



PLANNING COMMISSION Wednesday, November 15, 2023

1. Roll Call – 6:00 P.M.
2. Approval of Minutes – October 18, 2023 Regular Meeting
3. Old Business
 - a) Case #3-23 – Public Hearing for a Rezoning Request from R-3 to RM-2 for Parcel No. 52-19-06-400-156 located on Petoskey Street
4. New Business
 - a) Proposed Amendment to Section 17 – Electric Vehicle Charging Stations
5. Public Comment – This is an opportunity for the public to comment on items not on the meeting agenda
6. Commissioner Comments
7. Updates
 - a) Zoning Committee
8. Adjournment

Alternatively, you may join the meeting via the Zoom platform

<https://us02web.zoom.us/j/81282742167>

Meeting ID: 812 8274 2167

Or by calling +1 646 558 8656 US

Persons interested in addressing the Planning Commission during the meeting under public comment period can press the “raise hand” button in Zoom or by phone press *9.



PLANNING COMMISSION

October 18, 2023

A regular Planning Commission meeting was held in the City Council Chambers, Petoskey, Michigan, on Wednesday, October 18, 2023. Roll was called at 6:00 P.M. and the following were:

Present: Cynthia Linn Robson, Chairperson
Matt McSweeney
Richard Mooradian
Rick Neumann
Ted Pall
Charles Willmott

Absent: Betony Braddock
Doug Buck
Carolyn Dettmer

Others: Andrea Jacobs, Housing North

Staff: John Iacoangeli, City Planning Consultant
Lisa Denoyer, Zoning Administrator

Upon motion and support, the minutes of the September 20, 2023 regular meeting were approved. Motion carried 6-0.

Introduction of a Zoning Request from R-3 to RM-2 for Parcel No. 52-19-06-400-156 located on Petoskey Street

John Iacoangeli, Planning Consultant, informed the Commission that the applicant was requesting a rezoning of a vacant parcel with access on Petoskey Street from R-3 to RM-2 for the purpose of building a small multiple-family apartment. Parcels to the north, south and east of the subject property are zoned R-3 Single-family Residential and to the west are zoned RM-2 Multiple-family Residential. There are three small multiple-family units at 208, 209 and 214 East Sheridan Street in the immediate neighborhood and are all owned by the applicant. They are smaller scale and fit within the residential neighborhood context.

He then explained that the Livable Petoskey Master Plan classifies the subject area as Mixed Residential-2. This land use category includes neighborhoods with a wider mix of units that include single, two, and multiple family structures interspersed and areas developed for larger scale multi-unit residential buildings such as apartment or condominium complexes.

Commissioners commented that more young people would rather rent these days than own and voiced concerns on spot zoning, the percentage of rentals in the area compared to the State average and changing the character of the neighborhood. Commissioners then discussed the importance of changing zoning for a property, not for a specific use, reviewed the permitted uses for each district

and asked staff to create a comparison sheet of the schedule of regulations and permitted uses for each district that would be straight forward for residents to compare uses.

Commissioner Willmott made a motion, seconded by Commissioner Neumann, to schedule a public hearing for the November regular meeting. Motion carried 6-0.

Commissioner Pall commented that he was in favor of a public hearing, however he reserved the right to change his mind after discussions at the public hearing.

Discussion Regarding the Possibility of Converting Excessive Parking at Crestview Commons into Building Pads

Lisa Denoyer, Zoning Administrator, informed the Commission that City staff had conducted an onsite count of the existing parking spaces at Crestview Commons on October 10, 2023 and determined there to be a total of 699 parking spaces.

The current ordinance requires one parking space per 375 square feet of gross floor area for shopping centers and based on the overall retail space noted on the attached document, a total of 478 parking spaces would be required [473 parking spaces would be required based on the Gross Leasable Area (GLA)]. Based on these calculations, parking on the site could be reduced by 221 to 226 spaces and still meet the current parking requirements.

She also informed the Commission that she and the Planning Consultant had met with the developer and discussed the possibility of future buildouts, to which the developer was receptive.

Public Comment

No public comments were received.

Commissioner Comments

Commissioner Pall asked for an update on the fence at Bay Street Urgent Care. Staff responded that she had approved a fence permit for the correct fence, however she was waiting on a response as to when it would be installed.

