



**PLANNING COMMISSION**

February 18, 2021

A regular Planning Commission meeting was conducted virtually from remote locations, with staff at City Hall Council Chambers, Petoskey, Michigan, on Thursday, February 18, 2021. Roll was called at 7:00 P.M. and the following were:

Present: Cynthia Linn Robson, Chairperson  
Betony Braddock  
Carolyn Dettmer  
Rose Fitzgerald  
Bob Kronberg  
Richard Mooradian  
Rick Neumann  
Ted Pall  
Kent Warner

Others: Dusty Christensen, 830 Cottageview Dr., Traverse City  
Steve Ezell, 9835 King Fisher Trail, Traverse City

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

Upon motion and support, the minutes of the January 21, 2021 regular meeting were approved with corrections.

**Special Condition Use Request for a  
Medical Marihuana Provision Center at 1111 Charlevoix Avenue**

Staff informed the Commission that the property at 1111 Charlevoix Avenue is in the B-3B Business Industrial District that allows provisioning centers subject to special condition use approval and the site meets the established distance requirements from public schools and other provisioning centers.

A revised site plan was submitted that adds parking to the south side of the building, pending an amendment to the access easements, as well as additional parking provided in a leased area southwest of the site and the site now has eight parking spaces. The easement behind the building would be eliminated, shrub sizes were increased per staff's recommendation and a tree was added between the parking area and the leased land.

Staff then gave a review of the revised site plan, landscaping plan and elevation drawings and commented that these plans and staff's review to the standards of approval in Site Plan Review (Sections 17.16(3)), Special Condition Uses (1717), Site Development Standards in the B-3B Business Industrial District (2602) and Standards for Medical Marijuana Facilities (3202), as well as the US-31 Access Management Plan were provided to the Commission.

Staff believes that the standards could be met with the following conditions:

1. The amendment to the easement area is recorded;
2. A crosswalk is added from the entrance to the parking area;
3. Review and approval of any signs;
4. Submittal of necessary applications and fees for utility connections prior to construction; and
5. One of the drive openings is eliminated or reduced in size should 1111 and 1115 Charlevoix Avenue be combined into a single parcel.

Staff then reminded the Commission that they should evaluate the special condition use according to the ordinance standards of approval and a motion to approve, approve with conditions, postpone pending more information, or denial should be based on the finding that the ordinance standards are met, could be met with stated conditions or could not be met.

Steve Ezell, applicant, stated that he believes they have made all of the necessary adjustments for the Commission to approve their request and proceed with the project.

Dusty Christensen, Mansfield Land Use Consultants and representing the applicant, reviewed changes that were made to parking, landscaping, and setbacks and modifications to the easements and setbacks and stated that he believes the standards are met.

Chairperson Robson commented that a question about parking had been brought up at the January meeting and she had asked staff to include the provisioning center parking research that had been conducted. She believes eight parking spaces would be very efficient and is similar to sites that staff visited in Traverse City. She stated that during staff observation of these facilities it was noted that there were no more than three customers in a center at one time and the average pickup time was five minutes. She then reminded the Commission that should recreational marijuana retail be allowed in the future, that the zoning requirements would likely be different and parking requirements likely greater than for provisioning centers.

At this time, the meeting was opened for public comment. No public comment was received.

Commissioner Pall commented that he believes many positive changes had been made to the proposed plan. He asked staff if a lighting plan was required and stated that it is unclear if there is sufficient lighting for pedestrian traffic crossing the drive.

Staff responded that lighting had been shown on the previous plan submitted and that additional building lighting should be noted.

Commissioner Neumann responded that the elevation drawing shows a light at the northwest corner of the building and that a light at the southwest corner should be added for the parking provided there.

Mr. Ezell commented that they would be happy to add more lighting if needed.

Chairperson Robson stated that she would prefer that lighting be on only during hours of operation.

Mr. Christensen responded that the lighting adjacent to the front and rear entrances are ingress and egress lights required by the building code and will comply with the standards of the zoning ordinance and dark sky requirements. Additional site and building lighting can be added and staff approval would be appreciated.

Commissioner Pall inquired about the height change of the bushes from 36-inches to 42-inches and if the Commission had the ability to require the lease be maintained for at least 10 years or for as long as the business exists. While he believes there are many great features to the plan he voiced concerns

with the distance patrons would have to walk from the barrier free parking space to the front door, safety concerns with the parking space closest to the drive entrance and the location of the entrance at the front of the building. He then asked if it would be possible to have two entrances, with one along the side of the building.

