

# TRAVERSE CITY PLANNING COMMISSION REGULAR MEETING

**TUESDAY, December 3, 2013**

**7:00 P.M.**

**Commission Chambers  
Governmental Center, 2nd Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684**

**Posted: 11/27/13**

## **AGENDA**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Makayla Vitous, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan 49684, 922-4440, T.D.D., 922-4766, has been designated to coordinate compliance with the non-discrimination requirements. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

Planning Commission  
c/o Russell Soyring, Planning Director  
400 Boardman Avenue, Traverse City, MI 49684  
231-922-4778

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. ANNOUNCEMENTS**

**4. CONSENT CALENDAR**

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

**A.** November 5, 2013 Regular Meeting and November 20, 2013 Special Meeting minutes (Approval recommended)

**B.** Consideration of an amendment to the Planning Commission Bylaws revised November 25, 2013 to change the Planning Commission meeting schedule to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays (For introduction and possible action on December 18, 2013)

- C. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1324.04, *Rules of Procedure*, regarding removing the Rules of Procedure section from the zoning code and establishing a separate Rules of Procedure document adopted by the Board of Zoning Appeals (For introduction; Recommend setting a Public Hearing on January 7, 2014)

**5. OLD BUSINESS**

- A. Public Hearing to consider an amendment to the Traverse City Code of Ordinances, Section 1368.02, *Setbacks; Yards*; Section 1332.04, *Setbacks*; and Section 1334.04, *Setbacks*, regarding corner lot setbacks in the Single Family, Two Family and Multiple Family Dwelling Districts (R-1a, R-1b, R-2, R-9, R-15 and R-29)
- B. Public Hearing to consider an amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two Family Dwelling Districts (R-1a, R-1b and R-2) to one driveway.
- C. Public Hearing to consider an amendment to the Traverse City Code of Ordinances, Section 1374.06, *Drive-Through Standards*, to clarify how services are provided to customers without motor vehicles

**6. NEW BUSINESS**

- A. Conditional Rezoning reversion for parcel 45-51-033-042-00, commonly known as 10597 E. Traverse Hwy

**7. CORRESPONDENCE**

**8. REPORTS**

- A. City Commission- Commissioners Easterday and Werner
- B. Board of Zoning Appeals- Commissioner Warren
- C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren
- D. Planning Commission
  - 1. Housing Building Committee— Commissioners Bergman and Warren
  - 2. Active Transportation Committee—Commissioner Werner
- E. Planning Department—Mr. Soyring
  - 1. Capital Improvement Program—Chairperson Serratelli

**9. PUBLIC COMMENT**

**10. ADJOURNMENT**

# MINUTES

## TRAVERSE CITY PLANNING COMMISSION

Tuesday, November 5, 2013

7:00 P.M.

Commission Chambers  
Governmental Center, 2nd Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684

**PRESENT:** Commissioners Jody Bergman, Jeanine Easterday, Gary Howe, Jennifer Jaffe, Vice-Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer and Tim Werner

**ABSENT:** Commissioner Janice Warren

**STAFF PRESENT:** Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Chairperson Serratelli thanked Commissioner Jaffe for her years of service on the Planning Commission.

4. **CONSENT CALENDAR**

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- A. September 19, 2013 Special Meeting, September 25, 2013 Special Meeting, October 1, 2013 Regular Meeting and October 16, 2013 Study Session minutes (Approval recommended)
- B. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1368.02, *Setbacks; Yards*; Section 1332.04, *Setbacks*; and Section 1334.04, *Setbacks*, regarding corner lot setbacks in the Single Family, Two Family and Multiple Family Dwelling Districts (R-1a, R-1b, R-2, R-9, R-15 and R-29) (For introduction; Recommend setting a Public Hearing on December 3, 2013)
- C. Consideration of an amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two

Family Dwelling Districts (R-1a, R-1b and R-2) to one driveway. (For introduction; Recommend setting a Public Hearing on December 3, 2013)

- D.** Consideration of an amendment to the Traverse City Code of Ordinances, Section 1374.06, *Drive-Through Standards*, to clarify how services are provided to customers without motor vehicles (For introduction; Recommend setting a Public Hearing on December 3, 2013)

Motion by Vice-Chairperson McNally, second by Commissioner Jaffe, to approve the Consent Calendar as presented.

Motion carried 8-0 (Commissioner Warren absent.)