Staff Updates

Commissioner Willmott asked if there were any updates on the Michigan Maple Block, Lofts at Lumber Square, Villas or Mitchell Street Market projects.

Andrea Jacobs, Housing North, commented via chat that the Michigan Maple Block project did not receive the RAP grant and are still pursuing CRP funds through MEDC.

Mr. Iacoangeli informed the Commission that City Council would be holding a special meeting on October 23, 2023 to continue discussions on short-term rental ordinance language.

Commissioner McSweeney commented on the most recent rendition of West Mitchell Street that was submitted by David Trautman and the beautification that could be done to the area to improve the look. He did not realize how few trees were along that area until he saw the rendition and felt the addition of trees or shrubs would help improve the look of the area.

Commissioner Willmott asked where the City's non-motorized facilities plan could be found and commented that he felt it would be a good idea for the Commission to review and update the plan.

Staff responded that the plan can be found on the City's website and it was last updated in 2015.

Chairperson Robson asked if three items could be added to the Planning Commission's review list as they had addressed the items previously listed. Mr. Iacoangeli responded that he would provide the Commission with a list of additional items to be reviewed.

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:03 P.M.



BOARD: Planning Commission

MEETING DATE: November 15, 2023 DATE PREPARED: November 10, 2023

AGENDA SUBJECT: Vacant Lot – Petoskey Street

RECOMMENDATION: Possible Action

APPLICANT: Kalchik Developing, LLC

PROPERTY OWNER: Kalchik Developing, LLC

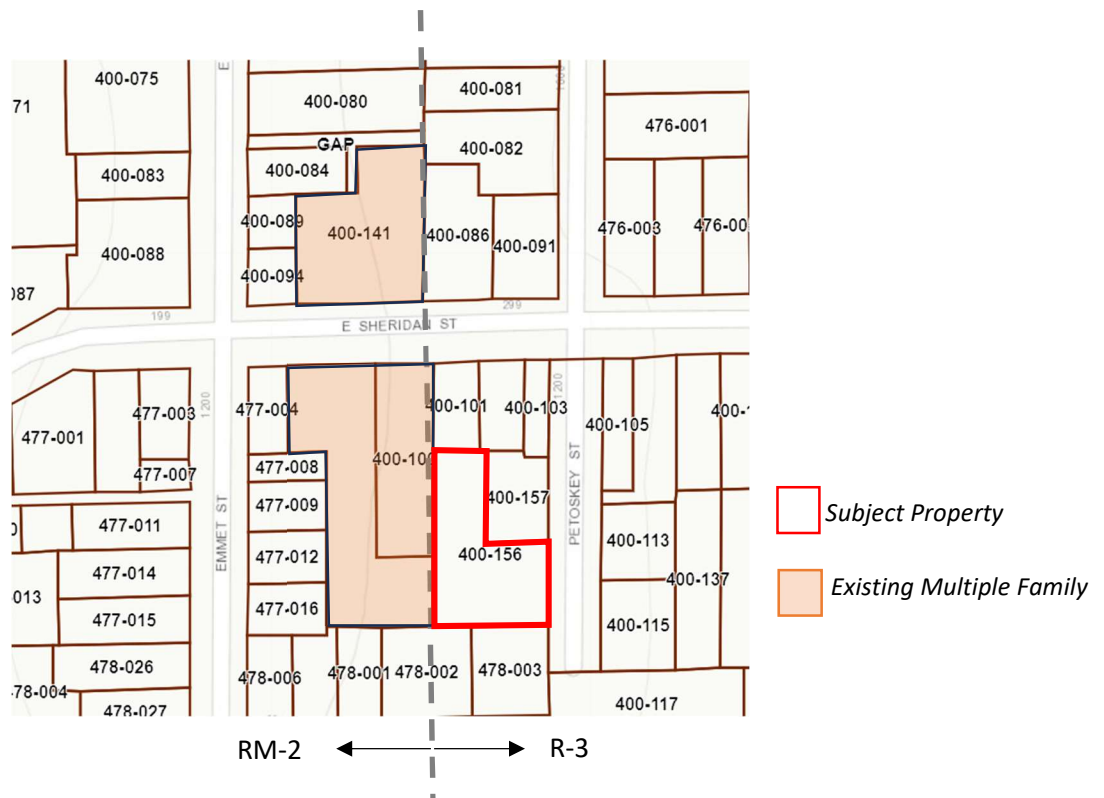
PARCEL ID: 52-19-06-400-156

REQUEST

The Applicant is requesting a rezoning of a vacant parcel of property (.41 acres) with access on Petoskey Street from R-3 to RM-2 for the purpose of building a small multiple-family apartment.

