



PLANNING COMMISSION

January 20, 2022

A regular Planning Commission meeting was held in the City Council Chambers, Petoskey, Michigan, on Thursday, January 20, 2022. Roll was called at 7:00 P.M. and the following were:

Present: Cynthia Linn Robson, Chairperson
Carolyn Dettmer
Richard Mooradian
Rick Neumann
Ted Pall
Charles Willmott

Absent: Betony Braddock
Rose Fitzgerald

Others: Myron Berry, Mountain Engineering, Inc., Kingsford, MI

Staff: John Iacoangeli, Interim City Planner
Alan Terry, Interim City Manager
Sarah Bek, Executive Assistant

Upon motion and support, the minutes of the December 2, 2021 special meeting and December 16, 2021 regular meeting were approved. Motion carried 6-0.

Case #53-21 – Public Hearing on a Special Condition Use Request for a Medical Marihuana Provisioning Center at 403 West Mitchell Street

Staff gave a brief overview of the special condition use request for a medical marihuana provisioning center at 403 West Mitchell Street, also known as Scooby's Bottle Shop, that is zoned B-3 General Business District. A variance request went before the Zoning Board of Appeals on December 7, 2021 and was granted for six (6) spaces in the street right-of-way. Parking for the facility was also approved along Ingalls Avenue and six spaces were allowed adjacent to the property on Madison Street.

He informed the Commission that the applicant must meet site development standards of Section 3202 standards, which have all been satisfied, and that the Planning Commission's recommendations from the December 16, 2021 meeting had been addressed on the revised plans. Staff recommended that a note be added to the plans stating that parking spaces one through six will be maintained, including snow removal, by the applicant and/or the property owner, the landscaping be revised along Madison Street, a note be added to sheet No. 3 that all trash be retained inside the building for security purposes until it is disposed of, and that the wall sign meet the requirements of Section 7.13. Staff also recommended that a final amended copy of the plans

be signed by the Chairperson and the applicant should the special condition use request be granted.

Myron Berry, Mountain Engineering, thanked the Commission for their time and informed them that they had moved the handicap parking space over to parking space number one, installed a handicap accessible curb, added additional greenspace, removed the dumpster and added the exterior building materials to the elevation drawings. He also commented that they would be willing to change the type of shrubs used for landscaping if the Commission preferred.

Commissioner Neumann thanked Mr. Berry for the changes to the site plan and commented that he believed they were nice improvements. He asked why the site plan still showed parking spaces seven and eight and suggested that a cap be installed over the stonework at the base of the building as an architectural feature.

Mr. Berry responded that the Zoning Board of Appeals approved six off-site parking spaces in place of the required six on-site parking spaces and they are still required to have a total of eight parking spaces. He also added that they would be willing to add on a cap over the stonework.

Commissioner Pall commented that he did not see the new flowering crab tree on the elevation drawings as it is proposed on the landscape plan. He then asked staff how tall the recommended shrubs would be.

Mr. Berry responded that there were two trees missing from the elevation drawing, one existing and one proposed, and both should have been indicated.

Staff responded that the landscape architect indicated that the proposed shrubs would reach approximately four feet in height.

Commissioner Mooradian commented that, per the site development standards for a medical marijuana provisioning center, a medical marijuana facility is not permitted on the same property or parcel or within the same building where any of the following are located: a package liquor store, a convenience store that sells alcoholic beverages or a fueling station that sells alcoholic beverages. He then asked if the neighboring gas station would conflict with this standard.

Mr. Berry responded that it does not as the gas station is on a separate parcel from the proposed site.

Staff gave the UPS Store as an example of a site that would not meet the standard as it has several businesses located on the same parcel, whereas the proposed location would only have one business on the parcel.

Commissioner Willmott thanked staff for recapping the criteria and suggestions of the Planning Commission in the agenda memo and stated that he felt he was ready to move forward with approval.

At this time the meeting was opened to a public hearing.

No public comments were received.

At this time the public hearing was closed.

Chairperson Robson commented that three letters had been received regarding the proposed project. Two letters in opposition were submitted to the Zoning Board of Appeals and forwarded to the Planning Commission. The first letter of opposition was received from Chris Oelke citing concerns with parking, traffic and potential recreational marijuana sales and the second letter was received from Susan Sparrow citing concerns with unsafe parking and traffic issues. The third letter was from Haggard Plumbing and Heating and was in favor of the project.