**5. OLD BUSINESS**

- A.** Public Hearing to consider a rezoning request initiated by the Planning Department to rezone 221 Cass Street; 215, 223 and 229 Washington Street from C-4a (Regional Center) District to C-4b (Regional Center) (Action Requested)

Mr. Soyring explained the details of his memo to the Commission. Mr. Soyring stated that staff finds the rezoning to be consistent with the Master Plan.

Commission discussion.

Motion by Vice-chairperson McNally, second by Commissioner Werner, that 221 Cass Street; 215, 223 and 229 Washington Street be rezoned from C-4a (Regional Center) District to C-4b (Regional Center) District and that the recommendation is forwarded to the City Commission for their consideration.

A Public Hearing was opened.  
There were no comments made.  
The Public Hearing was closed.

Motion carried 8-0 (Commissioner Warren absent).

- B.** Building Height limits (Discussion)

Mr. Soyring explained the documents included in the packet and further mentioned that the current retail standard for building height is 17 feet (14 feet minimum) for the first floor. Staff analysis includes a recommendation to increase the maximum height to 45 feet and require a minimum first story height of 15 feet.

Commission discussion.

The following made public comment on the topic:

- Mike Wills, 110 Fairway Hills Dr, supports the building height adjustment and would like the Planning Commission to also consider where building height is measured for various roof types.

Commission discussion.

Commission consensus was to proceed with a formal zoning code amendment at our next regular meeting to adjust building height limits and establish a 15 foot 1<sup>st</sup> story minimum.

**6. NEW BUSINESS**

- A.** Consideration of a request by Bonnie Adams of 441 Fair Street to vacate an alley located east of parcel 28-51-582-022-00, commonly known as 449 Fair Street (Action Requested)

Mr. Soyring explained the request to the Commission.

Commission discussion included finding out what the public notice requirements would be at the City Commission level, how the alley property would be split if the vacation was approved and requested that the directly affected property owners receive 1<sup>st</sup> class letter explaining the vacation and that it will be discussed at our next regular meeting on December 3, 2013.

Commissioner Twietmeyer left the meeting at 7:35 p.m.

- B.** Capital Improvement Plan (CIP) project submission (Discussion)

Mr. Soyring explained that the Planning Commission may submit projects for consideration in the City's Capital Improvement Program.

Commission discussion included the possibility of establishing a CIP subcommittee to work with staff on the creation of the CIP.

Projects requested for consideration included: expansion of the local pedestrian ordinance city-wide, improvements to neighborhood parks, completion of the city sidewalk grid, corridor improvements to 14<sup>th</sup> Street and Garfield Avenue.

Commissioner Twietmeyer rejoined the meeting at 7:43 p.m.

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Commission consensus was that they would establish a CIP subcommittee at our next meeting. Commissioner Easterday and Chairperson Serratelli expressed interest in serving on the committee.

**C. Sidewalks (Discussion)**

Mr. Soyring explained the details of his memo to the Commission regarding sidewalk funding.

Commission discussion. Further discussion included the question-- should the City be marketing the Special Assessment Fund for sidewalks so property owners know how the process works?

**D. Traverse Heights neighborhood type (Discussion)**

Mr. Soyring discussed the map that was included in the packet. He recalled that during the Master Plan process, the TC-2 and TC-3 neighborhood type distinction in the Traverse Heights area had to do with the availability of alleys. Staff recommends amending the Future Land Use Map to make all of Traverse Heights a TC-3 neighborhood.

Commission discussion.

Commission consensus was that staff would meet with the Traverse Heights neighborhood association and explain the proposed change from TC-2 to TC-3 to make sure they understand how it impacts the neighborhood. After staff meets with the neighborhood, then the Future Land Use Map change would come back to the Planning Commission. At that time, additional changes to the Future Land Use Map would be considered as the changes would require Master Plan adoption procedures outlined in the Michigan Planning Enabling Act.

**7. CORRESPONDENCE- None.**

**8. REPORTS**

- A.** City Commission- Commissioners Easterday reported.
- B.** Board of Zoning Appeals- No report.
- C.** Grand Traverse Commons Joint Planning Commission- No meeting to report.
- D.** Planning Commission
  - 1. Housing Building Committee— No report
  - 2. Active Transportation Committee—Commissioner Werner reported.
- E.** Planning Department—Mr. Soyring announced that he will not be present at the December 3, 2013 meeting.