SITE

The subject property is located on Petoskey Street (outlined in red) near E. Sheridan Street.



Parcels to the north, south, and east of the subject property are zoned R-3 (Single Family Residential) and to the west RM-2 (Multiple Family). Kalchik Developing, LLC also owns parcel 52-19-06-400-100 to the west of the subject parcel. The map notes that the line between the R-3 and RM-2 divides the Kalchik Developing, LLC properties.

There are three small multiple-family units on E. Sheridan Street in this immediate neighborhood: 208 E. Sheridan, 209 E. Sheridan, and 214 E. Sheridan. 214 E. Sheridan Street, owned by the Applicant, has a rear parking lot for tenants accessible from Petoskey Street through the subject parcel. These apartments are smaller scale and fit within the residential neighborhood context.

RELATIONSHIP TO THE MASTER PLAN

The adopted July 21, 2021, Livable Petoskey Master Plan classifies the subject area as “Mixed Residential -2.” As noted in the master plan, this land use category includes neighborhoods with a wider mix of units—single, two, and multiple family structures interspersed- and areas developed for large-scale, multi-unit residential buildings such as apartment or condominium complexes. These areas are in proximity to employment centers and public amenities.¹

Neighborhood goals outlined in the master plan note:

- A range of housing types, densities, and price levels to address the needs of all age groups, household types, and income levels are available, **and**
- Infill development and redevelopment is compatible with and enhances existing residential areas.²

RELATIONSHIP TO OTHER PLANS

The recently published 2023 Community Overview and Housing Market for the City of Petoskey noted there is an extremely low inventory of available rentals in the market³. The community's lack of available rental housing impairs local employment opportunities, reduces choice, and constrains movement within the housing stock.

EVALUATION CRITERIA

1. The Planning Commission should first consider whether or not the map change is appropriate; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as a permitted use or as a special condition land use.

Amending the zoning text to allow multiple-family may adversely impact some neighborhoods with smaller lots. This is something that should be evaluated when rewriting the zoning code.

¹ Livable Petoskey Master Plan, Land Use and Zoning Plan, page 61

² Livable Petoskey Master Plan, Neighborhoods for All, page 45

³ Community Overview & Housing Market, 2023 for the City of Petoskey, page II-19

2. The rezoning request should be evaluated for consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.

The Future Land Use map recognizes this neighborhood as Mixed Residential -2, which advocates for a mix of single and multiple-family housing units. The master goals also reinforce the need for diversity in housing, and the recently published housing study noted the extremely low amount of rental units available within the market.

3. The proposed zoning should be evaluated for its compatibility with the existing land use pattern. The community should ask itself if uses in the proposed zone are equally, less, or better suited to the area

The proposed rezoning request to change the zoning from R-3 (Single Family) to RM-2 (Multiple Family) is consistent within the immediate neighborhood. Parcels adjacent to the subject property are zoned RM-2.

4. The evaluation of the rezoning should also consider if the proposed use could be built on the subject site if it were to be rezoned. Is the parcel size sufficient? Are there environmental restrictions (i.e., soils, wetlands, floodplains, etc.) that would make the site non-buildable or are they showing that the property cannot be used as presently zoned due to these limitations?

The subject parcel is .41 acres (17,859 sqft) in size. Parcels currently zoned RM-2 have similar sizes. 208 E. Sheridan is .57 acres, 209 E. Sheridan is .48 acres, and 214 E. Sheridan is .31 acres. Based on this comparison, the subject parcel is sufficient in size to accommodate a small multiple-family development. There are no apparent environmental conditions on the site.

5. Are there sites nearby already properly zoned that can be used for the intended purposes?

A small parcel, .22 acres, located at 1304 Emmet Street, is zoned RM-2. However, the parcel is approximately 100' deep by 100' wide and would be more conducive to be divided into two residential single-family lots.

6. Is the proposal consistent with the established zoning pattern, or does it represent spot zoning? For purposes of this Ordinance, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.

