thence due East, across said Lowrie Avenue, 33.00 feet; thence North 51°08' East 172.93 feet; thence due North 86.26 feet to the Southerly line of West Lake Street; thence North 66°00' East, along the Southerly line of said Street, 49.68 feet; thence due South 60.89 feet; thence North 88°31' East 5.00 feet; thence North 88°22'30" East 157.00 feet to the West line of Connable Avenue; thence due South, along the West line of Connable Avenue, 579.68 feet to the Northwesterly line of Highway U.S. 31; thence South 38°02' West, along said Highway edge, 294.23 feet; thence South 78°16' West 73.22 feet; thence North 49°07' West 80.45 feet to a vertical joint in the brick facing on the exterior wall of the Little Traverse Hospital building; thence South 51°51' East 2.00 feet; thence North 38°09' East 28.00 feet; thence North 51°51' West 57.85 feet; thence North 38°09' East 14.20 feet; thence North 51°51' West 108.15 feet; thence South 38°09' West 25.00 feet; thence South 51°51' East 17.00 feet; thence South 38°09' West 85.65 feet to the Westerly corner of the Emergency Entrance of Little Traverse Hospital; thence North 88°34' West 423.24 feet to the Point of the Beginning. EXCEPT Commencing at the Southeast corner of Government Lot 4, Section 6, Township 34 North, Range 5 West; thence North 00°03' East along the line between Government Lots 3 and 4 of said Section 6, 527.31 feet to the North line of Jackson Street, which is the Point of Beginning; thence South 88°26' West 148.81 feet; thence North 00°18' East 150.05 feet; thence South 88°27' West 163.40 feet; thence South 00°03' East 150.07 feet; thence South 88°26' West 200.00 feet; thence North 00°03' West 330.00 feet; thence South 88°34' East 423.24 feet to the Westerly corner of the brick at the Emergency Entrance of Little Traverse Hospital; thence North 38°09' East 81.65 feet; thence North 51°51' West 19.50 feet; thence North 38°09' East 29.00 feet; thence South 51°51' East 110.65 feet; thence South 38°09' West 14.20 feet; thence South 51°51' East 57.85 feet; thence South 38°09' West 28.00 feet; thence North 51°51' West 2.00 feet to a vertical joint in the brick facing on the exterior wall of the Burns Clinic Building; thence South 48°07' East 80.45 feet; thence North 78°16' East 73.22 feet to the Westerly line of Highway U.S. 31; thence South 38°02' West along said Highway edge, 125.45 feet; thence 156.74 feet along the arc of a curve to the left with a central angle of 10°13', a radius of 879.02 feet, and with a chord bearing South 33°33' West 156.47 feet; thence South 88°26' West along the North line of Jackson Street 37.64 feet to the Point of Beginning; **AND EXCEPT** Part of Government Lot 3, Section 6, Township 34 North, Range 5 West, City of Petoskey, Emmet County Michigan described as: Commencing at the Southeast corner of Government Lot 4, Section 6, Township 34 North, Range 5 West, Emmet Country, Michigan: thence along the line between Lots 3 and 4 of said Section 6

North 00°03'00" East 527.31 feet to the North line of Jackson Street; thence along the North line of Jackson Street South 88°26'00" West 511.29 feet; thence North 00°03'00" West 330.00 feet; thence South 88°30'35" East 417.02 feet; thence North 38°09'00" East 84.63 feet; thence North 51°51'00" West 15.50 feet; thence North 38°09'00" East 29.00 feet; thence South 51°51'00" East 110.65 feet; thence South 38°09'00" West 3.14 feet to the Point of Beginning; thence South 51°51'00" East 6.42 feet; thence South 38°09'00" West 11.06 feet; thence North 51°51'00" West 6.42 feet; thence North 38°09'00" East 11.06 feet to the Point of Beginning AND EXCEPT: Part of Government Lot 3, Section 6, Township 34 North, Range 5 West, City of Petoskey, Emmet County, Michigan, described as: Commencing at the Southeast corner of Government Lot 4, Section 6, Township 34 North, Range 5 West, Emmet County, Michigan; thence along the line between Lots 3 and 4 of said Section 6 North 00°03'00" East 527.31 feet to the North line of Jackson Street; thence along the North line of Jackson Street South 88°26'00" West 511.29 feet; thence North 00°03'00" West 330.00 feet; thence South 88°30'35" East 417.02 feet to the Point of Beginning; thence North 38°09'00" East 84.63 feet; thence South 51°51'00" East 4.00 feet; thence South 38°09'00" West 81.65 feet; thence North 88°30'35" West 4.99 feet to the Point of Beginning; **AND**