9. **PUBLIC COMMENT-** Commissioner Jaffe thanked the Commission for serving with her and stated that she enjoyed her service on the Commission over the last five years.
10. **ADJOURNMENT-** Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Gary Howe, Secretary

# SPECIAL MEETING MINUTES TRAVERSE CITY PLANNING COMMISSION

WEDNESDAY, November 20, 2013

7:00 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

**PRESENT:** Commissioners Jody Bergman, Jeanine Easterday, Janet Fleshman, Jennifer Jaffe, Vice Chairperson Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren and Tim Werner

**ABSENT:** None.

**STAFF PRESENT:** Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

**1. CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:00 p.m.

**2. ROLL CALL**

**3. ANNOUNCEMENTS**

Chairperson Serratelli welcomed Commissioner Fleshman to the Planning Commission and congratulated Vice-Chairperson McNally, Commissioner Werner, Commissioner Easterday, Commissioner Bergman and Commissioner Twietmeyer on their reappointments. Chairperson Serratelli also thanked Commissioner Jaffe for attending another meeting

Chairperson Serratelli announced that the City of Traverse City received two awards at the Grand Traverse County Planning Awards Banquet last week. The award winning projects were Clinch Park Revitalization- Placemaking Award and Corridors Master Plan- Special Award.

Mr. Soyring recognized Commissioner Warren as this November marks her 20<sup>th</sup> year as a Planning Commissioner.

**4. BAYSHORE CORRIDOR STRATEGY (John Sych, Grand Traverse County Planning Director)**

Mr. Soyring explained that this agenda item is a continuing effort organized by Grand Traverse County Planning to facilitate several governmental jurisdictions along the Bayshore Corridor from M-22/Cherry Bend Road to M-72/US 31.

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John Sych, Grand Traverse County Planning Director, gave an overview of the process that has taken place since last meeting with the Planning Commission. Mr. Sych introduced Tina Allen, who facilitated the Bayshore Corridor Strategy discussion with the Planning Commission related to five identified strategies for Natural Environment, Recreation, Low Impact Development, Transportation/Access and Unique Destination/Placemaking areas.

Commission discussion.

Ms. Allen will work with Mr. Sych to create a menu of implementation strategies/efforts for each of the local units of government to consider along their respective stretches of the Bayshore Corridor.

Sometime in January, all four jurisdictions will be brought back together again for another strategy meeting.

Ms. Allen thanked the Commission for their input.

**5. REVIEW OF CAPITAL IMPROVEMENT PROJECT PROCESS AND POSSIBLE ESTABLISHMENT OF CAPITAL IMPROVEMENT PROJECT STAFF-LED COMMITTEE**

Mr. Soyring explained that the Capital Improvement Program (CIP) will be led by the Planning Department, and not by the City Manager's Office as it has been administered by in the past. Staff has prepared three process flow charts related to the CIP to better define the interaction with the Planning Commission and the CIP. In addition to the flow charts, staff is recommending establishing a staff-led CIP subcommittee that would work with staff during the CIP process.

Commission discussion included review of the CIP project submission form and ratings, including ongoing maintenance costs on the project forms and including monthly reports to the Planning Commission on CIP implementation status.

Modifications were suggested to each of the three CIP process flow charts. Staff will make adjustments and will present revised forms in the next meeting packet.

Commission consensus related to the establishment of the CIP subcommittee was to have 3 Planning Commissioners, 1 of which also serves as a City Commissioner to serve on the committee with the Manager, Planner, Public Works Director and Engineer. Chairperson Serratelli, Commissioners Easterday and Warren expressed interest in serving on the CIP subcommittee.

Commissioner Jaffe left the meeting at 8:45 p.m.

**6. NOMINATION OF SECRETARY**

Mrs. Luick explained that since Gary Howe is no longer a Planning Commissioner, the Commission is required to nominate a Secretary of which the duties of secretary are outlined in the memo by Mr. Soyring.

Commissioner Bergman nominated Commissioner Warren to serve as Secretary. There were no additional nominations made.

Motion by Commissioner Bergman, second by Vice-chairperson McNally, that Commissioner Warren serve as an Officer of the Planning Commission acting as Secretary.

Motion carried 8-0 (Commissioner Jaffe absent).

**7. PLANNING COMMISSION REPRESENTATION ON ACTIVE TRANSPORTATION COMMITTEE**

Mrs. Luick explained that Commissioner Jaffe no longer wishes to remain on the committee, but former Planning Commissioner Howe plans on staying on the Active Transportation Committee. The committee, now only has six members. If the Planning Commission would like to have seven members, then it could nominate another member to the committee if desired.

Commission discussion.

Commission consensus was to keep the current committee make-up and not assign a new member to the committee at this time.

**8. DISCUSSION OF 2014 PLANNING COMMISSION MEETING CALENDAR**

Mrs. Luick explained that if the Commission had a desire to meet in the Commission Chambers room for both meetings, then we would need to change the day of our study session.

