



## PLANNING COMMISSION

May 19, 2022

A regular Planning Commission meeting was held in the City Council Chambers, Petoskey, Michigan, on Thursday, May 19, 2022. Roll was called at 6:00 P.M. and the following were:

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

Others: Norman B., 525 W. Mitchell Street  
Matthew Fettig, 906 Michigan Street  
Andrea Jacobs, Housing North  
Corey Monroe, Haan Development  
Mike Pattullo, Shoreline Architecture  
Kevin Srigley, 116 Michigan Street  
Bob Vance  
Lindsey Walker, 1312 Emmet Street

Staff: Zach Sompels, City Planner  
Lisa Denoyer, Administrative Assistant

Upon motion and support, the minutes of the April 21, 2022 regular meeting were approved. Motion carried 8-0.

### **Case #238-22 – Site Plan Review for Grand Villas, 400 Emmet Street**

Staff reminded the Commission that the proposed site plan had been brought to the Planning Commission in 2019 for approval and that some small changes had been made since the project was approved. The applicant is before the Planning Commission for re-approval as the 18-month approval period had lapsed prior to the onset of construction.

Mike Pattullo, Shoreline Architecture, 8 Penn Plaza, commented that the site plan was introduced to the Planning Commission in 2019 when they came before them for a zoning change. They then came back for a site plan review in the fall of 2020. Due to the expiration of the approval that was given at that time, they are returning to request approval with a few minor changes. A meeting was held with City staff where some small changes were made, per the City's request, which included the widening of the alley. There are no proposed changes to the building height, just a few site changes, and the applicant will be coming back for lighting and signage approval.

Commissioners discussed windows, openings and air ventilation of the parking level and the average height of the building.

Public comments were received regarding the enclosed dumpster, curbside recycling and the possibility of a compactor.

Commissioners discussed various options for placement of recycling containers and reviewed the site plan standards.

At this time, Commissioner Neumann made a motion, seconded by Commissioner Pall, to approve the site plan and building elevations dated September 3, 2021 and the landscape plan dated April 2, 2022 with the following conditions:

1. Additional information provided to the Department of Public Works on the storm water management system for review and approval;
2. Right-of-way permit issued by the Department of Public Works for new curbing, curb cuts, sidewalks, location of street trees, street lights and new hydrant (in concurrence with Public Safety), and utility connections;
3. Enclosed dumpster will be moved closer to building with fire suppression;
4. An increase to the appropriate number of spaces for the bike rack;
5. Submittal of any proposed site lighting to ensure ordinance compliance; and
6. Submittal and review of any proposed site signage to ensure ordinance compliance.

Motion carried 8-0.

### **Public Hearing and Action on Zoning Ordinance Changes**

The public hearing was opened at 6:37 P.M.

Chairperson Robson read aloud the proposed ordinance changes and Commissioners discussed some of the reasons for the proposed changes.

At 6:50 P.M., the meeting was opened for public comment.

Andrea Jacobs, Housing North, commented that ADUs are an important strategy for workforce and multigenerational housing and the ordinance needs to be flexible for modular units given that custom builds are cost and time prohibitive.

Kevin Srigley, 116 Michigan Street, commented that he has a building behind his house that was built around 1902 that is taller than the proposed allowed height and asked there be consideration for historical buildings to be allowed as ADUs.

Norman B., 525 West Mitchell Street, commented that he would like to see ADUs allowed that are less than 600 square feet as they might attract younger people to stay and would be great for the elderly or small families.

Matthew Fettig, 906 Michigan Street, commented that he is in favor of ADUs and asked why there was a requirement for a deed restriction. He has a detached garage that he would like to change into an ADU but will not do so with a deed restriction.

Bob Vance, asked where the 600 square foot measurement came from.

Lindsey Walker, 1312 Emmet Street, thanked the Commission and commented that the City had three lots for sale last year and only one sold. There are lots on Clarion Avenue that are very small and may require structures of less than 600 square feet, so some flexibility may be necessary for these type of situations.