The proposal to rezone the subject parcel to RM-2 would not be considered spot zoning because parcels to the west are zoned RM-2. The subject parcel is on the dividing line between the R-3 and RM-2 zoning districts.

PROPOSED MOTIONS

Approval

Based on the documentation submitted, I make a motion to recommend to City Council the rezoning of parcel 52-19-06-400-156 from R-3 (Single Family) to RM-2 (Multiple Family) based on the future land use map and goals outlined in the master plan.

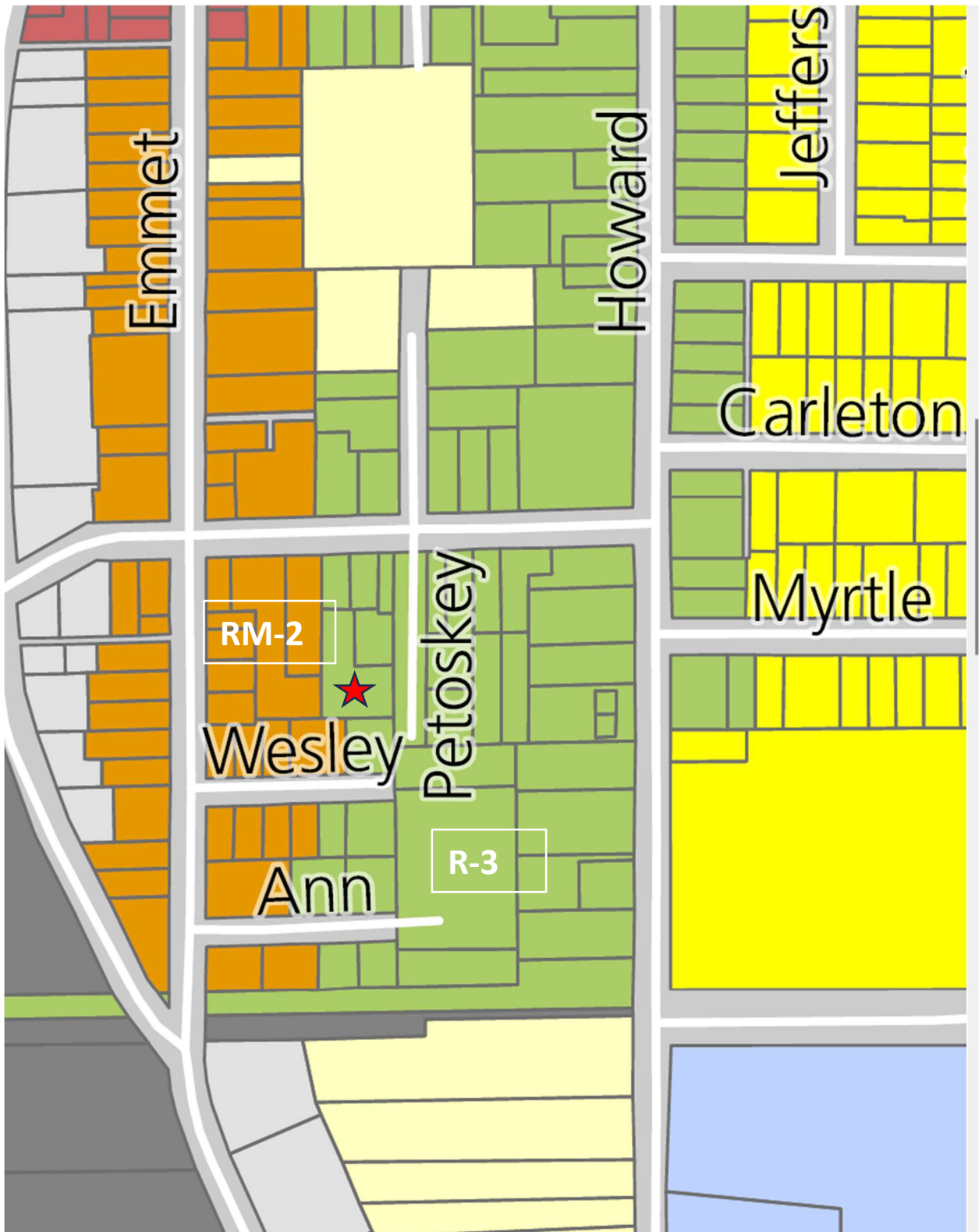
Denial

Based on a review of the material presented, I make a motion to deny the request to rezone parcel 52-19-06-400-156 because the rezoning would be:

[List reasons for denial]

#####

BACKGROUND – ZONING MAP



BACKGROUND – PROBABLE RENTAL PROPERTIES



Sec. 1600. Schedule limiting height, bulk, density and area by zoning district.