Commission consensus was to proceed with amending our meeting schedule to 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays beginning in 2014. It will require amending the Planning Commission Bylaws and the Board of Zoning Appeals Rules of Procedure.

**9. PUBLIC COMMENT**

- Commissioner Warren confirmed that our next meeting is scheduled for Wednesday, December 18, 2013.
- Mr. Soyring informed the Commission that he will be submitting an 8<sup>th</sup> Street Corridor Plan Overlay project into the CIP. The City of Marquette recently published their 3<sup>rd</sup>

Street Corridor Plan with fund assistance by MSHDA. Mr. Soyring has contacted MSHDA about our possible project but has not heard back yet.

**10. ADJOURNMENT-** Meeting adjourned at 9:08 p.m.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Jan Warren, Secretary



## Communication to the Planning Commission

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FOR THE MEETING OF:                   DECEMBER 3, 2013

FROM:                                   RUSS SOYRING, PLANNING DIRECTOR

SUBJECT:                               AMENDMENT TO BYLAWS AND BZA RULES OF PROCEDURE TO  
AMEND MEETING SCHEDULE

DATE:                                   November 27, 2013

At the November 20, 2013 meeting, the Planning Commission discussed the 2014 meeting schedule and agreed that meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday were desirable for the Planning Commission. To make that change, it requires the Planning Commission to amend its Bylaws. The Bylaws state that the draft changes are presented to the Commission in writing and then acted upon at a following meeting. The proposed changes are included in the packet for possible action on December 18, 2013.

The Planning Commission meeting schedule change requires that the Board of Zoning Appeals schedule is amended. They meet on the first Tuesday following the second Monday, which generally is the second Tuesday of the month although if the month begins on a Tuesday, then their meeting can fall back to the third Tuesday. The Board of Zoning Appeals has its Rules of Procedure in the Zoning Code. Staff is proposing to remove the Rules of Procedure section from the Zoning Code and have the Board of Zoning Appeals adopt a Rules of Procedure document at its December 10, 2013 meeting. Their meeting day will be changed to the 2<sup>nd</sup> Tuesday of the month.

If you agree with the proposed amendment, the following motion would be appropriate:

**I move that a Public Hearing be scheduled for January 7, 2014 to consider an amendment to the Traverse City Code of Ordinances, Section 1324.04 *Rules of Procedure*, to remove the content from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals.**

RAS:mll

# PLANNING COMMISSION BYLAWS

## TRAVERSE CITY PLANNING COMMISSION

(Adopted December 13, 1988)  
(Revised December 6, 1994)  
(Revised August 9, 1995)  
(Revised January 19, 2000)  
(Revised August 23, 2000)  
(Revised June 6, 2007)  
(Revised May 7, 2008)  
(Revised January 7, 2009)  
(Revised September 9, 2009)  
(Revised November 1, 2011)  
(Revised November 25, 2013)

### **PURPOSE:**

These Planning Commission Bylaws are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Commission with the operation of the Commission so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

### **I. AUTHORITY AND JURISDICTION:**

The City Planning Commission derives its authority from the City Charter Section 160, which states "The City Commission shall by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by State law;" and the Traverse City Code (Chapter 1220). That these laws state that the City Planning Commission shall have the powers and duties authorized and directed by the City Charter, the Michigan Zoning Enabling Act of P.A. 12 of 2008 as amended, and the Michigan Planning Enabling Act of P.A. 33 of 2008 as amended. This section also provides for establishing the membership of the Commission, the meetings of the Commission and grants the authority to the Commission to adopt rules and procedures for the conduct of their business.

### **II. OFFICERS:**

A. A Chairperson, Vice-Chairperson and Secretary shall be elected by majority vote of the members of the Commission every year at the first regular meeting in the month of January.

Such other officers as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Commission.

B. The Chairperson shall preside at all meetings and shall appoint such committees as may be authorized by the Commission, and be an ex-officio member of such committees.

The Chairperson, subject to these rules, shall decide all points of order or procedure unless otherwise directed by a majority vote of the Commission in the session at that time.

- C. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence. Should neither the Chairperson, nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority of the members present.
- D. The Secretary shall record the meeting minutes.
- E. In the event that an officer shall leave the Commission before the expiration of his or her term, the Mayor, City Commission or Mayor with City Commission approval shall appoint a new officer to serve out the remainder of his or her term.