The public hearing was closed at 7:05 P.M.

Commissioner Braddock asked if someone could go before the Zoning Board of Appeals if they have an existing structure that does not meet the proposed standards.

Chairperson Robson responded that they could.

Commissioner Pall commented that an existing building may not be cost effective to remodel as it would have to meet current building code standards.

Commissioner Neumann commented that the foundation of the building has to be below the frost level for any heated structure.

Commissioner Willmott commented that there are many ideal buildings that could be converted to ADUs but likely won't meet the code standards. He believes the Planning Commission needs to open up opportunities for existing buildings to be allowed.

Commissioner Braddock asked staff if the proposed language would only apply to newly constructed ADUs.

Staff responded that it would.

It was discussed that there would not be different rules for existing structures versus new structures and Chairperson Robson commented that she would be in favor of existing structures coming into compliance with the proposed standards.

Commissioner Neumann commented that an existing building could be lifted up to put in a new foundation and that the building code has latitude for historic structures.

Chairperson Robson also commented that the deed restriction was added to the proposed language to protect the neighborhoods from noncomplying ADU properties.

Staff responded that deeds can be changed.

Commissioners discussed the pros and cons of the proposed deed restrictions and the consideration of allowing smaller homes on small lots that cannot be built to the minimum standards.

Commissioner Pall responded that owners of small lots can go before the Zoning Board of Appeals and request a variance. That is exactly what they are for and what they do so well.

Commissioner Willmott commented that there is no definition for "detached" ADUs in the current ordinance and the Commission needs to be careful and define it.

At this time, Commissioner Willmott made a motion, seconded by Commissioner Neumann, to recommend the following zoning ordinance amendments and additions to City Council for consideration and approval:

**1. Amend Section 400 – Intent to read:**

The R-1 and R-2 Single-Family Residential Districts are intended to continue the historic development pattern of primarily single family detached dwellings, with two-unit dwellings and limited detached accessory dwellings along with other residentially related facilities which serve the residents in the district.

**2. Amend Section 401 – Principal uses permitted (1)(c) to read:**

- c. The dwelling unit shall have a minimum footprint of 600 square feet, not including an attached garage.

**3. Add the following to Section 401 – Principal uses permitted:**

- 8. Two-family attached dwellings subject to the following standards:
  - a. All regulations as contained in article XVI, Section 1600, Schedule limiting height, bulk, density and area by zoning district, in accordance with the district in which the parcel is located.
  - b. A two-family dwelling shall meet parking requirements of section 1704.
  - c. Two-family attached dwellings shall be architecturally compatible in size and character with the surrounding neighborhood.
  - d. A two-family dwelling shall not allow a garage to protrude beyond the front building plane.
  - e. For conversion of an existing building, the second dwelling entrance shall only be located on a non-street fronting building façade.
  - f. An exterior stairway to an upper level dwelling shall only be located on the side or rear of the structure and within the required building setbacks.
- 9. One (1) detached accessory dwelling unit (ADU) is allowed per residential lot subject to staff review and approval that the following standards are met:
  - a. An ADU is permitted on a parcel that has (1) single-family dwelling as the permitted principal use.
  - b. The property owner shall occupy either the ADU or the single-family dwelling on the property, except for temporary absences not to exceed a combined total of six (6) months in a calendar year, and be the primary residence of the property owner.
  - c. An ADU shall not exceed 600 square feet.
  - d. The property cannot exceed the lot coverage allowances of Section 1600 of the Zoning Ordinance.
  - e. At least one (1) off-street parking space shall be provided for the ADU. Tandem or stacked parking in a driveway may count toward the off-street parking requirement.
  - f. An ADU is not allowed on a property with a shared driveway.
  - g. Leasing or rental of the ADU for less than three (3) months is prohibited.
  - h. The accessory dwelling unit shall NOT have separate utility laterals.
  - i. A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Register of Deeds prior to issuance of a zoning permit, and it shall incorporate the following restrictions:
    - 1) The ADU shall not be sold separately from the single-family dwelling.

