



PLANNING COMMISSION

January 21, 2016

A regular meeting of the City of Petoskey Planning Commission was held in City Hall, Petoskey, Michigan, on Thursday, January 21, 2016. Roll was called at 7:00 P.M. and the following were:

Present: Gary Greenwell, Chairperson
Dana Andrews
Dean D. Burns
James Holmes
Emily Meyerson
Rick Neumann
Cynthia Linn Robson
Eric Yetter

Staff: Amy Tweeten, City Planner

Others Present: Val Trabucchi, 6008 Trillium Trail, Harbor Springs
Noah Marshall-Rashid, 414 Grove Street
Lori Pall, 603 E Lake Street
Grant Dittmar, 509 Charlevoix Ave.
Michael Karr, 608 E. Mitchell
Ryan Bentley, Petoskey News Review

Upon motion and support, the minutes of the December 17, 2015 meeting was approved.

Rezoning Request – 215 E Lake Street

Staff provided an overview of the request, providing background on the parcel and the purpose behind creation of the B-2A Transitional Business District, specifically to remove an area from the B-2 Central Business District that had many non-conforming structures and first floor residential use. She noted that a rezoning to B-2A would allow first-floor residential use by right, that there is an ability to add stories to this building for residential use and that to avoid a spot zoning, the Commission would need to consider what additional parcels it would recommend rezoning from B-2 to B-2A.

The applicant, Mr. Val Trabucchi, had provided additional handouts to the board and gave his reasoning for the request. He noted that creation of the B-2A district was a good idea as that area is different from the rest of downtown. He then asked them to look at the Sanborn Map provided, noting that this property is along the same ridge as the B-2A District which is why it should have been included. The owner is retiring and he feels that the 4862 square foot building has other uses as the restaurant use has been negatively impacted by the hole as there is no parking on this end of downtown. He believes the building was built to be residential with the garage and the architecture looks like two separate buildings. His intent is to turn the side facing the highway and Bay Street into two condominium units and keep a storefront on E. Lake Street.

The discussion was then taken to the commission.

Commissioner Neumann had no comment.

Commissioner Robson asked if there was consensus of no support because of spot zoning, if the Commission was required to schedule a meeting and stated that this property should stay in the B-2 District and rezoning to B-2A is not possible, that the request to rezone to B-2A to allow first floor residential will not stop with this property, that long-term this will be a viable commercial space and does not agree with the statement that the large space isn't viable.

Staff clarified that a rezoning petitioner has a right to a public hearing which the Commission schedules after receiving the request and getting clarification. Once the hearing is scheduled the public notices are sent out, and that after the hearing the commission takes action to either recommend approval or denial of the rezoning request for final action by City Council.

Commissioner Burns asked about the number of parking spaces under the building (6-8 was the applicant response) and stated that he did not believe rezoning to B-2A would be considered a spot zoning and that he was in favor of ground floor residential.

Commissioner Yetter felt that it is an odd building and topography should be taken into account but noted that this property was not considered for inclusion in the B-2A at the time the district was created. He did not know that a rezoning was the best mechanism to address this request.

Staff was asked what would need to be rezoned to avoid spot zoning. Staff replied there are two parcels owned by MDOT and the City between this parcel and B-2A District, but the Commission could also look at the larger area of the entire block.

Commissioner Greenwell does believe rezoning the parcel alone would be spot zoning and wants to see the minutes from the ZBA meeting to understand why the appeal was turned down.

Commissioner Meyerson noted that the Commission took a lot of time developing the B-2 and B-2A Districts and the intent behind these districts needs to be considered as the reason for creating the ground floor commercial requirement, which was for the economic impact to downtown. She said the applicant had a right to a hearing and would support that, but is not comfortable with the request to rezone.

Commissioner Andrews asked staff whether the building was non-conforming due to the garage, whether there had been complaints from the neighboring property owners about the residential use request, and why the Perry had been kept in the B-2 District.

Staff did not believe the garage made the building non-conforming, but that the single story on Lake Street did; that notices to adjoining property owners would be sent after the hearing is scheduled; and that the Perry was kept in the B-2 District due to its height and that it conformed more to the B-2 than the B-2A District Standards.

Commissioner Holmes agreed that he did not believe it would be a spot zoning as the parcels owned by MDOT and the City would not be built upon. He felt that this was a practical use of the property given the residential uses around it and had concerns that if it were not a restaurant it would sit vacant. The Commission has been trying to figure out how to get downtown residential and the rezoning request would allow that to happen.

At this time, a motion was made by commissioner Burns with support from commissioner Andrews to schedule a public hearing at the February 18 meeting; motion carried 8-0.

Mr. Trabucchi then asked whether the commission would want to request a recommendation the request from the Downtown Management Board, but chairman Greenwell replied that is not typically something asked for.

200 E. Lake Brownfield TIF position statement

Staff explained although the commission does not generally get involved with project financing questions, they had been asked for input on the use of brownfield tax increment financing (TIF) for redevelopment of 200 E Lake Street. Commissioners asked for clarification on the difference between a DDA and Brownfield TIF and why the DDA was involved at all. Staff explained her understanding of the major differences being the amount of taxes captured, the ability to use brownfield TIF for private infrastructure in addition to public infrastructure, and that the original TIF was set up as a DDA TIF in the DDA District which is why they are involved. Staff will send Commissioners more detailed information on brownfield TIFs from the Emmet County Brownfield Authority consultant.

Commissioner Robson had concerns that the use of a position statement was too specific and that brownfield TIF should only be considered as one of several options for site development assistance.

Staff clarified that her understanding was that the Commission was simply being asked whether they supported the use of Brownfield TIF for the development of 200 E Lake Street.

Commissioner Meyerson felt that providing it as an option makes us more ready for redevelopment.

Commissioner Greenwell stated that a brownfield TIF would give us almost twice the capture so did not see a downside.

Commissioner Yetter felt that support sends a message to potential developers.

Commissioner Andrews strongly supported the statement and would want to provide more detailed information. He felt that the \$30 million dollar figure should be clarified – was that total value or total taxable value at completion?

Commissioner Holmes supported brownfield TIF.

Commissioner Burns then made a motion, with support by commissioner Meyerson, to support the use of Brownfield TIF for 200 E Lake Street as a development financing option but not as a position statement; motion carried 8-0.

Staff will send commissioners more detailed information on brownfield TIFs from the Emmet County Brownfield Authority consultant that had been presented to City Council and the DDA.

Sidewalk Regulations

Staff reviewed the suggested changes to sidewalk regulations to address ADA requirements. Commissioner Meyerson asked whether we needed to add these or whether they were simply federal regulations. Staff believes enforcement is easier when it is in a local ordinance, even though federal regulations will always apply. Commissioners discussed the benefits of outdoor dining but that there is a need for the sidewalks to be ADA accessible and clear for a wheelchair to pass. Noah Marshall-Rashid noted that it is unclear what kind of delineation is needed by the Liquor Control Commission and it may be that barricades are not needed at all. The Commission asked Staff to bring back proposed ordinance language to consider.

**Request for Joint Meeting with Parks Commission to review
the updated Downtown Greenway Corridor Master Plan**

The meeting purpose is to review and comment on the updates to the master plan that came out of the workshops last summer. Staff will try to get the plans out in advance of the meeting.

A motion was made by commissioner Burns with support by commissioner Andrews to schedule a special meeting on Monday, February 8 at 7:00 p.m.

Meeting adjourned at 8:30 p.m.

Minutes reviewed and approved by Emily Meyerson, Secretary