Part of Government Lot 4, Section 6, Township 34 North, Range 5 West, City of Petoskey, Emmet County, Michigan; which is more particularly described as follows: Commencing at the Southeast corner of Government lot 4, Section 6, Township 34 North, Ranger 5 West, City of Petoskey, Emmet Country, Michigan; thence along the line between Lots 3 and 4 of sold Section 6 North 00°03'00" East 527.31 feet to the North line of Jackson Street; thence along the North line of Jackson Street South 88°26'00" West 511.29 feet; thence North 00°03'00" West 330.00 feet; thence South 88°30'35" East 417.02 feet to the point 4.99 feet Westerly of the former Westerly corner of the brick at the Emergency Entrance of Little Traverse Hospital; thence North 38°09'00" East 65.67 feet to the existing Northerly brick wall of the corridor between Hospital and the Clinic and the Place of Beginning; thence continuing North 38°09'00" East 18.96 feet to a 5/8 inch iron rod; thence North 51°51'00" West 15.50 feet to a 5/8 inch iron rod; thence North 38°09'00" East 29.00 feet to a 5/8 inch iron rod; thence South 51°51'00" East 6.32 feet; thence South 38°09'00" West 3.88 feet to the existing Northerly brick face of the existing stairwell; thence along said Northerly brick face of the existing stairwell on the following four courses 8.72 feet more or less along the arc of a circular curve to the left, South 38°09'00" West 17.95 feet more or less, South 51°51'00" East 16.13 feet more or less, and South 38°09'00" West 20.67 feet more or less to the Northerly brick face of said corridor between the Hospital and the Clinic; thence Northwesterly 1.21 feet more or less to the Place of Beginning.

4. Appendix A, Article II, Section 201 of the Petoskey Code of Ordinances is amended to include the following definition:

*Residential Care and Treatment Facility.* A residential structure with a State of Michigan license to provide services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

5. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
6. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Resolution No. 19111  
Recess to Closed Session

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure.

City Councilmember Marshall moved that, seconded by City Councilmember Lyman adoption of the following resolution:

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure, at the City Council's regular meeting of October 16, 2017:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider material exempt from disclosure.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Murphy (4)

NAYS: None (0)

Recessed to closed session at 8:30 P.M. and reconvened into open session at 9:12 P.M.

Second Reading of an  
Ordinance Amending Appendix  
A of the Zoning Ordinance

The City Manager and City Planner reviewed proposed amendments and other various amendments including shared driveways as related to boarding houses. Staff reviewed that after the first reading of the revised ordinance, Council members inquired about the status of Harbor Hall

and under what use category it had been approved if the definition of a "residential care and treatment facility" were just being added to the ordinance to address the existing use and possible expansion of said use. Staff gave a brief review of the ordinance changes including the following:

Article II Definitions

The following definitions are proposed to be added or modified due to changes in other ordinance sections.

*Block face:* That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

This definition is being added for inclusion into the calculation of front yard setbacks in Section 1600(1)(b)(c) Schedule of Regulations.

*Boarding House:* A dwelling unit with a single kitchen facility where lodging is provided and meals may be provided to occupants for compensation either directly or indirectly for no less than a 30-day period.

The definition is being modified to include the minimum 30-day stay and the indirect payment of rent, if the compensation is withheld from an employee paycheck.

*Residential Care and Treatment Facility:* A facility, licensed by the State of Michigan, that provides services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

The City currently has such a facility, but it is not defined in the ordinance.