### **III. MEETINGS:**

- A. All regular and special Commission meetings shall be open to the public.
- B. The regular meetings of the Commission shall be held on the first Tuesday of each month, except when such Tuesday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- C. A special meeting of the Commission may be called by the Chairperson, the Vice-Chairperson in the event the Chairperson is out of town, or any three members of the Commission. Each member of the Commission must receive at least eighteen (18) hours notice as to the time, place and purpose of the meeting in writing, delivered or served personally at his or her usual place of residence, except that the announcement of a special meeting at a time at which all members are present shall be sufficient notice of such meeting.
- D. Study meetings may be held on the third ~~Wednesday~~ Tuesday of the month, as called for by the Commission or Chairperson, except when such Tuesday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- E. Meeting agendas shall be approved by the Chairperson. The agenda shall be sent to the Commission no later than on the Friday preceding the regularly scheduled meeting. In unusual circumstances, items may be added to the agenda by the Chairperson prior to the meeting.
- F. A quorum of five (5) members must be present to constitute an official meeting of the Commission.
- G. All hearings shall be scheduled at the hour the meeting is scheduled to be.
- H. All regular meetings shall begin at 7:00 p.m. and no new items requiring action shall be taken after 10:00 p.m. unless otherwise determined at the meeting.

- I. The conduct of the Planning Commission business shall be governed by the current edition of Robert's Rules of Order unless otherwise modified by law, ordinance, or these rules of the Planning Commission.

**IV. VOTES:**

The concurring vote of a majority of members present at a regular or special meeting shall be necessary to pass on any matter referred to them. The adoption of a master plan, or of any such part, amendment, extension or addition shall require the concurring vote of six (6) members of the Commission.

**V. CONFLICT OF INTEREST:**

Upon disclosure of a conflict of interest the member shall be disqualified from voting on the matter at issue.

- A. Appearance of Conflict. An appearance of a conflict exists when a reasonable person would believe that because of certain facts a Planning Commissioner's participation in a proceeding would create an appearance of impropriety, partiality, bias or lack of fairness.
- B. Contractual Conflicts of Interest. The conduct of City officials and employees in relation to conflicts of interest involving contracts shall be as established by State law.
- C. Financial Conflict of Interest. An official or employee who has a financial interest, direct or indirect, in any matter to be decided by the City, other than with respect to a contract, shall make that interest known and shall refrain from voting upon or otherwise participating in the making of the decision. Violation of this subsection with the knowledge, express or implied, of the person or corporation dealing with the City shall render the decision voidable by the City Manager or the City Commission. Any official or employee violating the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit office. A financial conflict of interest may be waived by the City Commission after full disclosure of such conflict to the Commission. Unless otherwise provided by law or ordinance, the remaining members of the Commission in a unanimous vote may rule that the best interests of the City are to be served by removing the prohibition on voting and participating in the matter.

**VI. PROCEDURE:**

- A. All inquiries, applications or matters requiring official action by the Commission which is not specifically mentioned below shall be submitted in writing at the offices of the Planning Department. This must be done at least seven (7) days prior to the meeting of the Commission at which consideration is requested.

- B. Requests for rezoning subdivision approvals, Special Land Use Permits and Planned Unit Developments shall be filed on application forms obtained from the Planning Department.
- C. Rezoning, Special Land Use Permit, Planned Unit Development, subdivision approval, lot split and alley and street vacationing requests shall be submitted at least seven (7) days prior to the meeting for introduction before the Commission. If the Commission finds the submission complete, then a public hearing date shall be scheduled to consider the request.
- D. The Commission and/or the Planning Director may require such surveys, plans or other information as may be reasonably required by said Commission for the proper evaluation or consideration of the matter. Written documentation from the petitioner should be presented to the Commission which will give full information as to the intentions of the petitioner, as well as a legal and informal description of the property in question.
- E. In the event that sufficient data has not been furnished, the Commission shall table the matter until such time as the required information has been furnished.
- F. All proceedings, decisions and resolutions of the Commission shall be initiated by motion. The vote upon motions and resolutions may be recorded by roll-call vote. All members, including the Chairperson, may vote on each motion.
- G. In the event a petitioner requests that his or her item be tabled, after it has been published, noticed and scheduled, the public hearing may be held to allow interested citizens an opportunity to speak to the request, then tabled to a specific future meeting and scheduled in sequence on the agenda.

**VII. PUBLIC HEARINGS:**

- A. The primary function of the public hearing process is the gathering of information through public testimony and written documentation. The nature of the evidence received during this process will in many cases require further careful consideration to assure a logical and just decision. The Commission shall therefore determine at each public hearing the meeting date at which a decision will be rendered.
- B. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the request. If the applicant or agent is not present, the request may be tabled until the next meeting or dismissed at the discretion of the Commission.