ZONING DISTRICT	Minimum Lot Size Per Unit		Maximum Height of Structure		Minimum Yard Setback (Per Lot in Feet)				Maximum Lot Area Coverage (All Buildings)
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Side Yards		Rear	
						Side (one)	Side (total of two)		
R-3 Single-Family	6, 000(d)	50	2.5	25	25(b)	5(c)	15	35	35%
RM-2 Multi-Family	(e)	(e)	3	33	25	10	20	35	30%

Sec. 1600. - Notes to schedule.

- (a) See [section 1601](#), Averaged Lot Size, and [section 1602](#), Subdivision Open Space Plan, regarding flexibility allowances.
- (b) The minimum front-yard setback is the average of the front-yard setbacks of any three 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 adjacent houses on the same block face, or 25 feet, whichever is less.
- (d) In the R-3 Single-Family District, two-family dwellings may be permitted subject to the following additional requirements:
 - (1) The lot area is at least 6,500 square feet.
 - (2) A parking plan is submitted to the planning commission indicating unobstructed access to a public way for each vehicle.
- (e) In the RM-1 Multiple-Family Districts, multiple-family dwellings shall be located on a lot area of not less than 8,000 square feet. The following minimum lot sizes shall be provided for every dwelling unit beyond the first unit whose land area need is 8,000 square feet:

Bedroom Unit *	Minimum lot area per unit
Efficiency Apt.	2,500 sq. ft.
1 Bedroom	2,500 sq. ft.
2 Bedroom	3,700 sq. ft.
3 Bedroom	4,900 sq. ft.

* A den or extra room shall count the same as a bedroom in multiple dwellings.

In the RM-2 Multiple-Family Districts, multiple-family dwellings shall be located on a lot area of not less than 5,000 square feet. The following minimum lot sizes shall be provided for every dwelling unit beyond the first unit whose land area need is 5,000 square feet:

Bedroom Unit *	Minimum lot area per unit
Efficiency Apt.	1,500 sq. ft.
1 Bedroom	1,500 sq. ft.
2 Bedroom	2,000 sq. ft.
3 Bedroom	2,500 sq. ft.

* A den or extra room shall count the same as a bedroom in multiple dwellings.

Use	R-1 and R-2 Single-family District	R-3 Single-family District	RM-1 Multiple- family District	RM-2 Multiple- family District
Single-family Detached Dwellings	P	P	P	P
Publicly Owned Marinas, Libraries, Parks, Parkways, Recreational Facilities	P	P	P	P
Cemeteries (existing at time of ordinance)	P	P	P	P
Public, Parochial and Private Elementary Schools - General Education (non-profit)	P	P	P	P
Accessory Building (uses customarily incident to permitted uses)	P / SCU	SCU	P / SCU	P / SCU
Bed and Breakfast Operations	P	P	P	P
Home Businesses / Occupations	P	P	P	P
Accessory Dwelling Units	P	P	P	P
Churches	SCU	SCU	SCU	SCU
Public, Parochial and Private Intermediate and/or Secondary Schools - General Education (non-profit)	SCU	SCU	SCU	SCU
Utility and Public Service Buildings and Uses	SCU	SCU	SCU	SCU
Non-public Recreational Areas and Recreational Facilities	SCU	SCU	SCU	SCU
Cemeteries	SCU	SCU	SCU	SCU
Municipal Office Buildings	SCU	SCU	SCU	SCU
Two-family Attached Dwellings	SCU	SCU	SCU	SCU
Duplex	-	SCU	SCU	SCU
Nursery Schools, Day Nurseries, Child-care Centers, Group Homes	-	-	SCU	SCU
Assisted Living and Convalescent/Nursing Care Facilities - Not to exceed six occupants	-	-	SCU	SCU
Offices for Executive or Administrative Occupations - legal, accounting, insurance, finance, etc.	-	-	-	SCU
Boarding Houses - Not to exceed six occupants	-	-	-	SCU
Multiple-family Dwellings	-	-	P	P

P = Permitted Use

SCU = Special Condition Use

Proposed Amendment to Section 17 Electric Vehicle Charging Stations

Section 17

Section 1719.0 Electric Vehicle Charging Stations

The intent of this ordinance is to facilitate and encourage the use of electric vehicles and to expedite the establishment of convenient, cost-effective electrical vehicle infrastructure that such use necessitates.