Commissioner Neumann stated that he felt it was important to point out that the revised site plan moves the parking spaces further from the corner and it is likely that the handicap parking space will not be used as often as the other spaces, therefore making the area safer for traffic.

Commissioner Pall commented that the Zoning Board of Appeals approved the variance for a provisioning center, not a recreational marijuana facility. Recreational sites will need more parking than what this site allows.

Mr. Berry commented that the site would meet the standards for recreational use.

Chairperson Robson responded that it would not. Currently recreational facilities are not permitted and when and if they are the parking requirement will be determined at that time.

Commissioner Pall stated that the Zoning Board of Appeals and the former City Planner did not feel this site would have adequate parking for a recreational marijuana facility. The former City Planner felt that the Planning Commission should be proactive and make some decisions on requirements for if and when recreational use is allowed. The Zoning Board of Appeals stated specifically in their approval that it was for a medical provisioning center, not a recreational facility. He also commented that he agrees with Commissioner Neumann's suggestion of a cap over the stonework and that his concerns with the Madison Street façade were eased by the proposed changes.

Staff responded to Commissioner Pall's comment stating that in the proposed motion for approval it states it is only for a medical provisioning center and in no way implies that the subject property meets the standards for a recreational facility.

Chairperson Robson asked if the Zoning Board of Appeals approved the variance just for a medical provisioning center and if the variance would apply if a different kind of business were to move into the location.

Staff responded that the variance request was for a special condition use and the approved variance would not apply to a different kind of business in the future.

Chairperson Robson asked the applicant about the green trim along the corners of the building and how it would taper along the various building materials.

Mr. Berry responded that it would be a vinyl accent piece.

Commissioner Neumann commented that the trim may stop at the stone and that the corrugated metal along the top would likely have caps around the corners.

Commissioner Pall asked what the current west wall looked like and Mr. Berry responded that it is a concrete block wall.

Chairperson Robson commented that she noticed a piece of trim hanging down when she did a site visit.

Mr. Berry responded that it is a down spout and would be replaced with new material.

At this time the Planning Commission reviewed Section 1717 Special Condition Uses – Standards for Review and determined the following:

- 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.

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.

Standard met.

- 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 with proposed changes.

- 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.

Standard met with current site plan.

- 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.

Standard met.

- f. Where the bulk, scale or elevation of such buildings varies greatly from the surrounding structures, greater setbacks may be required.

Standard met.

- g. 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.

Standard does not apply.

At this time, Commissioner Pall made a motion, seconded by Commissioner Dettmer, to approve the request for a medical marijuana provisioning center at 403 West Mitchell Street. The action was based on the site plan dated 1/10/2022 and elevations dated 1/19/2022 and was based on finding that the Zoning Ordinance sections 1716.3, 1717, 3202 of the ordinance and Access Management Plan could be met with the following conditions:

1. Site Plan (Sheet #3) should add a note that parking spaces 1 through 6 will be maintained, including snow removal, by the property owner;
2. Either Dwarf Korean Lilac or Viburnum (*Dwarf Cranberry*) be used along the south elevation. These should be installed at a three (3') foot spacing to create a sufficient buffer. The flowering crab tree as depicted on the site plan shall be included;
3. Site plan notes on sheet #3 should include "trash to be retained inside building for security reasons until disposal;"
4. Wall sign shall conform to Appendix C, Signs, §7.1 (3) Wall Mounted Signs;
5. Approval of the use is for a medical marijuana provisioning center only, and does not imply that the subject site would meet future standards for a recreational marijuana facility;
6. Stone or cement cap be placed above the stonework as discussed; and
7. Final plans are to be approved by the City and signed by the Chairperson and applicant.

Motion carried 6-0.

Approval of 2022 Meeting Schedule

Chairperson Robson commented that at a previous meeting there was discussion to possibly change the meeting time to 6:00 P.M. and asked if the end time would be changed to 8:00 P.M. or if it should remain at 9:00 P.M.

Commissioners discussed the need to change the bylaws and asked if a motion could be made at this meeting to amend the bylaws. It was determined that it could. However, Commissioner Pall mentioned that the meeting time change and amendment to the bylaws were not listed as agenda items.

