



PLANNING COMMISSION

November 15, 2018

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

Present: Emily Meyerson, Chairperson
Dana Andrews
Betony Braddock
Gary Greenwell
Cynthia Linn Robson
Rick Neumann
Ted Pall
Eric Yetter

Absent: Dean Burns

Staff: Amy Tweeten, City Planner
Robert Straebel, City Manager

Upon motion and support, the minutes of the October 18, 2018 regular meeting were approved 8-0.

**Schedule a Public Hearing on the Rezoning of
200 East Lake Street to B-2 Central Business District**

Staff informed the Commission that the Final Judgement issued by the Circuit Court for Emmet County in the lawsuit between the City and LCA Enterprises, LLC regarding the former Petoskey Pointe site eliminated the PUD Agreement. To ensure there is compatible zoning in place until a development is proposed, City Council initiated a rezoning to B-2 Central Business District. The Commission is required to hold a public hearing for a rezoning that could be held at the December Commission meeting, and an ordinance for the rezoning has been drafted.

Commissioner Andrews asked whether a parcel can have no zoning or be un-zoned, and whether a City can initiate the rezoning of private property.

Staff responded that the rezoning ordinance was contingent on the agreement so now that the agreement is void, her belief was that the property returns to Central Business District zoning. This was also the understanding of the new owner. She confirmed that the City can initiate a property rezoning.

Chairperson Meyerson believe it was clear that the zoning reverted back to CBD with the ordinance essentially a conditional rezoning. The owner would be able to ask for a new PUD.

Commissioner Pall added that the property owner was at the Council meeting, that he endorses the rezoning to Central Business District and wants to have a fresh start on the property.

At this time, Commissioner Robson made a motion, with support from Commissioner Andrews to schedule a public hearing for the December 20, 2018 regular meeting. Motion carried 8-0.

Discussion and Direction on the Zoning Ordinance Fence Regulations

Chairperson Meyerson believed the definitions should be moved to the ordinance definition section and thought the table was helpful for understanding. She thought that garden fences should have allowed and prohibited materials and that they should be more open – 75% was discussed.

Commissioner Robson did not agree that garden fences belong in the front yard and that she had been to Ann Arbor many times and there are not many front yard fences or food gardens. She also thought that living fences should be placed so that they maintain the two-foot setback providing the allowance of growth. She had also talked to a fence installer at Lowes who recommended a 10 foot setback for electric fences. She wanted to have added that the finished side of a fence face the right-of-way in addition to neighboring property.

Commissioner Pall asked whether garden fences should be a contiguous area as he felt the multiple fencing areas at the corner of Kalamazoo and Lindell were not attractive, and preferred a maximum height of decorative fences of 36” rather than 42”.

There was discussion on contiguous garden fencing and whether it should be a minimum fenced area of four square feet. Consensus was that there could be one garden fence area up to 64 square feet.

Commissioner Neumann was less concerned with garden fencing as it was flexible and likely temporary but wanted the measurements to all be in either inches or feet.

Commissioner Andrews believed that there were many ordinances that were more straight forward than what was being discussed.

At this time, Commissioner Greenwell made a motion, with support from Commissioner Neumann to schedule a public hearing for the December 20, 2018 regular meeting.

Commissioner Yetter raised the date of the meeting and wondered if the December meeting could be moved up a week to December 13, 2018. Commissioners were in agreement, so the motion was amended to hold the hearing on the proposed ordinance language to fences to December 13, 2018. Motion carried 8-0.

Commissioners agreed the rezoning ordinance hearing would also be held on December 13th rather than December 20th.

Discussion and Direction on Accessory Dwelling Units (ADU) Regulations

Staff began the discussion asking whether Commissioners supported allowing ADUs. Commissioners Braddock and Neumann were in support.

Commissioner Yetter was opposed due to his experience with vacation rentals in Bay Harbor and belief that ADUS are a gateway to having more short-term rentals in residential districts. His experience with Bay Harbor was that people do not behave like themselves or as good neighbors

when they are on vacation or visiting for a wedding. He also did not believe ADUs would make an impact on affordable housing.

Commissioner Andrews understood the concerns about vacation rentals, but acknowledged we currently have whole houses being rented short term without problems. He relayed his visit to the Resort Township Planning Commission where they are talking about ADUs more in terms of “tiny houses” and how regulations would have to be modified to allow.

Commissioner Pall was not in support as it would not make a dent in the housing supply and he has a concern about the City’s ability to enforce time restrictions.

Commissioner Robson was against ADUs as they would create a burden to neighbors, having to report if units being used for short term rentals. Currently residents have to make complaints on short term rentals to get enforcement, which is a burden. Houses in backyards would lessen privacy. There is also the Headlee Amendment issue of how much homestead can be lost when rent out property. Possibly attached internal units could be considered.

Chairperson Meyerson responded that ADUs won’t solve the problem but provide a tool we don’t have. It would most likely be turning garages into living space rather than new units given the cost of construction.

Commissioner Neumann was in favor of allowing increased flexibility and density. He agreed there would likely not be a lot of units created.

Commissioner Yetter would consider owner-occupied attached.

Staff noted that a recent change to the ordinance allows two family attached dwellings in all of the single family districts as a special condition use, so there is currently a mechanism to allow attached units without restriction as to owner occupancy.

Staff provided examples of existing ADUs – many of which have existed for a long time without problems.

Staff was directed to develop an ordinance based on the Traverse City and Ann Arbor ordinances to bring back and potentially discuss with City Council.

Downtown Building Heights

Staff noted that when the CBD regulations were put in place, there was a great effort to make the code fit the current downtown, while being conservative on minimum floor to ceiling height requirements (first floor minimum 12’ and upper stories 9’). However, with the redevelopment of the Ben Franklin building, it became evident that reuse of existing single story buildings may require additional height as many are 15’-20’ in height. The Commission may want to consider whether there should be consideration for existing tall one-story buildings.

Commissioner Neumann felt that downtown needed density and he did not think a fourth story would be out of line with existing downtown buildings.

Commissioner Robson agreed with using height of existing first floor and then an allowance of 12 feet for upper stories.

Commissioner Pall did not believe any of the planning documents supported increased height.

Chairperson Meyerson believed that height could be addressed through the PUD process if a site warranted.

Updates

Staff provided the Commission with the Resiliency Plan for Governments in the Little Traverse Bay Watershed: Local Climate Solutions from the Tip of the Mitt Watershed Council, which came out of the Climate Change Summit last spring. A presentation on the plan could occur in early 2019.

The master plan update will begin with public input and staff is talking to LIAA about undertaking the effort focused on resiliency in all areas – environmental, housing, transportation, etc. She would like the input to be gathered in the first quarter of the year.

The City's SAW grant is coming to a close, with a draft storm water management plan, storm water asset management plan and storm water ordinance currently under review. Chairperson Meyerson asked whether the Commission will be reviewing, which staff replied they will have the opportunity.

Staff updated the Commission on pending legislation regarding short term rentals (HB 4503 and SB 329), that would eliminate local communities ability to regulate. MML held a teleconference with communities as it is likely the legislation will be brought up in lame duck session. Staff will be providing talking points if Commissioners want to reach out to legislators.

MML is moving forward with providing technical assistance on the Darling Lot, but nothing will likely happen before the new year.

The Crestview Commons owners are in discussions with a housing development company, so something may be coming forward for a PUD amendment of the former Kmart site.

The meeting then adjourned at 9:30 P.M.

Minutes reviewed by Dana Andrews, Commission Vice Chair/Secretary