



PLANNING COMMISSION

March 15, 2018

A regular Planning Commission meeting was held in the City Hall Community Room, Petoskey, Michigan, on Thursday, March 15, 2018. Roll was called at 7:00 P.M. and the following were:

Present: Gary Greenwell, Planning Commission Chairperson
Betony Braddock
Dean Burns
James Holmes
Emily Meyerson
Rick Neumann
Cynthia Robson
Eric Yetter

Absent: Dana Andrews

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

Others Present: Connor Hansen, 7&4 News
Arielle Hines, Petoskey News Review
Andrew Kosack, 610 S. Palmyra, Cheboygan
Noah Marshall-Rashid, 414 Grove Street
David Marvin, DMSS Housing, 924 Baxter Street
David Meikle, 422 E. Mitchell Street
Emerson Meyer, 1230 Kalamazoo Avenue
Lori Pall, 603 E. Lake Street

Upon motion and support, the minutes of the February 15, 2018 regular meeting were approved 7-0, with Commissioner Burns abstaining.

Sign Ordinance Amendments

Staff reviewed the changes that have been discussed by the Sign Committee. Section 3.1 is a clarification to the wording on internal sign illumination, Section 8.1 is a new special condition sign for businesses in the B-2 Central Business District that have restricted visibility from a street or sidewalk, and Section 7.1 is the allowance for sandwich boards in the B-2A Transitional Business and B-2B Mixed Use Corridor Districts.

At this time, the meeting was opened for public comment.

There being no public comment, the public hearing was closed

Commissioner Robson commented that she believed the amendments had been well thought through and that she was comfortable with the amendments and changes made.

All other Commission members agreed with Commissioner Robson's comments and Commissioner Robson then made a motion to recommend the sign ordinance changes to City Council. Support for the motion was made by Commissioner Braddock, and the motion carried 8-0.

**Introduction of a Special Condition Use
for a Boarding House at 924 Baxter Street**

Staff explained to the Commission that on February 19, 2018, City Council adopted amendments to the RM-2 Multiple Family Residential District, which included changes to boarding house regulations and requires a public hearing for approval by the Planning Commission. Boarding houses are now special condition uses subject to the following conditions:

Boarding houses when 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. Occupancy shall not exceed 6 persons per structure 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.

Commissioners discussed the changes made and commented that the new language is confusing and contradictory in stating that the maximum of occupants per structure is six but that two full bathrooms in a structure would allow for up to nine occupants. Commissioners also commented that they did not believe that the language should be left open to interpretation and should be changed.

Commissioner Robson stated that she believed the language should be corrected to which staff informed her that a public hearing for a zoning amendment would have to be scheduled before an ordinance amendment could be made to City Council.

David Marvin, DMSS Housing, 924 Baxter Street, commented that his boarding house will have a maximum of six occupants but he could envision a place in town that could house eight or nine people and if the language were left as is, the work the Commission had done to develop the ratio would still be in place if someone were to request a variance for more than six occupants.

The Commission asked Mr. Marvin if any changes had been made to the site plan from the one they discussed a year ago, to which Mr. Marvin responded that no changes had been made.

Commissioner Neumann made a motion to schedule a public hearing for the April 19th meeting. Support for the motion made by Commissioner Meyerson, and the motion carried 8-0.

**Introduction of Proposed Amendments to Article XIX
of the Zoning Ordinance to Create a New Section 1912
Fair Housing Accommodation Policy**

Staff explained that the proposed amendments to Article XIX of the Zoning Ordinance was to create a new Section 1912 Fair Housing Accommodation Policy pursuant to the Federal Housing and Michigan Elliott Larsen Civil Rights Act and then read aloud the definitions, requests required for reasonable accommodation and the standards for review.

Commissioners asked; who created the amendments, if the City Attorney had reviewed the amendments, who would apply and how the amendments came about.

