



PLANNING COMMISSION

April 19, 2018

A regular Planning Commission meeting was held in the City Hall Council Chambers, Petoskey, Michigan, on Thursday, April 19, 2018. Roll was called at 7:00 P.M. and the following were:

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

Staff: Amy Tweeten, City Planner
Rob Straebel, City Manager
James Murray, City Attorney
Lisa Denoyer, Administrative Assistant

Others Present: Nick Liebler, 8326 Cedar Creek, Petoskey
David Marvin, DMSS Housing, 924 Baxter Street
David Meikle, 422 East Mitchell Street

Upon motion and support, the minutes of the March 15, 2018 regular meeting were approved 8-0, with Commissioner Andrews abstaining and the minutes of the March 29, 2018 special meeting were approved 7-0, with Commissioners Andrews and Yetter abstaining.

**Public Hearing and Action on Special Condition Use Request
for a Boarding House at 924 Baxter Street**

Staff reviewed the request for a special condition use for a boarding house at 924 Baxter Street, noting the Site Plan Review Standards were provided in the agenda memo, and read aloud the Special Condition Use Standards of Approval (1717):

- a. The special land use type shall be located on a site of adequate size and appropriate location to make it feasible for that particular use to be compatible with surrounding land uses; Reuse of existing structures as employee housing (Boarding House); Standard met.
- b. The special land use shall be designed and located in order to protect, accommodate and enhance natural or manmade features of the site such as topography, vegetation, soils, water features, historic structures and scenic views; Not Applicable.

- c. The special land use shall be located on a site that can accommodate on-site traffic circulation and vehicle storage needs for the particular use. The use shall not be located on a site or arranged in a manner that would create a significant traffic or pedestrian hazard on adjacent roads or walkways; Standard met.
- d. The special land use and its accessory uses and structures shall be located and arranged on the site in a manner allowing for adequate buffering and screening to protect adjacent uses and properties where needed; The property is on the edge of a residential block, but across the street from industrial uses; Standard met.
- e. The scale, bulk, elevation, exterior materials and color of the buildings in the special land use shall be designed to blend with the character of the surrounding land uses and neighborhood. Where the bulk, scale or elevation of such buildings varies greatly from the surrounding structures, greater setbacks may be required; Existing residential structures meet this standard.
- f. The special land use shall not be located where, due to use of particular equipment, or import, storage or production of certain materials, or emission of waste products, it would be a significant hazard to adjacent properties; Not applicable.

Additional Special Condition Use Standards for Boarding Houses in the RM-2 Zoning District:

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.

The property is 8,910 square feet and each structure has 1.5 bathrooms, which meets the requirement for the maximum allowable occupants of six (6). There have been no other boarding houses approved within 400 feet; Standard met.

Staff recommended approval with the condition that a dedicated location be provided for trash and recycling totes.

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

David Marvin, DMSS Housing, 924 Baxter Street, commented that there were issues with trash collection last year but they have figured out how to correct the issue and will have separate trash receptacles for each building. He commented that he was not sure how screening the trash bins would work and that a patio would be installed to create a common area for residents.

Commissioner Greenwell asked if there would be a separation between the two buildings and asked staff if there were any major issues last year with tenants.

Mr. Marvin responded that a 4-foot vinyl fence would be installed between the buildings with a 3-foot opening at either end.

Staff responded that there were no other issues aside from trash being placed in the recycling bins and not being picked up for disposal.

There being no further comments from the public, the public hearing was closed.

Commissioner Yetter commented that he felt it was a great use and that it meets the standards for approval.

Commissioner Neumann agreed and asked if both buildings were listed under one parcel to which Mr. Marvin stated they were.

Commissioner Braddock stated that she too agreed that the standards for approval had been met.

Commissioner Andrews asked how many occupants there would be between the two buildings and stated that he felt it was an ideal location and good use of the space and buildings. He then asked if the units would be used strictly for Stafford's employees.

Staff responded that there would be up six occupants per building for a total of 12 occupants.

Mr. Marvin commented that the intent is for use by Stafford's employees during the summer months and to close the buildings during the winter months, but if a need arises, they have and will allow non-employees to stay there. He mentioned a situation this past winter where a mother and her four children had a house fire and needed a place to stay and they allowed them to stay in one of their vacant houses. He also commented that maintaining these properties is expensive and if there is a way to rent them out during the winter months, it helps offset the cost.

Commissioner Greenwell asked if the average timespan of a summer resident was from June to September to which Mr. Marvin commented that their American students generally arrive in mid-May and stay until about the third week in August and the European students generally arrive in mid-May to mid-June and stay until late September.

Commissioner Meyerson commented that the fence dividing the two buildings could be used to help screen the garbage bins.

Mr. Marvin commented that the bins are quite large and he feels it would be best to have them next to the house.

Commissioner Holmes commented that was content with the request.

Commissioner Burns commented that he had no issue with the request.

Commissioner Robson asked if anything would be done with the exterior of the existing sheds, if the fence would be solid or open and if rain barrels would collect storm water from gutters and down spouts.

Mr. Marvin commented that one of the sheds has vinyl siding and the other has tin siding and that not much could be done with them other than painting them or tearing them down but they would prefer to keep them for students to store their bikes, etc., and the fence will have a 3-foot opening at each end to allow students to pass through. He also commented that they have a quote for gutters but that he had not considered rain barrels.

Staff commented that it would be preferred that the garbage cans be moved away from the front of the house.

Mr. Marvin stated that they could certainly try but that the kitchen is closest to the front door and that would be the natural route to go.