- C. The Commission shall hold a public hearing on any proposed amendment to the zoning ordinance or zoning map. Official notice for the Commission public hearings shall comply with the requirements and procedures established by Section 1320.04 of the City Code of Ordinances. The Commission shall recommend approval or denial of the amendment, and shall transmit, in writing, its recommendation to the City Commission for official action.
- D. The Commission shall hold a public hearing on any proposed City Commission authorized Special Land Use Permit. The official notice of public hearing shall comply with Section 1364.04, of the City Code of Ordinances. The Commission may recommend denial, approval or approval with conditions after said hearing and notification as provided herein. Its recommendation shall be incorporated in a statement of conclusions specifying the basis for the recommendation and any conditions imposed, which statement shall be transmitted to the City Commission for official hearing and action.
- E. The Commission may hold a public hearing with such notice as it deems advisable for Planned Unit Developments. After review by the Commission, it shall submit a written recommendation to the City Commission.
- F. In the case of lots splits resulting in the creation of a new buildable lot, the Commission may in its discretion hold a public hearing on the matter and make a recommendation to the City Commission for appropriate action.
- G. The Commission may hold a public hearing with such notice as is deemed advisable for public street and alley vacations and openings. After review by the Commission, it shall submit a written recommendation to the City Commission.
- H. The Commission will not reconsider any request on which a negative decision has been rendered within one (1) year from the date of the Commission's decision on the request unless it can be shown by the petitioner that substantial new information affecting the request which was not presented to the Commission at the previous hearing(s) is now available and would affect the original decision rendered. Said substantial new information shall be described in writing by the applicant at the time of application. Before re-hearing the request, the Commission shall decide whether there is substantial new information allowing the new hearing.

**VIII. PUBLIC COMMENT AT REGULAR MEETINGS.** The Planning Commission welcomes public comment and has prescribed the following to facilitate the conduct of public business.

- A. Public Comment during Agenda Items. Any interested person wishing to address the Planning Commission regarding an Agenda Item may do so during discussion of an agenda item prior to action recognized by the presiding officer or upon request of any Commissioner. All persons must identify themselves and their address and direct their

comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). As part of its deliberation, the Planning Commission may clarify, answer questions and ask questions as a result of public comment.

- B. Public Comment during the designated Public Comment Section - General. Any interested person wishing to address the Planning Commission regarding other matters may do so under the designated Public Comment section. All persons must identify themselves and their address and direct their comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). Questions posed may be answered at the meeting or may be referred to staff for response at a later time.
- C. Public Comment during the designated Public Comment Section - Planning Commissioners. Planning Commissioners interested in making a public comment may do so under the designated Public Comment section. Further, Planning Commissioners may briefly respond for clarification purposes as a result of public comment.
- D. Order and Duration of any Public Comment. The presiding officer shall control the order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the Planning Commission except in accordance with these rules.

**IX. AMENDMENTS:**

- A. These bylaws may be amended or modified provided that such amendment or modification is presented in writing at a meeting, and that favorable action is taken thereon at a subsequent meeting.
- B. Six (6) members of the Commission by due motion and recorded vote may suspend or vary the application of these rules to a particular application, case, problem or proceeding pending before the Commission.

**X. PLANNING COMMISSION POLICIES FOR PROVIDING INFORMATION TO THE NEWS MEDIA:**

The Commission will provide information to the news media in the following manner:

- A. Upon request, the agenda of a specific meeting will be sent out to the various news media at the same time they are sent to the Commission.

- B. The news media should be advised that if they do not attend the meeting, they can call the Secretary the morning after the meeting, and he or she will advise them of the action which was taken by the Commission.
- C. Upon request by the news media for a specific Commission meeting, the minutes for that meeting will be provided to the requesting party.
- D. At such time as the Commission may invite in outside experts, or for study sessions which relate to some major program which may be evolving, the Secretary may notify the news media of such a meeting and request their presence if directed by the Commission. This will enable the news media to obtain this background information in the same fashion as the Commission, thereby enabling them to have a better basis for reporting future actions of the Commission relative to the proposed programs.

I hereby certify that the above document was adopted by the Traverse City Planning Commission at their ~~November 4~~ December 18, 20143, ~~Regular~~ Special Meeting.