Staff responded that; the amendments are based on the City of Holland's policy but has been reworked to fit under the City of Petoskey's Zoning Ordinance, the City Attorney has reviewed the amended article and made the recommendation that the Planning Commission hold a public hearing and recommend the amendments back to City Council for approval. The impetus for the ordinance amendment was future development of group living facilities such as Harbor Hall and that the City Attorney would be attendance at the hearing to answer questions.

Commissioner Meyerson stated that she was not comfortable scheduling a hearing on an ordinance that the Commission was not involved in developing, that it did not follow the typical zoning ordinance amendment process, that she was not sure the language belonged in the zoning ordinance and that she wanted to know how other communities were handling the issue.

Commissioner Yetter concurred that he did not understand the language and didn't want to hold a hearing on an ordinance he could not explain.

Commissioner Robson said her understanding of the need for the ordinance was to address entry ramps.

Commissioner Greenwell made a motion to postpone action on the proposed Fair Housing Accommodation Policy amendment to the Zoning Ordinance pending further information. Support for the motion made by Commissioner Burns, and the motion carried 8-0.

**Site Plan Review and Recommendation to the
Zoning Board of Appeals on a Temporary Use Request
at 425 Michigan Street**

Staff informed the Commission that the Zoning Board of Appeals heard the requested temporary use request for up to six food trucks to be located at 425 Michigan Street on March 6th for a temporary use request and has asked for the Planning Commission review and recommendation on the site plan.

David Meikle, 422 E. Mitchell Street, presented a video of the site and explained to the Commission that there would be six food trucks located on the lot with movable seating, gravel and paver ground cover and a tent where a portable beer trailer would be parked.

Commissioners asked; what the tent structure would be, if the tent would be removed at the end of each season and if the bar would be permanent.

Mr. Meikle commented that it would be a standard tent with a plastic top that would be removed at the end of each season and that the bar would be temporary. He also informed the Commission that the existing building is in bad shape.

In review of the site plan standards, staff recommended that the Commission consider requesting the following changes to the plan in their recommendation to the ZBA:

1. A three (3) foot landscape area along Michigan Street;
2. A concrete strip along the western side of the fence to serve as a pedestrian way, to keep the gravel on the lot, and to buffer the fence from the drive aisle;
3. Expansion of the utility area at the northeast corner to a minimum of 6' x 6';
4. The storm drain lines from the building tie into the drain field and not the manhole; and
5. Extension of the saw cut lines for utilities in Michigan Street to the south curb.

Commissioners discussed how the accessory use building would become a non-conforming principal use building should the existing building be torn down and voiced concerns that per the

ordinance the request was not a temporary use according to the definitions section of the ordinance but a special condition use of an open-air business.

Staff noted that the standards for temporary use approval for up to twelve (12) months by the Zoning Board of Appeals is in Section 204(3)(e) and that in the B-2 Central Business District only specific Open Air Retail is allowed as a special condition use and she did not believe food trucks qualified.

Commissioners discussed the recommendations and concurred with moving the fence back for landscaping along Michigan Street and a pedestrian walkway along the west fence. As the site will be open at night, a lighting plan should also be provided.

Commissioner Meyerson believed that the ZBA should take action on the temporary use before the site was reviewed by the Planning Commission and felt action should be postponed until the temporary use was granted.

Staff explained that the ZBA requested review of the site plan by the Planning Commission as they are only looking at the temporary use of the food trucks, not the site or infrastructure that is being put in for the food truck lot; that the neighboring properties within 300 feet had been notified of the request before the ZBA; that the site had been reviewed and provided per standards (Sec. 1716); and asked if the Commission needed to see the plan two more times if the temporary use were granted per the Bylaws plan review requirement.

Commissioner Meyerson made a motion to postpone action pending approval of a temporary use by the Zoning Board of Appeals and if approved, the Planning Commission would take action after one additional review of the site plan. Support for the motion made by Commissioner Robson, and the motion carried 8-0.