Commissioner Andrews made a motion to approve the special condition use as it meets the Special Condition Use Standards of Approval (Section 17.17). Support for the motion was made by Commissioner Neumann.

Commissioner Meyerson asked that the motion be amended to include that the request also meets the Site Plan Performance Standards (Section 17.16(3)) and the Special Condition Use Standards for Boarding Houses in the RM-2 Zoning District.

Commissioners Andrews and Neumann agreed to the amendment and the motion carried 9-0.

**Public Hearing and Action on Proposed Amendments to Article XIX
of the Zoning Ordinance to Create a New Section 1912
Fair Housing Accommodation Policy**

Staff informed the Commission that they had received a revised copy of the proposed amendments with recommendations from the City Attorney and the Planning Commission.

James Murray, City Attorney, informed the Commission that the goal of the new section is to comply with federal law.

Commissioner Robson asked if a response timeframe should be added to the ordinance and if individuals requesting fair housing accommodation usually had a lawyer.

Mr. Murray responded that he did not feel that it was a good idea to include a response timeframe as laws change and it would require that the ordinance be changed every time that the law changed. He also commented that the City has never been asked to grant fair housing accommodations but that an individual requesting such would not be required to have a lawyer.

Commissioner Burns requested that three commas and “or addition to” be removed from the last sentence of Section 2 – Definitions, Individuals with a Disability so that it was easier to understand.

Mr. Murray responded that currently the statute definition includes “using” or “addicted to” and it would be best to be consistent with the law. He also stated that he was okay with removing the commas and is willing to look into the statute but would prefer to be consistent with state and federal laws.

Commissioner Greenwell asked when the Fair Housing Accommodation Policy went into effect.

Mr. Murray commented that it was established in 1988.

Commissioners Andrews commented that the proposed amendments made sense.

Commissioner Neumann commented that he believed the amendments were reasonable.

Commissioner Yetter asked if the process would be put in place with the creation of this new section of the ordinance, to which Mr. Murray responded that it would.

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

No public comments were received and the public hearing was closed at 7:40 P.M.

Commissioner Burns made a motion to recommend the proposed amendments to Article XIX of the Zoning Ordinance to create a new Section 1912 Fair Housing Accommodation Policy to City

Council with recommended changes pursuant to attorney review. Support for the motion was made by Commissioner Robson and the motion carried 9-0.

Site Plan Introduction for 502 Michigan Street

Staff informed the Commission that a site plan for the redevelopment of the Baptist Church at 502 Michigan Street into six dwelling units had been submitted by 484 Benneville, LLC and that the parking requirement for six units is nine spaces, but the Planning Commission can approve up to 20% of the requirement to be met through on-street parking. She then recommended that the Commission postpone action on the site plan until the revision was confirmed by the Zoning Board of Appeals as meeting the conditions of the variance.

Commissioner Meyerson requested that staff review the changes requested by the Zoning Board of Appeals.

Staff explained that as a condition of approval of the height variance request the stair override be moved a minimum of 3-feet. The stairs have been moved to the center of the roof and the elevator has been eliminated to meet the condition of approval.

Commissioner Meyerson asked if the stairwell terminated at the third floor and if the Commission was to review the site plan and parking.

David Meikle, 484 Benneville, LLC, 422 East Mitchell Street, responded that the stairs will now terminate at the third floor and that glass railing will be installed around the rooftop of the building.

Commissioner Yetter asked if the approval of 20% of on-street parking was required or allowable, to which staff responded that the Commission could allow up to 20% of the required parking to be allowed on the street.

Commissioner Robson requested that the Commission see elevations from the north and west sides of the building at their May meeting.

Commissioner Meyerson commented that she had heard from neighbors of this property and they felt it was a good project but also heard concerns regarding construction.

Mr. Meikle commented that he had spoken with the neighbors and was willing to work with them as best he can.

David Marvin asked how long the construction project was expected to last, to which Mr. Meikle responded that it would be approximately 10 to 12 weeks for the exterior.

Commissioners asked about the existing stained windows and siding, how the underground parking would be created, if the driveway from the underground parking was lower than the sidewalk, snow removal from the driveway and if a garage door would be installed.

Mr. Meikle responded that the stained windows will be removed but the brick exterior will remain, the shell of the building will remain and the area beneath will be dredged out to create the parking area, the driveway will be at sidewalk level and will most likely be heated and a garage door will be installed.

Nick Liebler, Architect, N.J. White Associates, commented that they have not gone over the specifics for the driveway yet.

Commissioner Greenwell made a motion to postpone action until the May 17 meeting. Support for the motion made by Commissioner Burns and the motion carried 9-0.

Updates

Staff informed the Commission that their mobile vending recommendations were sent to the City Attorney for review and it is hoped that they will be reviewed by City Council at their May 7 meeting.

Staff also informed the Commission that the owners of Crestview Commons are considering amendments to the PUD to possibly allow residential use where the former K-Mart was located.

Commissioners were notified of a climate change summit that will be held at NCMC on May 11 and a green infrastructure training on June 20, both of which would be free and more information would be forwarded when available.

There is continued interest in the Gruler property on Emmet Street as well as the property at 200 East Lake Street.

The ZBA approved a mobile food truck lot at 425 Michigan Street.

Commissioner Meyerson asked how the MDOT meeting went, to which staff responded that the open house at NCMC went well but their presentation scheduled for the April 16 City Council meeting was canceled due to weather conditions.

Commissioner Yetter asked if there were any changes from the review that she presented at the March meeting, to which staff responded that there were none.

The meeting then adjourned at 8:15 P.M.