



City of Petoskey

PLANNING COMMISSION

September 18, 2014

The regular meeting of the City of Petoskey Planning Commission was held in the City Hall Community Room, Petoskey, Michigan, on Thursday, September 18, 2014. Roll was called at 7:02 P.M. and the following were:

Present: Gary Greenwell, Chairperson
Dana Andrews
James Holmes
Elizabeth Looze
Emily Meyerson
Rick Neumann
Cynthia Linn Robson
Eric Yetter

Absent: Dean D. Burns

Staff: Amy Tweeten, City Planner
Lisa Denoyer, Administrative Assistant

Also Present: Chaim Colen, 102 & 104 Division Street
Pat Cormican, 5770 Cincinnati Point Trail
Louis Fantini, 109 Division Street
Carole Griffin, 665 Arrowhead Shores Drive
Jerry Loveland, 915 Spring Street
David Marvin, 410 Rose Street
Glen & Moon Seagren, 110 Division Street
Reg Smith, 515 Lockwood Avenue
N.W. Stroup, Penn Plaza
Jack Van Treese, 1516 Atkins Road

Upon motion and support, the minutes of the August 21, 2014 meeting were approved, with Commissioner Neumann abstaining as he was absent from the meeting.

Public Hearing on Rezoning Request for 101 Lewis Street

Staff provided an overview of the reason for the request as the parcel is part of two zoning districts which was discovered when the B-2A District was created. Staff also commented that although the property appears to be part of Arlington Park it is actually privately owned and should not be considered park land.

Nathaniel Stroup spoke on behalf of Penn Plaza Associates and stated that he agreed with staff that Park Reserve Zoning was not appropriate for this privately owned property and that he believes that the land was inadvertently zoned that way when the zoning district was created in 1997. However, this property was not a part of the railroad corridor that the City was trying to

acquire, had never been part of the railroad right-of-way, nor was it ever owned by MDOT and therefore should not have been included in the Park Reserve District.

At this time the meeting was opened for public comment.

Louis Fantini, 109 Division Street, stated that he had been told that condos were going to be built in the existing parking lot area and asked why the City wanted to rezone it.

Commissioner Greenwell responded that the property is not City owned and the request for rezoning came from the property owner.

Jack VanTreese, 1516 Atkins, commented that the property was never rezoned but rather there was an error made on the zoning map and that the property was never owned by the railroad.

Dr. Chaim Colen, 102 and 104 Division Street, stated that he feels that if there were concerns in regards to rezoning that it should have been addressed before now and if the request to rezone is for the purpose of selling the property that he feels it should not be rezoned but rather be sold as it is zoned now. Dr. Colen then read a paragraph from the Zoning Ordinance regarding why the City rezoned the rail corridor as Park Reserve and stated that he believes that rezoning this property would not be consistent with the City's vision back then and would not fit with the City's current vision.

Moon Seagren, 110 Division Street, stated that she objects to the rezoning and read the Community Goals and Objectives from the City's Master Plan. Ms. Seagren then commented that she believes the rezoning would go against the Master Plan, will change the view for neighboring properties and it doesn't make sense with the recent improvements along the Greenway Corridor. Ms. Seagren stated that she had contacted MDOT regarding the 1997 zoning change and asked the Commissioners to do the same. She then asked the Commission who they report to.

David Marvin, 410 Rose Street, commented that staff from Stafford's Hospitality park on this property frequently and that it is beautiful and does look like a park but it is actually privately owned property that Mr. Stroup has made look like a park. He also commented that they have a beautiful veranda at Stafford's Perry hotel but the City could not come in and tell them that they would like to make it into a permanent park because it is private property and that he believes that is what has happened with the property at 101 Lewis Street, in that the small strip near the railway was changed from a commercial use to park land. Mr. Marvin also commented that if Mr. Stroup decided to sell the property someday that someone could buy it and donate it to the City and make it a park or someone could buy it and put up a condo and that in his opinion it was private property and the City shouldn't tell the owner what to do with the property.

Glen Seagren, 110 Division Street, commented that it seems that there is a motivated group to keep it zoned the way it is and a motivated group to get it rezoned and that if the Master Plan was to preserve and protect open space that this would be a violation.

At this time the public hearing was closed.

Commissioner Meyerson commented that the rezoning was not requested by the City but rather by the property owner and that the Commission only makes rezoning recommendations to City Council who then would authorize the change. Ms. Meyerson also commented that she would hate to see the area change but that Park Reserve Zoning does not have any allowed uses and that is not fair to a private property owner and that the only zoning district that makes sense is B-2A.

Commissioner Andrews asked staff to comment on the parking requirements if the property were to be rezoned B-2A outside of the parking exempt district.

Amy Tweeten, City Planner, commented that the parking exempt district is the district that does not require a business to provide its own on-site parking because public parking is provided. The building that currently exists is within that district and anything to be developed to the north of that parcel would have to provide on-site parking as equivalent to any other commercial district.

Commissioner Looze asked to confirm that the property in question is actually one single parcel that was somehow split into two different zoning districts and if there was another example of this elsewhere in the City and commented that it is not a standard to have one parcel split into two zoning districts.

Staff commented that there are some parcels that have more than one zoning district for the whole parcel as an underlay zoning but could not think of another example where it is a situation like this.

Commissioner Neumann commented that he appreciated the comments from the public speaking against the change but believed that they were mixing up the fact that when the park district was created it was intended to be applied to the MDOT property only, not to private property, and a part of this parcel was inadvertently put into the park district and that never should have happened and that it needs to be a part of commercial zoning like the larger part of the parcel is.

Commissioner Robson commented that she agreed with Commissioner Neumann and thought it would be nice if the City could purchase the property and keep it as park land but that would be up to City Council and the property owner and that if the City were to keep it zoned Park Reserve that it would be considered a "taking" and that would mean that the City would have to pay the owner the value of the property. Ms. Robson then asked if the railroad depot was ever owned by the railroad.

Commissioner Yetter commented that he agreed with all of the Commissioners comments.

Commissioner Greenwell commented that there is no other private property within the city that is held as Park Reserve and that Park Reserve is strictly for City owned property.

Commissioner Neumann clarified that Park Reserve Zoning is strictly for the old MDOT railroad right-of-way and not all park areas within the City and was only created as a requirement by the State at the time that the City acquired the right-of-way for Penn Park from MDOT and the designation was made so that the rail corridor could never be developed for commercial purposes. Mr. Neumann also commented that the property in question was never part of the MDOT right-of-way but was privately owned.

Mr. Stroup commented that the depot was owned by Penndel Corporation which leased the railroad right-of-way to Pennsylvania Railroad and subsequently sold it to the Michigan Department of Transportation and that the depot building and the strip of land in question went directly from Penndel Corporation to the Petoskey Chamber of Commerce and so on and was never used by the Pennsylvania Railroad or the State of Michigan for railroad right-of-way.

At this time, Commission Holmes made a motion to recommend to City Council that the property at 101 Lewis Street be rezoned from Park Reserve to B-2A. Support for the motion was by Commissioner Neumann. Upon discussion Commissioner Meyerson requested that the recommendation include the reasons for rezoning such as: 1) It appears that there was a mistake in the mapping and the property was never intended to be rezoned and 2) That the

property is privately owned and some type of use of the property needs to be allowed. Holmes accepted this change in the motion and it was again supported by Commissioner Neumann, motion carried 8-0.

Review and Action on Parking Plan at 915 Spring Street

Staff provided an overview of the proposed parking plan for a lot extension that would add 13 additional parking spaces at the northwest corner of the property.

Jerry Loveland, owner of Apple Tree Inn, commented that while the hotel has operated without the additional parking he would like to make it more convenient for his customers by allowing for check-in parking, limousine shuttle service and large vehicle parking, which are not currently available due to the current parking setup. Mr. Loveland also commented that; he discovered an expansion plan for an additional 10 to 12 rooms at the back of the hotel and the additional parking spaces would accommodate that, the previous owner had delivery trucks park along Morgan Street and that he would prefer that they park in the hotel parking area instead and these additional spaces would allow for that, the existing retaining wall would be extended and landscaping would be added, parking would be elevated to allow drainage to catch basins and that the retention pond is sufficient enough to handle the additional parking, per Benchmark Engineering.

Commissioners discussed drainage from proposed parking spaces to catch basins, lot coverage, green space, reducing requested parking from 13 spaces to 12 and change the end parking space to handicap parking, additional catch basin, shielding of parking, possibility for RV or large vehicle parking, need for handrail, fence or hedge along retaining wall, traffic flow on site, shielding of parking area near two car garage, use of residential area as a rental property, and lighting.

Mr. Loveland commented that; he has added 7,000 flowers to the landscaping this year and that he is not finished and while the drawing shows an additional four trees at the corner of the proposed parking area he would most likely add more, he does not promote RV parking but it would be an added convenience so that he would not have to turn people away, he would like to add more rooms should the need present itself, he uses the residential area of the hotel when he stays late and is unable to drive back to Mackinaw City and has no intentions of renting it out, and that he has no plans to add or change lighting as it is currently bright enough. Mr. Loveland also agreed to reduce the additional parking spaces from 13 to 12 by changing the first parking space to a handicap space.

Reg Smith, 515 Lockwood Avenue, commented that the requested changes are in the interest of the public's safety and that he believes it will be a nice change for the entrance and that more people bring bikes, boats, etc. with them when traveling so the additional parking would be a good idea.

David Marvin, 410 Rose Street, commented that he agreed with Mr. Smith and that there could always be too much parking or not enough, it goes both ways.

A motion was made by Commissioner Robson, with amendments made by Commissioner Neumann and seconded by Commissioner Anderson to approve the parking plan under the following conditions:

1. Retaining wall at west edge of proposed parking area be at the 50-foot setback;
2. First parking space to be a handicap parking space;

3. Storm water plan to be reviewed and approved by the City's Department of Public Works;
4. An additional catch basin be added, if necessary; and
5. A guardrail or hedge be installed along the 5-foot tall retaining wall, if required by building code.

Motion carried 8-0.

Appointment of Officers

Pursuant to the Planning Commission Bylaws, election of officers is scheduled annually for the regular September meeting.

A motion was made by Commissioner Neumann, with support by Commissioner Andrews to retain current appointments with Gary Greenwell as Chair and Emily Meyerson as Vice Chair/Secretary; motion carried 8-0.

Accept Letter of Withdrawal for 1225 Northmen Drive

Genesis Church submitted a letter withdrawing their current application and site plan for 1225 Northmen Drive.

A motion was made by Commissioner Andrews, with support by Commissioner Looze to accept the letter of withdrawal for a Special Condition Use and Site Plan for 1225 Northmen Drive (Case #43-13).

Updates

Staff notified Commissioners that she had scheduled a well house tour for their special meeting in October.

Meeting adjourned at 8:36 P.M.