- 2) Shall specify the owner occupancy requirement and rental time limit.
- 3) The deed restriction shall be in effect until the ADU is removed.
  
- j. No more than 10 new accessory dwelling units shall be permitted in a calendar year.
  
- k. The ADU cannot exceed 1½ stories and 16 feet, or the height of the principal structure, whichever is less.
  
- l. ADUs are only allowed in a rear yard and must have a minimum side-yard setback of five (5) feet, and a rear-yard setback of 5 feet. If located on an alley, accessory building setbacks shall apply.
  
- m. ADUs shall be compatible in appearance with the neighborhood.

Motion carried 8-0.

### **Continued Discussion on Possible Ordinance Changes to reduce Barriers on Housing**

Commissioners discussed the need for more information on existing building heights in the B-3A Resort Commercial District and asked staff to provide this information. Commissioners were also encouraged to drive through the district to see the various building heights. Further discussion was tabled pending information from staff.

Commissioners then discussed the need to determine the number of parking spaces on a street, how many streets only allow parking on one side of the street and how parking is effected by winter parking restrictions. Comments were also heard that parking is micromanaged and parking requirements should be eliminated.

Staff responded that he was happy to find a creative solution and suggested that the Commission look at parking by districts.

The Commission agreed to review Section 1704 of the Zoning Ordinance for future discussion after approved ADU amendments have time to be implemented.

Commissioners also discussed changes to ground floor uses in the Central Business District. They recalled that the Downtown Management Board seemed skeptical about the change and had concerns with residential units along Pennsylvania Park. Some Commissioners voiced concerns with alley entrances not being practical for residential use, restrictions on retail space, and tenant turnover. It was suggested that the Planning Commission review the City of Manistee's zoning ordinance regarding ground floor residential units as they have had success with this in their town and walk the alleyways of downtown to get a visual of how residential uses may look.

Commissioners briefly discussed rooftop decks and how they are a popular concept with ramifications that adds a use to increase building height and may conflict with historic preservation goals. Discussion was tabled until more details are available on rooftop decks.

Public comments were received stating that changes to ground floor uses in the Central Business District (CBD) is goal No. 4 of the action plan; RRC Community funding may be available which opens up the possibility for creative uses for first floor residential in the CBD; smaller retail spaces are trending which would allow more opportunity for residential use; rooftop decks need to be looked at closely and parking hinders adding density.

## **Continued Discussion on Improving Public Notification and Engagement**

Commissioners discussed zeroing in on a few options and the possibility of posting a sign with the public notice for the request.

Staff responded that he agreed with the previous Interim City Planner, John Iacoangeli, and the City Attorney that the Commission should not exceed the minimum requirement standards as it may set a precedent.

Commissioners discussed the possibility of holding Zoom meetings for all public hearings, posting a banner on the website to inform the public of specific meetings and added notification efforts for significant topics.

Staff responded that the previous City Manager only wanted urgent messages posted on the City's website banner as he felt that urgent matters may be disregarded if the banner was more often used for meeting notifications.

Public comment was received that voiced concerns that while going above and beyond the standards may seem harmless, it could give the perception that the City is trying to influence the community based on the varying number of notices sent. Comments were also received regarding the use of a mobile application to help notify the public about upcoming meetings, etc.

### **Public Comments**

No additional public comments were received.

### **Commissioner Comments**

No Commissioner comments were received.

### **Updates**

Staff informed the Commission that the City of Petoskey had received Gold Accreditation as a Michigan Green Community.

He also notified the Commission that their packet included a list of action items outlined in the Master Plan that he hoped could be used as a tool to help focus on goals and encouraged them to call or email him with any questions on packet materials prior to the meeting.

The meeting was then adjourned at 9:16 P.M.

Minutes reviewed by Ted Pall, Vice, Chairperson