Article VI RM-1 Multiple Family District

The changes are being proposed to address issues identified in the RM-1 District include setting a maximum height for hospitals (they are currently a special condition use with no height limit), changing language from "housing for the elderly" to "assisted living facilities", reducing restrictions on their development, and eliminating regulations for "convalescent/rest homes" that would fall under the new "assisted living facility" category.

#### Article VII RM-2 Multiple Family District

The RM-2 District changes address boarding houses, sheltered housing and residential care and treatment facilities. These uses currently exist in the RM-2 District.

Boarding Houses without shared driveways would be permitted uses, while those with shared driveways would be special condition uses. All boarding houses would have the following requirements:

Located on a parcel of land not less than 7,200 square feet in area with no less than one full bathroom for up to 5 (five) occupants and an additional half-bathroom provided for each additional 2 (two) occupants or full bathroom for each additional 4 (four) occupants. Subject further to City licensing application for inspection and compliance with the International Property Maintenance Code (IPMC). No license shall be issued for a boarding house within 400 feet of an existing boarding house.

#### Article XXIV B-2A Transitional Business and XXX B-2B Mixed Use Corridor

The changes in these two sections replicate what is proposed for the RM-2 District. As these are mixed use districts within walking distance to the downtown, the Planning Commission felt that the residential uses allowed in the RM-2 District were appropriate, if special condition standards were applied.

#### Notes to Schedule of Regulations Section 1600(1) Notes to Schedule of Regulations

The calculation of front-yard setback was recently modified, but the Commission is proposing further changes based on feedback from the Zoning Board of Appeals.

Section 1600(1)(b) The minimum front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

Section 1600(1)(c) The minimum corner front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

#### Required Number of Parking Spaces by Use Section 1704(6)

The category of "Residential Care and Treatment Facility" and "Sheltered Housing" will be added to the table with the requirement of 1 space per 3 beds.

The requirement for Boarding Houses is being recommended to be reduced from "1 space per rental room" to "2 spaces per dwelling" to make it consistent with single family requirements.

City Councilmembers inquired if boarding houses are for workforce housing; commented that the masterplan is in conflict with Harbor Hall expansion on Emmet Street and inclusion of this use on Emmet Street; heard from those in favor of removing all care and residential treatment facilities from all districts except H-2; concurred to further define what is and is not a boarding house; that boarding houses have a maximum occupancy of eight people; that hospital zoning be removed from other districts in sections 603-2 and 702-1 due to new hospital zoning districts; and that shelter housing be limited to 10 residents.

The City Manager reviewed the need for workforce housing for businesses and their staff; and that City work on Emmet Street is to incentivize residential area not drug and alcohol which doesn't appear compatible.

Mayor Murphy asked for public comments and heard from a resident that moved into the area the same time Harbor Hall began operations and that it has increased significantly in residents; that there are more residents being treated from out of town; that the Harbor Hall expansion will go against economic incentives; that there is affordable housing in the Harbor Hall neighborhood; that Harbor Hall has been good neighbors; that there are serious concerns with the size of expansion; that the current size appears to be working; that Council consider not to allow expansion; heard from a citizen that provided a conceptual drawing showing proposed development and impact on the neighborhood; and that there will be traffic and parking issues if expansion is approved.

City staff further reviewed that the following changes will be made to the ordinance including adding a boarding house definition; deleting alcohol and drug treatment facilities; deleting Sections 603-2 and 702-1; and limiting tenants to 10 in sheltered housing and eight in boarding houses.

City Councilmembers will discuss and review a first reading of the revised ordinance at the next regular scheduled meeting.

Hear Council Comments

Mayor Murphy asked for Council comments and Councilmember Lyman inquired on the landscaping improvements developed to contain geese; and the City

Manager responded that geese containment at the Festival Shelter area has worked well most of the time. Mayor Murphy asked that a follow-up report on parking changes this year be presented to Council at a future meeting and that the Garden Club honored Fred and Mary Clinton, 1004 Howard Street, for their gardens.

There being no further business to come before the City Council, this October 16, 2017, meeting of the City Council adjourned at 9:43 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer