



## PLANNING COMMISSION

April 20, 2017

A regular meeting of the City of Petoskey Planning Commission was held in the City Hall Community Room, Petoskey, Michigan, on Thursday, April 20, 2017. Roll was called at 7:00 P.M. and the following were:

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

Absent: Cynthia Linn Robson

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

Others Present: Blaine Gibson, 1008 Franklin Street  
Thomas Girdwood, 206 East Sheridan Street  
David Marvin, Stafford's Hospitality and DMSS Housing  
Mike Pattullo, 8 Pennsylvania Plaza  
Bart Wangeman, 522 Liberty Street  
Jay Wangeman, 522 Liberty Street

Upon motion and support, minutes of the March 16, 2017 meeting were approved. Commissioner Burns abstained.

### **Public Hearing on a PUD Amendment for 725 Harbor Watch Drive**

Staff gave a brief overview of the requested amendment to Residences at Harbor Watch. The additional residential unit on the first floor would bring the total number of units to 29, with the intent to create a unit for caretaker housing. Staff commented that minor exterior changes would occur at the southeast corner of the building to accommodate interior changes.

Mike Pattullo, Shoreline Architecture, commented that last month he spoke to the Commission about the completion of the commons area and four additional residential units on the west end and how one-third of the east end of the building was not completed in the 2015 amendment pending a determination of uses. He stated that they have identified their needs and are now going to finish the east end of the building to include some amenities such as a fitness area, a

salon, a massage area, and a leased space in the northeast corner for a chiropractor's office. The amendment will also allow for the addition of a resident manager's suit in the southeast corner.

At this time the meeting was opened for public comment.

Chairman Greenwell commented that a letter of support was received from Haggard's Plumbing and Heating, Charlevoix.

There being no public comment, the public hearing was closed.

Chairman Greenwell indicated he had a conflict of interest and turned the agenda over to Vice Chairperson Meyerson, excusing himself from the table.

Commissioner Burns commented that the landscaping from the previously approved plan still had not been completed and stated that he believed that it should be completed before they are allowed to proceed with the proposed changes.

Mr. Pattullo commented that he was unaware that the landscape requirements had not been met.

Commissioner Yetter asked if any changes had been made to the proposed changes since the March presentation.

Mr. Pattullo commented that no changes had been made and that they would only be moving a couple of windows and doors to accommodate the interior layout.

Commissioner Neumann commented that he felt it was a good project and liked seeing the area developed and gaining additional services that might also attract additional residents. He also commented that he would like to see the landscape requirements met.

At this time staff reviewed the standard requirements in accordance with the approved preliminary plan.

Mr. Pattullo asked staff to forward the previously approved landscape requirements to him so that he could follow up with the owner to make sure it gets taken care of.

Commissioner Meyerson commented that she too agreed that this is a good use of the building and that it is consistent with the original plan.

Commissioner Andrews made a motion, seconded by Commissioner Braddock, to recommend approval of the final plan to City Council based on the finding that it is consistent with the approved preliminary plan, that the final plan meets regulations and standards for approval of a PUD and that the plan meets all other requirements.

Commissioner Burns asked if language could be included in the motion to address the position of the 4-foot landscape barrier around the patios.

At this time, Commissioner Andrews amended his motion to include completion of the required landscaping in accordance with the 2015 PUD amendment. Commissioner Braddock agreed to the amended motion. The amended motion carried 7-0.

At this time, Commissioner Greenwell returned to the meeting.

## **Public Hearing on Amendments to Zoning Ordinance**

Staff reviewed proposed changes to the Definitions, RM-1 and RM-2 Multiple Family Districts, and the B-2A Transitional Business District and B-2B Mixed Use Corridor District, parking standards and the Notes to the Schedule of Regulations dealing with front-yard setbacks in single family districts.

### **Definitions**

The following definition will be added to incorporate regulations for facilities the City has but is not listed as a permitted use, and to address the new calculation of front yard setback.

*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.

*Boarding House (modified from current):* 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.

*Residential Care and Treatment Facility.* A facility that provides services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

### **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, changing language from “housing for the elderly” to assisted living facilities and reducing restrictions on their development.

### **RM-2 Multiple Family District**

The changes are being proposed to increase the flexibility of creating a boarding houses as a means of providing workforce housing with the added requirement of licensing to ensure inspections occur, and adding sheltered housing and residential care and treatment facilities as special condition uses in the RM-2 District. Again, these facilities currently exist in the community but any future facilities or expansions would have to follow the special condition use process.

Regulation for boarding houses would become permitted uses in RM-2 district when located on parcel of not less than 7,200 square feet in area with no less than one full bathroom, including a shower, for up to five occupants and an additional half-bathroom provided for each additional two occupants for full bathroom for each additional four occupants. Subject further to City licensing provisions and International Property Maintenance Code (IPMC) compliance.

### **B-2A Transitional Business and B-2B Mixed Use Corridor District**

The changes are to add the language for boarding houses as a permitted use subject to licensing provisions, and sheltered housing and residential care and treatment facilities as special condition uses.

### **Notes to Schedule of Regulations**

These are changes to the calculation of front-yard setback and are proposed to read:

- (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.

- (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**

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 and the requirement for Boarding Houses was recommended to be reduced from “1 space per rental room” to make it consistent with single family requirements or “2 spaces per dwelling.”

At this time the meeting was opened for public comment.

There being no public comment, the public hearing was closed.

Commissioner Burns commented that he believes that the text “full shower” should be added following full bathroom.

Commissioners discussed whether or not “full bath” implied there would be a bathing facility and whether or not there was a need to include “full shower”. Consensus was to remove the “full shower” note.

Commissioner Meyerson asked what would happen if a hospital was proposed to be built on a non-hospital site. Staff commented that the Commission had discussed this possibility and decided to make the current proposed change given the small likelihood of a new hospital, but to continue working on a hospital-specific institutional campus zoning district to better address changes moving forward.

Commissioner Andrews asked why a boarding house would be a permitted use rather than a special condition use and commented that it seems that it would have enough uniqueness and interest from neighbors that they would want to approve them on an individual basis, subject to certain standards.

Staff commented that the Commission felt that having it be a special condition use is just one more hurdle for someone wanting to provide workforce housing. The new permitted use does require an inspection under IPMC as the main concern is the safety of the residents.

Commissioner Meyerson asked if neighbors could be notified through the licensing process to which staff replied that notification could be a requirement, but if all the licensing provisions were met, the license would not likely be denied based only on neighbor concern.

Commissioner Andrews voiced concerns about parking and noise issues and Commissioner Neumann commented that he views it to be similar to an apartment complex in a multi-family district. Staff noted that the parking requirements for an apartment would be significantly higher.

Commissioner Meyerson commented that she believes the Commission’s previous discussion was based on trying to reduce hurdles and by having the bathroom regulations it would limit the number of residents allowed. To facilitate this type of workforce housing within the restrictions, the Commission felt it was best not to make it a special condition use. She also commented that the reduced parking was decided on because many of the tenants would be seasonal workers that do not have cars and it would reduce the amount of impervious area.

At this time, Commissioner Meyerson made a motion, seconded by Commissioner Burns, to recommend that City Council approve Zoning Ordinance amendments to Sections 201, 603, 702, 2900, 3000, 1600(1) and 1704(6). Motion carried 8-0.

**Site Plan Introduction for the Reconstruction  
of a Building at 1008 Franklin Street**

Staff informed the Commission that the applicant was requesting to replace an existing, non-conforming building that has structural failure. Because more than 60% of the building would be removed it would lose its non-conforming status and would require approval by the Zoning Board of Appeals.

Bart Wangeman, Colwell Wangeman, informed the Commission that because of structural failure of many of the existing bow string trusses the walls of the existing building have been pushed out and therefore need to be reconstructed. There are two areas of failure and emergency shoring efforts have been made to prevent further collapse. Mr. Wangeman commented that while the building is very close to the east line, there is a 25' ingress/egress easement that he believes adds to the setback as nothing can be built there. He also commented that improvements will be made by adding a retention area that will enter into the storm water system and the south property line setback will be met. Mr. Wangeman then asked the Commission for feedback on landscaping and their opinion of the project.

Commissioner Yetter asked what the size of the existing building was compared to the proposed 18,620 square foot building, when they would like to start the project, if they had engineered drawings for the retention area and if there was a change in parking.

Mr. Wangeman commented that the existing building is approximately 24,000 square feet, that; they are hopeful to begin the project as soon as they obtain approval from the Zoning Board of Appeals and the Planning Commission, they have obtained engineering plans from Northwest Design Group and he was unsure if there was a change in the existing parking.

Staff informed Commission members that the property is zoned I-2 and when property with this zoning abuts a residential district the ordinance requires a 6-foot wall of masonry construction, but that in other situations where a wall was required adjacent to residential property, they preferred the wall to be vegetative. Staff noted the encroachments onto parkland by this and other property owners along Bridge Street and that there could potentially be something worked out to provide screening through landscaping of City property.

Mr. Wangeman commented that the site is what he refers to as old industrial and that the whole block predates zoning and the requirement of a wall. He stated that he feels a wall makes sense for an industrial district that has larger parcels or parcels without buildings but that a wall on this property will be problematic for emergency and fire vehicle access as well as for snow and ice removal by the City and the owner.

Commissioner Greenwell commented that he appreciated Mr. Wangeman's comments but as Planning Commissioners they have to look at the best long term improvements for the site and for the neighborhood and try to make it fit the existing zoning requirements.

Commissioner Meyerson commented that she feels there is enough room along the north property line and would prefer to see softer buffering like a vegetative wall.

Commissioner Andrews asked about the overhead door in the northeast corner and the traffic plan for access to the rear of the site.

Blain Gibson, 1008 Franklin Street, commented that vehicles would access the back of the property through City property, as they currently do.

Commissioner Meyerson asked whether the City gave permission for access across parkland.

Staff commented that the access goes all the way to the Nehemiah House and is used by several property owners that abut the City parkland. Staff also mentioned that there was a concept for this parcel as a trail head parking lot for the Bear River Valley Recreation area, but a close look at the use of this property and long-term use needs further review.

Commissioner Meyerson commented that she would be uncomfortable as an owner to build something that she wouldn't have legal access to and that she believes some sort of easement from the City to drive on the property should be arranged prior to moving forward.

Mr. Wangeman voiced concerns with having to put up a wall along the north side of the property as it would be very difficult to access the rear of the property.

Commissioner Neumann suggested reorienting the four parking spaces so they could be accessed from the east and eliminate the two parking spaces directly to the north of the building to allow screening of two-thirds of the north property line and still leave the driveway access open.

Mr. Wangeman stated that he felt that would be a good compromise.

Commissioner Greenwell asked if the City should look at a legal easement for allowing the use of City property, like some other parcels in town. Staff commented that the City could look into a possible license agreement, but that they do not give permanent use of public property. Licenses are revocable at any time.

Commissioner Burns suggested that the applicant work with the City about planting along the river and Tip of the Mitt Watershed Council for ideas on how to keep debris out of the river.

Commissioner Greenwell commented that he would like explore what the City would be able to do to allow access and suggested that from the existing masonry wall to the east there should be some sort of screening where they could still access the back of the property but two-thirds of the property would have a screened wall.

Mr. Gibson asked the Commission if it would be helpful if he paved the road or put down a ton stone to reduce the amount of dust created by the large trucks.

Commissioner Greenwell replied that the Commission was not fond of that much pavement and Commissioner Burns stated that he liked the idea of using a ton stone.

At this time, Commissioner Burns made a motion, seconded by Commissioner Neumann, to postpone action until the May 18<sup>th</sup> meeting and recommended that the applicant discuss landscape options with the City and ways to reduce debris in the river with Tip of the Mitt Watershed Council. Motion carried 8-0.

### **Zoning Ordinance District Use Table**

Staff reviewed changes made to a previously drafted Zoning Ordinance use table that lists all of the districts and permitted uses. The changes included the addition of P(L) (permitted, license required) to bed and breakfast, vacation rentals and boarding houses. The recommendation to add this table to the ordinance came from a Redevelopment Ready Communities evaluation in an

effort to make it easier to determine permitted uses rather than having to search through the entire code.

Commissioners commented that they liked the changes and found the table to be helpful and would recommend that it be included with the ordinance updates.

### **Updates**

Commissioner Greenwell asked the only remaining member of the audience if he had any input.

Thomas Girdwood, 206 East Sheridan Street, stated that he appreciated the meeting and enjoyed the discussion, particularly item (e) Site Plan introduction for the reconstruction of a (non-conforming) building at 1008 Franklin Street. He asked staff if this property was in a flood plain and stated that he had hoped to ask the applicant if the structural issues were related to erosion.

Commissioner Greenwell commented that the structural issues were due to the failure of the wooden trusses that support the roof and staff commented that property is not located in a flood plain.

Staff informed the Commission that McLaren Northern Michigan was moving forward with their site plan and would be submitting an application for the May 18, 2017 meeting.

Staff informed the Commission that MDOT is currently shoring up the bluff along US-31 for the upcoming 2019 realignment project and asked for feedback on possible access restrictions to Winter Park Lane. Commissioners raised concerns given local traffic patterns and recommended that traffic counts be undertaken.

Staff informed the Commission that Harbor Hall is working on conceptual plans for an expansion, which would likely include a request to vacate Rush Street.

The meeting then adjourned at 8:56 P.M.

Minutes reviewed and approved by Emily Meyerson, Vice Chairperson/Secretary