



PLANNING COMMISSION

July 19, 2023

A regular Planning Commission meeting was held in the City Council Chambers, Petoskey, Michigan, on Wednesday, July 19, 2023. Roll was called at 6:00 P.M. and the following were:

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

Absent: Doug Buck

Others: Elaine Keiser, Architect for applicant

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

Upon motion and support, the minutes of the June 21, 2023 regular meeting were approved with changes. Motion carried 8-0.

Public Hearing on a Proposed Sign Ordinance Amendment

John Iacoangeli, City Planning Consultant, informed the Commission that the public hearing was to consider an amendment to the Sign Ordinance to allow properties on Howard Street, between Bay and Mitchell Streets that abut Pennsylvania Park, to have a second projecting nameplate sign as these businesses also have frontage on Howard Street.

At 6:07 P.M., the public hearing was opened and no public comments were received. The public hearing was then closed.

Commissioner Pall made a motion, seconded by Commissioner Dettmer, to amend Article VII, Section 7.1(1) of Appendix C to the Petoskey Code of Ordinances by adding the following underlined language:

- (1) Projecting nameplate signs. One projecting nameplate sign (Figure 40) shall be allowed for each ground floor use that fronts a public right-of-way or alley and one projecting nameplate sign shall be allowed for each below-ground-floor use that has direct access to a public right-of-way or alley, subject to the following conditions and exceptions:

- e. Properties that abut the west side of Pennsylvania Park between Bay and East Mitchell Streets may have a projecting nameplate sign, in addition to other signage allowed under this ordinance.

Motion carried 8-0.

**Consider a Site Plan Amendment for
1050 Bay View Road (Parcel #52-16-32-400-009)**

John Iacoangeli, City Planning Consultant, informed the Commission that the applicant had gone before the Zoning Board of Appeals (ZBA) for a parking variance relative to 1050 Bay View Road of 159 spaces. The property was bought prior to the revision to the parking code and at the time of site plan approval there was only a minimum parking requirement, not a maximum. Since that time, the parking code had been amended and has a minimum/maximum parking requirement, which means that the minimum number of required parking spaces is also the maximum number of spaces allowed. The ZBA approved a variance for 1050 Bay View Road, based on the number of parking spaces that would have been allowed under the parking code at the time of the original site plan approval for the current square footage of occupied space and uses today.

With the 159 spaces approved by the ZBA for 1050 Bay View Road, the applicant is looking to also utilize the existing parking at 1100 and 1150 Bay View Road. The recommendation is that the applicant combine all three parcels together to become part of the Kilwin's Campus. The existing parking at 1050 Bay View Road would be primarily used for customers and the new parking lot to the east would be reserved for employee parking. Currently, employees are parking on the former Tallberg dealership lot to the west and the intent is to consolidate the parking of lots 1050, 1100 and 1150 Bay View Road, rather than have parking spread out on several lots.

Staff recommended that the Planning Commission approve the proposed site plan with the conditions that the three parcels be combined, the total number of parking spaces for the combined parcel not exceed 181 spaces, a landscaping plan and a lighting plan come back to the Planning Commission for review, as well as a sign plan, if any signage is to be installed.

Elaine Keiser, Architect for the project, gave a review of the proposal and explained that the applicant was surprised to learn of the reduction in parking based on the current parking ordinance. The proposed project would allow for safe parking with good lighting as employees currently park on a lot behind the former Tallberg dealership, as well as in the upper parking lot and at the former Van's Business Machine and Bob-in Again businesses. The largest shift of employees at Kilwin's is 107 people plus there is staff from Korthase Flinn parking in the Kilwin's lot. The ZBA voiced concerns with the site runoff, so the owner consulted with Benchmark Engineering to create an underground system that would collect runoff from 1100 and 1150 Bay View Road.

Commissioners discussed the need for additional parking, whether or not existing parking spaces on the two parcels to the east would be eliminated once the buildings were removed, the importance of growing businesses to the community, concerns of inadvertently incentivizing Kilwin's to leave the City, how 159 parking spaces would fit at 1050 Bay View Road, and the preference of a nice landscaped parking lot over vacant buildings.

Ms. Keiser responded that some areas of the parking lot do not have parking spaces and the Site & Sound building could be eliminated and replaced with parking spaces. That is not their preference, however, it is a possibility.

Commissioner Pall voiced concerns with the site plan that was submitted to the Planning Commission as it was the same plan that was presented to the ZBA for 181 parking spaces and a variance was granted for a total of 159 parking spaces. He then stated that he believed the existing parking on the parcels to the east would be eliminated once the buildings were removed and believes the ZBA had

to have considered all of the parking collectively to get to 181 parking spaces and only approved 159 spaces.

Mr. Iacoangeli responded that the variance for 159 parking spaces was specific to the Kilwin's Plaza at 1050 Bay View Road and did not include the 52 parking spaces on the two parcels to the east. The 52 parking spaces were never considered during the ZBA's deliberation as the 159 parking spaces that would have been allowed under the previous ordinance were specific to Kilwin's Plaza and not the two parcels to the east. He also commented that removal of the two buildings would not discount or eliminate the existing parking spaces.

Commissioner discussion continued regarding the number of allowed spaces based on the current uses and parking ordinance, and whether or not existing parking was grandfathered or would be eliminated based on the removal of the buildings.

Mr. Iacoangeli informed the Commission that they were re-litigating the case that was presented to the ZBA and reminded them that the variance granted by the ZBA was for 159 parking spaces at 1050 Bay View Road and that the approved number did not include the 52 additional spaces on the two parcels to the east.