Staff responded that the bushes would be placed higher up on the curb.

Mr. Ezell stated that he had no issue with adding a side entrance and would be happy allow customers to enter from the front and the side of the building.

Chairperson Robson asked if patrons would be allowed to enter the building where the product would be without being screened prior to entrance.

Mr. Ezell responded that patrons would be screened before being allowed to enter the area where products are kept. A receptionist would be near the entrance to verify a valid medical marijuana card and a corresponding I.D. Floor plan alterations would have to be made to accommodate a second entrance.

Commissioner Pall commented that he would not object to only one entrance on the side of the building, and would prefer it, like other businesses along the corridor.

Mr. Christensen commented that entrances closer to the street provide curb appeal and are the direction many ordinances are going.

Commissioner Pall responded that he agreed mostly, however, he has concerns with traffic entering at 40 mph with such a short distance to pedestrian traffic.

Commissioner Braddock stated that her questions on lighting had already been discussed; she believes the proposed project is a huge improvement over the current site and is glad to see the easement would be abandoned. She believes the applicant really listened to the Commissions comments and suggestions and has no objection to a side entrance.

Commissioner Kronberg stated that this is a nice accommodation and he is very pleased with the direction, design and rear parking. He agreed with the recommendation for a side entrance as well as a front entrance to the building and stated that he is not as concerned with cars pulling into the site at 40 mph as cars are generally going 10-15 mph upon entrance. He also is not opposed to lighting to the west and rear of the building, so long it is downward lit and the lights are turned off when the facility is closed.

Commissioner Dettmer stated that she agreed with Commissioner Kronberg. She also appreciated the plan design.

Commissioner Warner stated that he agrees the front entrance should remain, is not opposed to a side entrance and believes the applicant came back with a winning design. He is good with additional lighting, if required.

Commissioner Fitzgerald stated that she would hate to lose the look of the front of the building by removing that entrance and that a side entrance would be safer. Her concern with side entrances is that they tend to look unwelcoming and would prefer both a front and side entrance.

Commissioner Mooradian commented that many of his concerns had already been addressed. He strongly agreed with Commissioner Pall on the addition of a side entrance and voiced concerns with maneuverability should a vehicle enter on the east side if no parking were available. He asked if the vehicle would be able to drive around the back of the building to the other side.

Commissioner Neumann stated that he agreed with most everything the other commissioners had said. He believes the improvements are fantastic and had no strong feelings on the addition of a side entrance or objections to the entrance parking. He believes the reconfiguration of Charlevoix Avenue has really slowed traffic and it is not as dangerous as it once was.

Mr. Christensen responded that the easement would allow vehicles to circle around the back of the building.

Commissioner Pall commented that he had not heard much discussion on maintaining the lease area for the entirety of the time the business is located there.

Chairperson Robson responded that she made a list of items for the Commission to discuss that included a second entrance with a similar treatment as the main entrance, site lighting to be turned off outside of business hours, the lease continuing for the duration of the life of the business, possible removal of the parking space closest to Charlevoix Avenue and the addition of a crosswalk to the parking area.

Chairperson Robson asked Commissioners how they felt about the removal of the parking space closest to Charlevoix Avenue.

Commissioners Braddock, Neumann, Warner and Mooradian all felt the parking space should remain.

Commissioner Pall stated that he was okay with it remaining, especially if there was an addition of a side entrance. Commissioner Kronberg agreed.

Chairperson Robson then asked Commissioners how they felt about requiring that the lease continue for the life of the business.

Commissioner Neumann asked for clarification on whether the property was being leased or purchased by the applicant.

Mr. Ezell responded that he has a contingency to purchase the property once the proposed plan was approved. He is in discussions with the owner of Parcel A to purchase that property as well. He believes the owner is willing to sell as that parcel will be landlocked, however, he does not feel he is ready to do so at this time.

Chairperson Robson asked staff what would happen if the lease were not renewed at the end of the 10-year period and the two additional parking spaces were lost, and if the Commission could require a longer lease as a condition of approval.

Staff responded that the parking requirement would still be met and she was not sure that the Commission could require that the lease go beyond the agreed timeframe.

Chairperson Robson asked Commissioners how they felt about the addition of a second entrance.

