



**PLANNING COMMISSION**

Thursday, July 16, 2015

1. Roll Call – 7:00 P.M. – City Community Room
2. Approval of Minutes – June 11, 2015 Regular meeting
3. New Business
  - a. Hold a Public Hearing on proposed amendments to Section 7.1 of the Sign Ordinance
  - b. Action on proposed amendments to Section 7.1 of the Sign Ordinance
  - c. Discussion of Multiple Family Districts Language and Non-conforming Structures
4. Updates
  - a. 2016-2021 Capital Improvements Plan
  - b. Economic Development Program Discussion
  - c. Emmet Streetscape Plan
5. Adjournment



# City of Petoskey

## PLANNING COMMISSION

June 11, 2015

A regular meeting of the City of Petoskey Planning Commission was held in the City Hall Community Room, Petoskey, Michigan, on Thursday, June 11, 2015. Roll was called at 7:00 P.M. and the following were:

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

Absent: Dean D. Burns  
Eric Yetter

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

Also Present: Abby Kent, 10750 E. Mitchell Road

Upon motion and support, the minutes of the May 21, 2015 regular meeting minutes were approved.

### Historic Sign

Staff provided an overview of the reviews that the proposed historic sign at 316 E. Mitchell Street by the Sign Committee and Downtown Design Committee. The Commission is being asked to concur with the sign committee that the special condition sign standards for historic signs is met.

Ms. Kent explained that the intent of the project was not to create a new sign, but to enhance what is currently visible. She doesn't want to lose the sign for historical significance and wants the enhanced sign to be subtle.

Commissioner Andrews explained the thinking of the committee in bringing the request to the full commission due to it being a larger issue, not unique to the application at hand, that the committee felt this was a restoration rather than a re-installation, and that it is a sign of historic commercial activity and not a mural.

Commissioners asked about lighting and lifespan of sign. Ms. Kent responded that the sign won't be illuminated, but that parallel lighting will be used in the discovery process, that she will put on a UV protectant so that over the next 10 years the sign would fade back to where it is today, and that during the process the colors can be reviewed and toned down if needed.

Commissioners commented that they wanted to be sure that the sign was enhanced in rustic form so as not to confuse people, that they liked the proposal, that they wanted open communication during the enhancement process, and that these signs make the place unique.

At this time, Commissioner Looze made a motion, with support from Commissioner Andrews, to approve the application that has met a significant number of the historic sign provisions, and based on the recommendation of the sign committee; motion carried 7-0.

### **Presentation on potential redevelopment of 200 E. Lake Street**

The conceptual review was withdrawn as the potential buyer decided not to go forward with the property purchase. Commissioners commented that from what had been presented at the City Council meeting, the team seemed capable and the development proposal in scale with downtown and the rezoning to the Central Business District was seen favorably.

### **Proposed Sign Ordinance Amendments**

Staff reviewed the two proposed amendments to section 7.1 pertaining to projecting nameplates and home businesses.

A motion was made by Commissioner Meyerson, with support by Commissioner Looze, to schedule a public hearing on the proposed amendments for July 16, with the illustration for home business being removed if it cannot be to scale; motion carried 7-0

### **Updates**

Updates were given on the Emmet Streetscape Plan, and the Non-motorized Facilities Plan. Commissioner Meyerson discussed a green infrastructure conference she went to and staff asked about rescheduling the October meeting.

Meeting adjourned at 8:55 P.M.

Minutes reviewed and approved by Emily Meyerson, Secretary



**BOARD:** Planning Commission

**MEETING DATE:** July 16, 2015

**DATE PREPARED:** July 9, 2015

**AGENDA SUBJECT:** Public Hearing on Proposed Sign Ordinance Amendments

**RECOMMENDATION:** Hold public hearing/ make recommendation to City Council

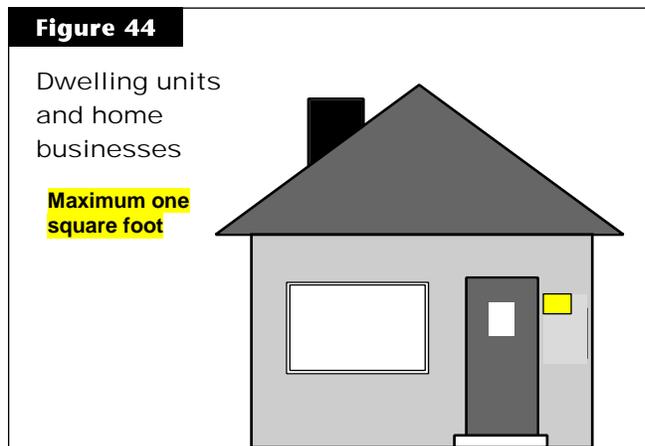
At its June 11 meeting, the Commission discussed proposed amendments to Section 7.1 of the Sign Ordinance as recommended by the Sign Committee and scheduled a public hearing on the changes. The proposed changes are as follows:

7.1(1)(d) The height and area of projecting nameplates are restricted according to the following schedule:

| <b>Table 3</b>   |                               | <b>PROJECTING NAMEPLATES</b>  |                      |  |
|--|-------------------------------|-------------------------------|----------------------|--|
| <i>Zoning District</i>   | <i>Minimum Height In Feet</i> | <i>Maximum Height In Feet</i> | <i>Maximum Area*</i> |  |
| RM-1, RM-2   | 7'                            | 10'                           | 3-Square Feet        |  |
| O-S,<br>B-1, B-2,<br>B-3, B-3a   | 7'                            | 15'                           | 3-Square Feet        |  |
| <b>*Circular projecting nameplates may have a sign area of 3.83 square feet.</b> |                               |                               |                      |  |

Section 7.1(4)(c) and Figure 44

Home businesses are allowed a single business identification sign, not exceeding one (1) square foot, to be wall-mounted at the entrance.



After holding the public hearing, the Commission should make a recommendation to City Council.



**BOARD:** Planning Commission

**MEETING DATE:** July 16, 2015

**DATE PREPARED:** July 10, 2015

**AGENDA SUBJECT:** Multiple Family Districts Review and Discussion

**RECOMMENDATION:** Review ordinance

---

The Commission would have next been reviewing the multiple family districts for possible amendments, and a recent decision by the Zoning Board of Appeals makes this review particularly timely.

As the Commission may be aware, large parts of the City are zoned RM-2 Multiple Family which allows single and multiple family uses, however, there is a density requirement per section 1600 (e) and (f) for multiple units as shown below. As many of our multi-unit buildings currently exist and are legal non-conforming, these requirements do not apply. However, if a structure loses its non-conforming status, as was the case in the recent ZBA case, it has a huge impact.

If you recall, the language we had for non-conforming uses was not tenable as it said the non-conforming status was lost after 90 days. The current language, adopted in 2013 is:

1702(3)(c) If the use of any nonconforming structure or land is discontinued through abandonment, vacancy, lack of operation or as otherwise provided by law, for a continuous period of 365 days or more, then the use of such structure or land shall not be resumed until such use or structure strictly conforms to the regulations specified by this zoning ordinance for the district in which such building or land is located. A structure or use of land is deemed to be discontinued and abandoned if, in addition to the use ceasing for 365 days, any one or more of the following conditions exist:

- (a) Utilities, such as water, gas and electricity to the property have been disconnected;
- (b) The property, building or grounds have fallen into disrepair in a manner which result in a violation of applicable zoning and property maintenance codes or would otherwise give the appearance of neglect or abandonment;
- (c) Signs or other indications of the existence of the non-conforming use have been removed;
- (d) Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
- (e) Other actions which, in the opinion of the city manager or zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the non-conforming use or structure.

1600 (1)(e)

In the RM-1 Multiple-Family Districts, multiple-family dwellings shall be located on a lot area of not less than eight thousand (8,000) square feet. The following minimum lot sizes shall be provided for every dwelling unit beyond the first unit whose land area need is eight thousand (8,000) square feet:

| <b>Bedroom Unit*</b> | <b>Minimum lot area per unit</b> |
|----------------------|----------------------------------|
| Efficiency Apt.      | 2,500 sq. ft.                    |
| 1 Bedroom            | 2,500 sq. ft.                    |
| 2 Bedroom            | 3,700 sq. ft.                    |
| 3 Bedroom            | 4,900 sq. ft.                    |

*\*A den or extra room shall count the same as a bedroom in multiple dwellings*

In the RM-2 Multiple-Family Districts, multiple-family dwellings shall be located on a lot area of not less than five thousand (5,000) square feet. The following minimum lot sizes shall be provided for every dwelling unit beyond the first unit whose land area need is five thousand (5,000) square feet:

| <b>Bedroom Unit*</b> | <b>Minimum lot area per unit</b> |
|----------------------|----------------------------------|
| Efficiency Apt.      | 1,500 sq. ft.                    |
| 1 Bedroom            | 1,500 sq. ft.                    |
| 2 Bedroom            | 2,000 sq. ft.                    |
| 3 Bedroom            | 2,500 sq. ft.                    |

*\*A den or extra room shall count the same as a bedroom in multiple dwellings*

There exist many multiple unit buildings that do not meet the density requirement and this becomes a problem when they are left vacant for extended periods of time, thus losing their non-conforming status. This was the issue with 415 Liberty Street, that has since been denied for a variance to allow two units. The problem with the old buildings we have is that they often require significant investment and may not make economic sense as a single dwelling. As financial considerations cannot be the reason for granting a variance, the ZBA believes the Commission will need to find a solution if re-use of these buildings for other than single dwellings is desired.

We addressed this issue with the B-2 Changes and new districts (B-2A and B-2B) by not referencing the RM-2 District and the density is simply regulated by meeting the setback and parking requirements.

One solution is to eliminate the density requirement in the RM-1 and RM-2 Districts, or only require it for completely new construction. However, the Commission may want to regulate density in the multiple family districts to some degree, as most neighborhoods are a mix of single and multiple family dwellings. Parking requirements may be the most straightforward, but again, many existing structures have no on-site parking and no space to create parking.

The current RM-1 and RM-2 districts language is enclosed. At this time, staff does not have a recommendation, but wanted to begin review, with particular attention to how or whether to regulate density and where map amendments may be needed.

ARTICLE VI. - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 600. - Intent.

The RM-1 Multiple-Family Residential District is designed to provide sites for low-density multiple-family dwelling structures which will generally serve as zones of transition between less intensive nonresidential districts and lower density single-family development. This district will also accommodate the large planned multiple-family residential development.

Sec. 601. - Principal uses permitted.

In an RM-1 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the R-1 through R-3 Single-Family Residential Districts with the lot area and yards equal to at least the requirements of the immediately abutting Single-Family Residential District.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 602. - Required conditions.

In the case of multiple dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit.

Approval shall be contingent upon a finding that:

- (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
- (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

Sec. 603. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to conditions hereinafter imposed for each use, and subject further to the review and approval of the planning commission:

1. Nursery schools, day nurseries, child-care centers (not including dormitories or family day-care homes), and group day-care homes (seven or more minor children), provided that for each child so cared for, there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a minimum area of at least 1,200 square feet, and shall be fenced or screened from any adjoining residential land with planting.
2. General hospitals (except those for treatment of the criminally insane), with no maximum height restrictions, when the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten acres in area.

- b. The proposed site shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan. All access to the off-street parking area for guests, employees, staff, as well as any other users of the facilities, shall be directly from a major thoroughfare.
  - c. The minimum distance of any main or accessory building from building lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least two feet.
3. Housing for the elderly when the following conditions are met:
- a. All housing for the elderly shall be provided as a planned development consisting of at least two acres. The development may be either a single multiple unit structure and/or cottage-type dwellings. The development may include:
    - (1) Common services containing, but not limited to: Central dining rooms, recreational rooms, central lounge, and workshops.
4. Convalescent homes, rest homes, and orphanages, when the following conditions are met:
- a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one bed in the home, there shall be provided not less than 1,000 square feet of open space. The 1,000 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,000 square foot requirement is over and above the building coverage area.
  - b. No building shall be closer than 40 feet from any property line.
5. Accessory buildings and uses customarily incident to any of the above-permitted uses.

(Ord. No. 682, § 1, 5-6-2002)

Sec. 604. - Area and bulk requirements.

See article XVI Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE VII. - RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 700. - Intent.

The RM-2 Multiple-Family Residential District is designed to provide sites for intermediate density multiple-family dwelling structures primarily in close proximity to high traffic and pedestrian generators such as the downtown area. This zone is designed to provide a zone of transition between such generators and other residential zoning districts.

Sec. 701. - Principal uses permitted.

In an RM-2 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. All uses permitted and as regulated in the RM-1 Multiple-Family Residential District.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 702. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the planning commission pursuant to section 1717 of the zoning ordinance:

1. Medical offices or clinics (other than veterinarian) when the following conditions are met:
  - a. All such medical offices or clinics shall be developed only on sites which directly abut property on which general hospital facilities exist.
  - b. Yard requirements shall be as follows:
    - (1) There shall be a front yard of not less than 25 feet.
    - (2) There shall be a side yard on each side of not less than 20 feet.
    - (3) There shall be a rear yard of not less than 35 feet.
    - (4) No parking shall be permitted in a required front or side yard area.
2. Boarding or lodging houses, when located on a parcel of land of not less than 5,000 square feet in area, plus an additional 600 square feet of land area for each roomer.
3. Offices for executive or administrative occupations including legal, accounting, insurance, finance or similar professions in existing residential structures with the following conditions:
  - a. The property is immediately adjacent to, or directly across the street from, a business-zoned parcel (B1, B2 or B3);
  - b. The property is within one block of the parking-exempt district as defined in section 1704(11) of the zoning ordinance;
  - c. No on-site parking shall be constructed in excess of that required for residential use;
  - d. Architecture of additions or alterations shall be consistent with residential character of the neighborhood;
  - e. No interior display shall be visible from the exterior of the building;
  - f. The outdoor storage of goods or material shall be prohibited;

- g. Exterior lighting shall be residential in character with fixtures restricted to no more than ten feet in height, 75 watts maximum with shielded or frosted fixtures and illumination levels limited to five footcandles or less;
  - h. Customer hours shall be limited to 8:00 a.m. in the morning to 6:00 p.m. in the evening;
  - i. Trash and waste disposal shall only be curbside residential without use of on-site dumpsters; and
  - j. All provisions of the sign ordinance are met.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 696, § 1, 4-17-2006)

Sec. 703. - Area and bulk requirements.

See article XVI Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.