



**PLANNING COMMISSION**

December 13, 2018

A regular Planning Commission meeting was held in the City Hall Council Chambers, Petoskey, Michigan, on Thursday, December 13, 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  
Ted Pall

Absent: Dean Burns  
Rick Neumann  
Eric Yetter

Others: Kailey Atkins, 1109 East Mitchell Street  
Abby Badgley and Ave, 415 Kalamazoo Avenue  
Carla Crockett, 1043 Curtis Avenue  
Jasmine Turner, 1109 East Mitchell Street  
Tom Webster, 730 Kalamazoo Avenue

Staff: Amy Tweeten, City Planner  
Lisa Denoyer, Administrative Assistant  
Robert Straebel, City Manager

Upon motion and support, the minutes of the November 15, 2018 regular meeting were approved, with a small typo correction, 6-0.

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

Staff explained that City Council initiated the rezoning of 200 East Lake Street to B-2 Central Business District to ensure compatible zoning was in place until a development is proposed. Rezoning the property to B-2 Central Business District would allow a wide range of uses, but requires commercial uses on the first floor; has form requirements including building to the property line; minimum floor to ceiling heights; minimum two story and maximum three story, 40 feet height restrictions; and has architectural standards.

Staff also explained that the rezoning of the property is consistent with the following Master Plan Goals and Objectives:

- Maintain and enhance downtown Petoskey as the regional economic and cultural center of the community;
- Ensure that infill development and redevelopment are consistent with and complementary to the community's historic form; and

- Promote economic development that protects and enhances the community's natural, historic, social and cultural resources.

Action by the Planning Commission would be to make a recommendation on the rezoning to City Council.

At this time, the meeting was opened for a public hearing.

Tom Webster, 730 Kalamazoo Avenue, asked what the cultural, social and economic features were and how they would be measured. He stated that he has been a contractor most of his life and knows that people have different views on of significant cultural background and asked if that was open for debate.

Staff responded that the rezoning is consistent with the goal of promoting economic development that protects and enhances the community's natural, historic, social and cultural resources as the zoning district would allow retail, restaurants and hotels which are uses compatible with Downtown Petoskey. The goal is a broad statement not a specific approval.

Chairperson Meyerson added that the Commission is only reviewing the rezoning request but those items would be discussed if and when a proposal for development has been made.

Commissioner Pall commented that if the person who purchased the site is happy with the proposal then he saw no reason not to proceed.

Commissioner Braddock stated that she believed it made sense to rezone the property.

Commissioner Greenwell commented that it was a foregone conclusion.

Commissioner Robson stated that she felt it should move forward.

Commissioner Andrews asked if the applicant was present or if they had made contact with staff, to which staff responded that she had not had any communication with the applicant but a notice was sent regarding the public hearing.

Commissioner Andrews stated that he too believed it should move forward and Commissioner Meyerson concurred.

At this time, Commissioner Andrews made a motion, with support from Commissioner Robson, based on the findings in the agenda memo dated December 13, 2018 and public comment, that the proposed rezoning is compatible with the City of Petoskey Master Plan, and that the rezoning of the property known as 200 East Lake Street with the legal description specified in the agenda memo therefor be recommended to City Council. Motion carried 6-0.

### **Public Hearing on the Proposed Amendments to Zoning Ordinance Fence Regulations**

Staff informed the Commission that the proposed language includes changes to the definitions for corner clearance, corner-front yard, fence; fence, decorative; fence, garden; fence, living; fence, privacy, screening, security and vision triangle and reviewed Table 1712.1.

At this time, the meeting was opened for a public hearing.

Tom Webster, 730 Kalamazoo Avenue, asked if the front yard setback was from the sidewalk and stated that he is having difficulty determining his property line.

Staff responded that the setback would be 24-inches from the property line and explained that most property lines are approximately one foot from the inside of the sidewalk but properties without a sidewalk would need a corner property marker or survey to determine the property line. Staff also commented that, as a general rule, if the street is 66-feet wide that the property line would be approximately 33-feet from the midpoint, but a property survey is the only way to know one's property line for certain.

Mr. Webster stated that in his 42 years of experience with having a garden that an 8' x 8' garden is not enough space to grow food that can be frozen, canned or dried and asked if it would be possible to have a garden that size in the front and side yards and suggested that more growing space be allowed.

Carla Crockett, 1043 Curtis Avenue, asked if a resident could apply for a variance should they need more than the allowed square footage. Chairperson Meyerson responded that they could.

Abby Badgley, 415 Kalamazoo Avenue, thanked the Commission for their hard work and stated that it is nice for people to have the option of a front yard garden but agreed with Mr. Webster that an 8' x 8' garden is small but that she believed it was better than none.

Chairperson Meyerson asked if one enclosure or multiple enclosures would be better.

Mr. Webster responded that one would be better and thanked the Commission stating they have done an amazing job given where they were last summer.

Ms. Crockett asked the Commission if anyone had spoken with local farmers about the size of a garden.

Ms. Badgley commented that last year she had a 10' x 16' garden that contained one row of potatoes, onions, carrots and five tomato plants and they were able to eat them as they grew. She also stated that cutting that in half is rather small but it is a start and better than nothing. Ms. Badgley also commented that a variance is expensive.