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Jennifer Jaffe-Jan Warren, Secretary  
Traverse City Planning Commission

## TRAVERSE CITY CODE OF ORDINANCES

### ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: Board of Zoning Appeals Rules of Procedure Amendment to remove the content from the Zoning Code and establish the Rules of Procedure as a separate document of the Board of Zoning Appeals

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1324.04 *Rules of Procedure*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

#### 1324.04 RULES OF PROCEDURE.

The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. ~~These procedures shall include:~~

- ~~(a) **Appeals Generally.** For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.~~
- ~~(b) **Initiating Appeals.** Appeals shall be filed with the Zoning Administrator within twenty-one days after written notice is given of the action being appealed. The appeal shall be placed upon the Board's agenda in the second month immediately following the month in which the appeal is filed.~~
- ~~(c) **Filing Fees.** The filing fee for appeals shall be established by resolution of the City Commission.~~
- ~~(d) **Notices.** Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen days prior to the first meeting of the Board at which it will be formally considered.~~
- ~~(e) **Advertisements.** One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.~~
- ~~(f) **Regular Meetings.** The Board's regular meeting date is the Tuesday after the second Monday of each month at 7:30 p.m. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the City Commission Chambers of the Governmental Center, unless otherwise indicated.~~
- ~~(g) **Exceptions to Regular Meeting Dates.** If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received 21 days before the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrator.~~
- ~~(h) **Application Contents.** In addition to all other requirements of statute and ordinance,~~

applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:

- (1) A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor.
  - (2) The name, address and telephone number of the applicant and all authorized agents of the applicant.
  - (3) The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.
  - (4) All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- (i) **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Before deliberating any appeal, the Chairman shall ask if any member has such a conflict.
- (j) **Representation at Hearing.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the Board.
- (k) **Reconsideration.** An applicant may re-appeal a decision after twelve months from the decision of the Board. The Board will not reconsider any appeal within twelve months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.
- (l) **Instructions.** The Zoning Administrator shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.
- (m) **Other Rules.** The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

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Michael Estes, Mayor

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Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on

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Benjamin C. Marentette, City Clerk

DRAFT



## Communication to the Planning Commission

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FOR THE MEETING OF:                    DECEMBER 3, 2013

FROM:                                        RUSS SOYRING, PLANNING DIRECTOR

SUBJECT:                                    ZONING AMENDMENT TO ALLOW ONE FRONT YARD SETBACK FOR  
SINGLE, TWO AND MULTI FAMILY DWELLINGS

DATE:                                        November 27, 2013

At the October 1, 2013 meeting, the Planning Commission reviewed the zoning ordinance requirements for properties on corner lots.

It was explained that the Board of Zoning Appeals regularly receives requests for setback relief from the zoning code for homes on corner lots. Currently, our zoning code requires two front yard setbacks for homes on corner lots, making it difficult for property owners to improve existing homes.

At the November 5, 2013 meeting, the Planning Commission scheduled a public hearing.

The proposed amendment defines one front yard setback for residences on corner lots. Commercial lots will still have two front yard setbacks.

If you agree with the proposed amendment, the following motion would be appropriate:

**I move that an amendment to the Traverse City Code of Ordinances, Section 1368.02, *Setbacks; Yards*; Section 1332.04, *Setbacks*; and Section 1334.04, *Setbacks*, regarding corner lot setbacks in the Single Family, Two Family and Multiple Family Dwelling Districts (R-1a, R-1b, R-2, R-9, R-15 and R-29) be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.**

RAS:ml

**TRAVERSE CITY CODE OF ORDINANCES**

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

Effective date: \_\_\_\_\_

TITLE: Corner lot setbacks

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1368.02, *Setbacks; Yards*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1368.02 SETBACKS; YARDS.**

- (a) Purpose. The setback regulations for buildings serve several purposes:
  - (1) They maintain light, air, separation for fire protection, and access for firefighting;
  - (2) They reflect the general building scale and placement of buildings in the City’s neighborhoods;
  - (3) They promote a reasonable physical relationship between buildings; and
  - (4) They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.
- (b) Setbacks required. Unless a stated specific setback is established by this Code, the minimum setbacks, the distance between a property line and a building wall, are required as indicated in each district’s chapter in this Code and on the following chart:

District	Front	Side setbacks		Rear	Setback from water
		One Side	Aggregate		
OS	Average setback of buildings within 200' on either side or 30' if there are no buildings	10	20	30	50' from ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25' from ordinary high water mark of Boardman River or any dock line established by City ordinance (exceptions in OS District for certain buildings).
RC	Average setback of buildings within 200' on either side or 25' if there are no buildings	10 (None if adjacent to an RC district.)	20 (None if adjacent to an RC District)	30	
R-1a	25' minimum	8 <sup>2</sup>	20 <sup>2</sup>	30	