Section 1719.1 General definitions.

For purposes of this ordinance, unless otherwise expressly stated, the following words and phrases shall be defined as follows:

- (a) *Accessible electric vehicle charging station* means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and electric vehicle.
- (b) *Battery charging station* means an electrical component assemblies or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (c) *Battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero emissions or pollution when stationary or operating.
- (d) *Charging levels* means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common charging levels, and include the following specifications:
 - (1) Level 1 is considered slow charging. Voltage includes the range from zero (0) through one hundred twenty (120).
 - (2) Level 2 is considered medium charging. Voltage is greater than one hundred twenty (120) and includes voltage up to and including two hundred forty (240).
 - (3) Level 3 is considered fast or rapid charging. Voltage is greater than two hundred forty (240).
- (e) *Electric vehicle* means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and is powered either partially or exclusively on electrical energy from the grid or from an off-board source that is stored on-board via a battery for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- (f) *Electric vehicle charging station* means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (h) *Electric vehicle charging station—private restricted use* means an electric vehicle charging station that is (1) privately owned with restrictive access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted from public access (e.g., fleet parking with no access to the general public).

- (i) *Electric vehicle charging station—public use* means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park and Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors for use (e.g., shopping center parking).
- (j) *Electric vehicle infrastructure* means wiring conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (k) *Electric vehicle parking space* means any designated parking space with a barrier-free access aisle that identifies the use to be exclusively for the parking of an electric vehicle.
- (l) *Non-electric vehicle* means any motor vehicle that does not meet the definition of an electric vehicle.
- (m) *Plug-in hybrid electric vehicle* means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal combustion-driven generator; and (4) has the ability to travel powered by electricity.

Section 1719.2 Compliance.

It is unlawful to construct or install, or cause to be constructed or installed, any electric vehicle charging station upon any property within the City in violation of the requirements of this section.

Section 1719.3 Permit required.

It shall be unlawful for any person to construct or erect an electric vehicle charging station upon any property within the city without obtaining a zoning permit from the City of Petoskey Zoning Administrator or other designated city official. The permit application shall be accompanied by a plot plan prepared by a licensed professional architect, engineer, landscape architect, professional community planner, or land surveyor showing the type, size, and proposed location of the electric vehicle charging station and payment of the permit fee established by resolution adopted by City Council. The fee shall be based on the existing fee schedule adopted by the City Council. The requirement for submission of an official plot plan is not required for properties zoned residential when the electric vehicle charging station is located inside a structure. If the electric vehicle charging station is located outside of the structure for properties zoned residential, a plot plan drawn to scale by the owner, occupant or interested party is required.

Section 1719.4 Permitted locations.

- (a) Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, multifamily, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Zoning Administrator.
- (b) Level 3 electric vehicle charging stations are permitted in every zoning district except in any residential zone, or residential properties located in non-residential zoning districts. Installation shall be subject to review by the Zoning Administrator and permit approval administered by the Emmet County Building Division.

- (c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit gasoline service stations.

Section 1719.5 Residential use in residential district and non-residential development.

(a) *Parking.*

(1) For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for the minimum required parking spaces required in accordance with Section 1704. For an existing parcel, an approved existing parking space (except an accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 1704.

(2) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

(b) *Accessible electric vehicle spaces.* Accessible electric vehicle charging stations shall be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. The property owner may designate the accessible electric vehicle charging station exclusively for use by people with disabilities.

(c) *Lighting.* It is recommended that lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Lighting shall not encroach upon abutting properties.

(d) *Equipment standards and protection.*

(1) Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.

(2) Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.

(e) *Usage fees.* The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

(f) *Signage.*

(1) Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.

(2) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

(3) Design specifications for signage shall be obtained from the Zoning Administrator or designated city official.

116 (g) *Maintenance.* Electric vehicle charging stations shall be maintained in all respects, including the
117 functioning of the equipment. A phone number or other contact information shall be provided
118 on the equipment for reporting non-functioning equipment, malfunctioning equipment, or
119 other issues regarding the equipment.