Mr. Webster commented that a 40' x 40' garden produces enough fruits and vegetables for one year and that fruit plants take up a large amount of space.

Ms. Crockett asked the Commission how the 8' x 8' maximum came about to which Chairperson Meyerson explained that there was a lot of discussion and that the decision was based on being able to reach plants in a raised garden bed.

Mr. Webster asked if there was anything that could be done about properties that are non-conforming to which Chairperson Meyerson responded that they would be address through ordinance enforcement.

Commissioner Andrews commented that raised garden beds or 4' x 4' gardens are accessible from all sides.

At this time, the public hearing was closed.

Chairperson Meyerson commented that the Commission decided to hold a public hearing to get input on what had been discussed to date, but that there was also discussion of holding a joint meeting with City Council to review the proposed ordinance changes before making a formal

recommendation. She asked Mr. Straebel if he thought a joint meeting would be possible, to which he responded that he thought it would be.

Commissioner Robson requested text changes under living fence (maintained no less than two feet) and rear yard setback (none) and expressed concern about resistance from City Council on front yard fences.

Commissioner Pall emphasized that he voted for a maximum height of 36 inches for front and corner front yards and requested changes to the 1712.1 table for ease of reading and suggested the possibility of having two tables instead of one. He believed a meeting with Council would be a good idea.

Commissioner Greenwell responded that the majority of the Commission leaned toward the maximum height of 42-inches based on existing fences in the community.

Commissioner Braddock believed the discussion of the 64 square feet was that it could be divided between two enclosures for the ability to reach plants in a raised bed. Commissioners concurred that it could be split between two areas.

Commissioner Andrews commented that the most contentious topic is front yard fences and asked if anyone in the public had comments on just front yard fencing.

Ms. Badgley commented that people will utilize front yard fences and that if they put it the time and energy into a garden they will in the fence as well. She stated that she never noticed any front yard fences until this issue came up and that she does not believe that people drive around and see them as offensive.

Mr. Webster commented that he has apple trees and burning bushes and he has to fence them in or the deer will eat them. With these rules he would not be allowed to continue doing this.

Commissioner Andrews commented that he does not think it is good policy to create ordinance language knowing that variances will be sought.

Chairperson Meyerson stated that a resident can always apply for a variance but it does not mean that it will be approved and that a special circumstance may be a shaded rear yard. She also stated that she believes 64 square feet is a reasonable amount of space for a garden in a front or corner front yard, and noted that while it had been requested that all measurements be the same, it would be OK to put in "feet" rather than inches where it makes sense.

Commissioner Pall suggested putting both in the language.

At this time, Commissioner Andrews made a motion, with support from Commissioner Robson, to postpone action pending a joint meeting with City Council. Motion passed 6-0.

### **Discussion and Adoption of the 2019 Meeting Schedule**

Staff reviewed the proposed 2019 meeting schedule noting that the regular meeting of the Planning Commission is held on the third Thursday of each month, with the exception of June when it is held the second Thursday to avoid conflict with the Downtown Gallery Walk. Staff informed the Commission that they may have to schedule special meetings in 2019 for work on the master plan.

Commissioners discussed changing the June and December dates but decided to leave them as presented.

## **Discussion and Direction on Accessory Dwelling Units (ADU) Regulations**

Staff informed the Commission that the draft language incorporates portions of Ann Arbor and Traverse City ordinances and includes:

- Definitions
- Intent – what the City is trying to accomplish by allowing ADUs
- Required owner occupancy of one of the units
- Minimum rental period
- Design standards – height, setbacks, stairwells, maximum size, entry location
- Parking requirement
- Prohibition for properties with shared driveways
- Limit of 10 ADUs per year

Chairperson Meyerson asked the Commission if they would like to bring this up at a joint meeting with City Council before holding a public hearing to work out any issues.

Commissioners discussed possible issues with stacked parking, the application process, regulating, licensing and/or registration and further discussion with City Council.

Ms. Crockett commented that she owns a lot that is almost one acre and there are people living in campers not far away. Most of her neighbors have larger lots and she believes that ADUs are valuable and that there relevance. She also commented that when she lived on Grove Street the neighbor behind her wanted to purchase land from her because her lot was so small.

Ms. Badgley commented that she too believes they are valuable and asked how the City would determine who the 10 approved ADUs would be if twelve people applied.

Chairperson Meyerson commented that if the criteria is met that a person can apply and the applications would be processed on a first-come-first-served basis.

The Commission asked staff to put ADUs as a subject for the joint meeting agenda.

## **Updates**

Staff informed the Commission that she, along with Commissioners Andrews and Yetter, attended a Networks Northwest Seasonal Economy Conference in Traverse City. Commissioner Andrews noted that there was a lot of good information presented on cycles of tourism, eco-tourism, agro-tourism and alcohol tourism.

In response to an inquiry by Chairperson Meyerson, staff explained the first part of the master plan update will be gathering public input and that the Commission will discuss process at the January meeting.

The meeting then adjourned at 8:26 P.M.

Minutes reviewed by Dana Andrews, Vice Chair/Secretary