Commissioner Willmott asked Commissioner Pall if the issue was that he believed the ZBA had a different interpretation than the City Planner had, to which Commissioner Pall responded that it was. Commissioner Willmott then asked if the request should go back to the ZBA for clarification.

Mr. Iacoangeli commented that if there hadn't been a ZBA case, the property owner would be entitled to 132 spaces under the current code on the Kilwin's Campus. If you add the 52 parking spaces that exist on the two parcels to the east, they would be entitled to 184 parking spaces. So, even without the variance, they would achieve what they want to do on the site plan. Another option would be for the applicant to combine the two parcels to the east, tear down the two buildings and create new parking lot.

Commissioner Pall asked if they could build a standalone parking lot and how the number of allowed parking spaces would be determined.

Mr. Iacoangeli responded that he believed it would be based on the dimensional requirements of the lot, landscaping, etc., no different than when the City builds a parking lot.

Commissioner Pall asked if a parking lot was a permitted use in this district and Mr. Iacoangeli stated it was.

Chairperson Robson asked if it would be allowed for 1100 and 1150 Bay View Road be kept separate to create a standalone parking lot from 1050 Bay View Road.

Mr. Iacoangeli stated that if combining all three parcels was an issue for the Planning Commission, he believed it would be acceptable for the allowance of the two east parcels to be combined as a parking lot.

Commissioner Pall asked if the owner were to design the parking so that the parcels were not combined, would it come before the Planning Commission for approval.

Mr. Iacoangeli responded that the plan before them would apply to that request and a condition would be added to the approval that the Kilwin's Campus parcel not be combined with the two parcels to the east.

Chairperson Robson asked Ms. Keiser if it would be acceptable to the applicant to keep 1100 and 1150 Bay View Road separate from 1050 Bay View Road and create a standalone parking lot on those two parcels.

Ms. Keiser responded that they would be agreeable to the proposed change and asked that the motion be pending the combination of 1100 and 1150 be combined separate from 1050 Bay View Road.

Chairperson Robson asked the Commission if they had any objections to proceeding as suggested. No objections were made by the Commission or staff.

Commissioner Pall commented that new proposal was not what was presented and as much as he likes to look at things ahead of time and review regulations such as building a standalone parking lot on the property, he had no reason from his knowledge to know that it is a problem, but also doesn't know enough about it.

Lisa Denoyer, Zoning Administrator, presented onscreen and read aloud the standards for a P-1 Parking District.

Chairperson Robson stated that she was comfortable with proceeding with the consideration of a standalone parking lot and asked Commissioner Pall if he had any issues. He responded that he was glad they reviewed the district standards and didn't see any problems.

Commissioners then discussed a buffer from adjacent neighbors, access from US-131, if a left turn would be allowed due to stacking of vehicles at the nearby traffic light, if the future connection between the proposed parking lot and the PMP building to the east was a drive or a sidewalk, infrastructure for vehicle charging stations, employee entrances, dumpster screening and the need for complete landscape and lighting plans to be brought back to the Commission for review and approval.

Ms. Keiser responded that the north property line is at the curb, so there is nowhere to place a buffer along that side of the parking lot, one of the existing entrances would be closed, the connection between the proposed parking lot and the PMP building is a drive as there is currently an easement agreement with PMP for eight parking spaces and a drive, if charging stations were considered they would likely be closer to the building, where power is accessible and there are employee entrances at the east and west ends of the Kilwin's building.

Chairperson Robson commented that the Commission would like revised landscaping and lighting plans to be brought back before the Commission and a sign plan for directional signs should also be included. She then read aloud staff's recommendations as outlined on page three of the agenda memo for landscaping, followed by Section 1716(3)(a-k).

Staff recommended that the landscaping in the island be irrigated. Ms. Keiser responded that she believed it would be possible.

Commissioner Pall made a motion, seconded by Commission Neumann, to approve a site plan 1100 and 1150 Bay View Road (Parcels 52-16-32-400-024 and 52-16-32-400-025) with the understanding that the parcels may be combined in the future, but not with 1050 Bay View Road (Parcel 52-16-32-400-09) and the following conditions:

1. Landscaping plan shall be submitted to the Planning Commission for review and approval;
2. Lighting plan shall be submitted to the Planning Commission for review and approval;
3. Sign plan shall be submitted to the Planning Commission for review and approval; and
4. Utilities are to be reviewed and approved by the Department of Public Works.

Motion carried 8-0.

Public Comment

No public comments were received.

Commissioner Comments

Commissioner Willmott asked if the Code Enforcement Officer's report could be added to the Zoning Administrator's report and for the status of the Sign Committee's revisions of the Sign Ordinance. He stated that the former City Planner had spoken with the City Attorney regarding issues with the current language and asked if the Sign Committee could create a draft amendment and present it to the Planning Commission.

Shane Horn, City Manager, informed the Commission that the Code Enforcement Officer had approximately 160 ordinance violations in two months and that approximately 60% of those were complaint driven and the remaining 40% were noticed by staff.

Mr. Iacoangeli responded that he would like to create a small group to review and recommend changes to the Sign Ordinance and Ms. Denoyer stated that she would research the former City Planner's files for information regarding any proposed changes that were suggested by the City Attorney and/or the former City Planner.

Staff Updates

Mr. Iacoangeli informed the Commission that the first Rental Inspection Committee would be holding their second meeting on Thursday, July 20, 2023. There will be a presentation on the Housing Quality Assessment Report at the August meeting and informed them that City Council had placed a moratorium on short-term rentals.

Mr. Horn informed the Commission that staff was working on the 2024-2029 Capital Improvement Plan and was looking to schedule a presentation on the plan with City Council and the Planning Commission.

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:57 P.M.