Staff responded that procedurally the Commission could schedule their next meeting at 6:00 P.M. and one of the agenda items could be to amend the bylaws, at which time they could take action.

Commissioner Willmott made a motion, seconded by Commissioner Dettmer, to approve the meeting dates as presented. Motion carried 6-0.

Review of 2021 Annual Report

Staff explained that the annual report typically has two parts. Part one is the summation of what was accomplished in the previous year and part two would state what is intended to be accomplished.

Commissioners discussed timelines for the annual report as the annual budget had already been approved and questioned why it would be created after the budget was approved and not before.

Staff recommended that, based on the City's fiscal cycle, the Commission start discussion on the upcoming year's goals in July or August so that any budget related items could be added to the City Planner's internal budget. He also commented that it is advised that the annual report be approved and submitted to City Council within the first 90 days of the new calendar year.

Chairperson Robson suggested that a list be created from "Commissioner Comments" at each meeting so that the Commission can review them at future meetings.

Commissioners discussed adding a code enforcement officer to the report, commented that there were a few projects missing from the development review/action list, such as the new wing and sign

approval at McLaren Northern Michigan, and asked for suggestions on additional outreach and a course of action.

Commissioners concurred to change first paragraph to read: The Planning Commission is the body authorized to create and adopt a master plan, and recommend final approval by City Council as a guide for community development.

Chairperson Robson added that she had attended six master planning webinars and requested that they be added to the training section.

Overall, Commissioners agreed that the report was satisfactory for this year due to the transition.

Commissioner Neumann made a motion, seconded by Commissioner Mooradian, to approve the 2021 Annual Report with the recommended changes. Motion carried 6-0.

Public Comments

No public comments were received.

Commissioner Comments

Commissioner Willmott asked if there was any merit in discussing outreach and notification timelines as a future agenda item. He believes it is worthy of the Planning Commission's time to improve the process.

Staff advised the Commission not to stray too much from the notification requirements of the State statute when working with statutory provisions such as rezoning, map amendments, variances, site plan reviews, and special condition uses in an effort to minimize risk and future litigation. Matters such as a master plan or streetscape are not regulated by State statute and therefore could have a greater outreach such as the use of the City's website, focus groups, visioning sessions, etc. He also suggested waiting to address the topic until the new City Planner arrives.

Commissioner Willmott inquired on the appetite to discuss the possibility of a vacant property registration ordinance. He believes the ordinance helps quantify vacant properties and requires owners in commercial and residential districts to register and record what kind of vacancies occurred and explain them. It holds the owners accountable for unexcused commercial vacancies, especially downtown, and has a penalty associated with some cases.

Staff explained that this type of ordinance came out of the great recession in 2007-2008 and emanated from foreclosures where banks were taking back properties. Some communities could not get a handle on ownership in order to enforce their code enforcement and therefore created the registration ordinance to require the title holder to register so they could be contacted should a nuisance issue come about and a citation issued, if necessary. He stated that he does not see applicability to Petoskey.

He also suggested, given the number of objectives outlined in the master plan, that Commissioners comment on master plan objectives under Commissioner Comments at each meeting and knock them off the list rather than adding to them and creating additional work.

Commissioner Pall asked if it was possible for the Commission to create and pass a parking requirement for recreational marijuana facilities even though they are not currently allowed and staff responded that they could. He then stated that he felt it would be a good idea to discuss those requirements at an upcoming meeting.

Updates

Alan Terry, Interim City Manager informed the Commission that interviews were conducted on January 19, 2022 for a new City Planner and references were being checked. Commissioners asked how many applications had been received. Mr. Terry responded that 34 applications had been received and two interviews were conducted.

Commissioners then asked what action would be taken should ground breaking not occur for the Grand Villas and Lofts at Lumber Square by the time the variance approval expires in February.

Staff responded that a representative from the Grand Villas had reached out to staff to file an extension and all extensions for the site had already been used, therefore, the applicant would have to start the process over once the current variance approval expires.

Commissioner Willmott asked if there were any webinar trainings available and commented that he would like more training opportunities.

The meeting was then adjourned at 8:31 P.M.

Minutes reviewed by Ted Pall, Vice Chairperson