Commissioner Braddock responded that she is okay with the addition of a second entrance; however, she would like the main entrance to remain as proposed and has no opposition to just one entrance.

Commissioners Warner, Neumann, Dettmer and Fitzgerald all agreed with Commissioner Braddock.

Commissioner Mooradian stated that he feels very strongly about a second entrance on the side.

Commissioner Pall agreed with Commissioner Mooradian and stated that he believes it is necessary given the distance from the front entrance and the ADA parking space.

Chairperson Robson stated that she too felt strongly about the addition of a second entrance and would like to see lighting added at the second entrance to light the parking area for safety reasons.

Mr. Ezell responded that he does not feel there would be an issue with adding a second entryway on the west wall and that a small awning and light could be added as well.

Commissioner Pall asked Chairperson Robson where the crosswalk would be added and if there had been discussion on it. Chairperson Robson responded that there had been no discussion and asked staff if she had a recommendation for the location of the crosswalk.

Staff responded that she was originally thinking it would be located near the first parking space because that is where the private sidewalk is located and it would indicate the need to slow down for pedestrian crossing. However, with the addition of a side entrance conceivably there would not be as much pedestrian traffic there.

Commissioner Kronberg asked if it would be feasible to have the crosswalk located at the bump out between the proposed parking spaces. This would keep the crosswalk out of a parking space and keep pedestrians away from the highway.

Staff responded that her intent was to have a crosswalk to alert people as soon as they entered the site that there may be people crossing. If the crosswalk were placed by the bump out it may not accomplish that purpose.

Commissioner Neumann commented that he believes the sidewalk should be placed in line with the east/west private sidewalk as staff proposed.

Commissioner Robson stated that she felt it would be a good feature to warn people of pedestrian crossing.

Commissioner Kronberg stated that if the crosswalk were placed at the east/west private sidewalk that maybe the Commission should require that it be maintained frequently enough to insure that the lines remain visible.

Commissioner Neumann responded that typically the parking spaces would be restriped every couple of years and they would typically do the crosswalk at the same time.

At this time, Commissioner Pall made a motion, seconded by Commissioner Warner, to conditionally approve the request for a medical marijuana provisioning center at 1111 Charlevoix Avenue based on site plans dated 2/4/2021 and elevations dated 2/11/2021 and the finding that Sections 1716, 1718, 2602, 3202 of the Zoning Ordinance and the Access Management Plan for US-31 could be met with the following conditions:

1. The amendment to the easement area is recorded;
2. Addition of a crosswalk from the entrance to the parking area is provided and maintained;
3. Review and approval of any signs;
4. Submittal of necessary applications and fees for utility connections prior to construction;
5. One of the drive openings is eliminated or reduced in size should 1111 and 1115 Charlevoix Avenue be combined into a single parcel;
6. A side door be provided on the west face of the building with approval by the City Planner; and
7. City Planner review of lighting in regard to the pedestrian crossing of the parking lot to the building and deem appropriate.

The motion passed 9-0.

## **Public Comment**

The meeting was opened for public comment. No public comment was received.

## **Updates**

Commissioner Fitzgerald gave an overview on the Winter Cities webinar that she and Chairperson Robson attended. She informed the Commission that the webinar focused on ways of making your city more appealing in the winter. Some ideas shared were adding outdoor activities, use of parks for all seasons, improving winter transportation, winter biking, a winter market, festivals, food trucks, holiday market, street closures for sledding and keeping restrooms open all year.

Commissioner Fitzgerald recommended sending the link to the webinar to the Parks and Recreation Commission for review and possible ideas.

Staff informed the Commission that City Council had approved the Livable Petoskey Master Plan for distribution with a public comment deadline of April 12, 2021. Staff stated that she had emailed City Council's edited version to the Commission for review and discussed the need to change the questions on the Livable Petoskey website to better suit the distributed draft. A compilation of public comments received prior to the mailing of the April 15<sup>th</sup> packet will be included in the packet. Any submissions received between the time of mailing and the April 12<sup>th</sup> deadline will be provided prior to the meeting. A joint meeting with City Council would then be scheduled, followed by a public hearing.

Staff then informed the Commission that she does not anticipate action items for the March meeting so she is planning to have the Commission begin work on an ordinance amendment for housing.

The meeting was then adjourned at 8:16 P.M.

Minutes reviewed by Ted Pall, Vice Chairperson/Secretary