Discussion and Recommendation on Proposed Mobile Food Vending Regulations

Staff informed the Commission that the sub-committee met with local representatives of food trucks and brick-and-mortar establishments to receive their input. The sub-committee felt it would be worthwhile for the Planning Commission to review their findings and have an open discussion to see if there was anything missing.

Commissioner Braddock, a member of the sub-committee, commented that it was an interesting process that went very smoothly with the helpful information they received from communities that have already been through this process. She stated that they were very surprised that the typical customer of a food truck is comparable to a fast food customer and that the busy times for these vendors was mid-day, late afternoon and sunset. Commissioner Braddock also voiced their concerns about trying to push through the process in time for the upcoming season and suggested that the Commission consider allowing two seasons for the trial period to get adequate data. She stated that the food truck vendors they spoke with all picked Bayfront Park as their ideal location for vending.

Commissioners complemented Commissioner Braddock and Commissioner Andrews on their hard work and accomplishments in a two-month period and asked if the sub-committee had any specific locations they would recommend for consideration. Commissioner Braddock stated that they believed the best locations would be:

1. Behind the fire hall, near Festival Place Shelter
2. Near the ballfield and playground
3. Near the Waterfall Area
4. Bayfront Park West

5. Under the Mitchell Street Bridge

Commissioners discussed pros and cons to each of these areas noting that some may be too far away, somewhat hidden or secluded, and the amount of parking spaces that would be needed for each vendor.

Andrew Kosack, Drew's Dogs, Cheboygan, commented that most food trucks can stay within one parking space and that most cities limit the allowed space to 21 feet.

Commissioners asked who would regulate the licensing and rules and regulations for the food truck vendors and staff responded that she would most likely be responsible for that and a business license would be issued through the City Manager's office.

Emerson Meyer, 1230 Kalamazoo Avenue, commented that there are two ways to make the food trucks work 1) food truck rally as requested at 425 Michigan Street and 2) convenience. He also commented that people like to walk the break wall and marina docks and the trucks need to go to the people.

David Marvin commented that he has never been to a food truck in a parking lot and that people walking along the sidewalk would be safe. He also gave a reminder about the number of food truck support vehicles that will require parking.

Mr. Kosack commented that he is normally self-contained and only uses a support vehicle for large gatherings like Blissfest or the Old Emmet Street Market.

Mr. Meyer commented that if the temporary use request for 425 Michigan is approved and this is too, it would be difficult to get food trucks to satisfy both.

The Commission discussed issues that Harbor Springs has experienced and the relocation of their food truck approved area.

Mr. Meyer commented that the brick-and-mortar businesses in Harbor Springs raised cain and the committee decided on new location.

Mr. Marvin commented that there were safety issues with the first location and that is why the committee decided to relocate the food truck location.

Commissioner Neumann made a motion to recommend the proposed mobile food vending regulations to City Council with potential locations as follows:

1. Behind the fire hall, near Festival Place Shelter
2. Bayfront Park Drive
3. Under the Mitchell Street Bridge

Support for the motion made by Commissioner Meyerson, and the motion carried 8-0.

Adoption of an Amended Public Participation Plan

Staff reviewed the proposed changes and corrections to the plan.

Commissioners discussed the distance from a project that developers are encouraged to invite property owners. Commissioner Robson felt the requirements for signs should be the same as sandwich boards and that the reference to posted information should be consistent.

Commissioner Meyerson made a motion to recommend adoption of the revised document, with the two suggested changes by Commissioner Robson, and forward to City Council for review and adoption. Support for the motion made by Commissioner Robson, motion carried 8-0.

Updates

Staff reviewed plans with the Commission and explained the proposed MDOT work for the realignment of US-31. She also informed the Commission of a public hearing that will be held on April 10, 2018 to review these proposed plans.

The meeting then adjourned at 9:37 P.M.