District	Front	Side setbacks		Rear	Setback from water
		One Side	Aggregate		
R-1b	Within 4' of the average setback of principal buildings on the same face block; no closer than 6' from the front property line.	6 <sup>2</sup>	14 <sup>2</sup>	25	50' from ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25' from ordinary high water mark of Boardman River or any dock line established by City ordinance (exceptions in OS District for certain buildings).
R-2	"	6 <sup>2</sup>	14	25	
R-9	"	6	14 <sup>1</sup>	25	
R-15	"	6	14 <sup>1</sup>	25	
R-29	"	6	14 <sup>1</sup>	25	
HR	Within 4' of the average setback of principal buildings on the same face block; no closer than 8' from the front property line.	None, except a minimum 10-foot side setback is required on the side adjoining a residential district.		5 feet, except a minimum 20-foot rear setback is required if adjacent to or across an alley from a residential district.	Build to edge of a public easement; if no public easement, 10' from high water mark or dockline established by City ordinance
C-1	The lesser of 8' or the average setback of principal buildings on the same face block.	None, except a minimum 10-foot side setback on any side adjoining an R-District.		5 feet, except 20' on any portion abutting or across an alley from an R-District	
C-2	" Maximum 25'			5 feet, except 20 feet if adjoining an R-District.	
C-3	Bldg 25' max Bldg 8' min			5', except 20' on any portion abutting or across an alley from an R-District.	
C-4	2.5 <sup>3</sup> minimum, 15' maximum.				
Buildings shall be set back a minimum of 25' from any bridge abutment unless otherwise approved by the City Engineer if he or she determines that the building will not interfere with the maintenance or reconstruction of the bridge and that utilities will not be adversely impacted.					

District	Front	Side setbacks		Rear	Setback from water
		One Side	Aggregate		
D	See Chapter 1347 for requirements				
T	25'	0	0	None, except 25' if abutting or adjacent to an R-district	N/A
GP	25' minimum, or as shown on the approved Master Site and Facilities Plan allowing a lessor setback.	None, except 25' if abutting or adjacent to an R-District.	N/A	25 feet	25' inland from the ordinary high water mark or any dockline established by City ordinance
I	25'	0	0	15' minimum	N/A
NMC-1 & NMC-2	100' or as shown on approved Master Site & Facilities Plan.	0	0	5 feet, except 20' if abutting or adjacent to an R-district.	50' from ordinary high water mark of Grand Traverse Bay
H-1	The lessor of 8 feet or the average setback of principal buildings on the same face block.	5 feet, except a 10' setback is required on a side adjoining an R-District.			N/A
H-2	25 feet or as shown on the approved Master Site and Facilities Plan allowing a lessor setback.				

<sup>1</sup> For structures above grade on lots or tracts of land on Grand Traverse Bay, the setback is the greater of 30% of the lot width or the number listed on the chart above.

<sup>2</sup> 35% of a building wall may be located no closer than 4' from the property line.

<sup>3</sup> Existing buildings closer than 2.5 feet that have been damaged by fire, explosion, act of God or similar causes and located closer than 2.5 feet may be restored or rebuilt at the same location using the same foundation unless located in the right-of-way.

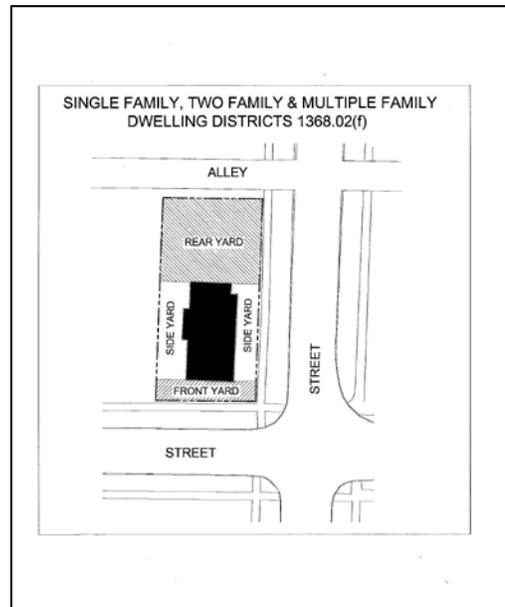
- (c) **Encroachments into the setbacks.** No encroachments into the setbacks are allowed except those indicated in each district chapter and except barrier free ramps as approved by the Planning Director and except in the C-4 district, a building, balcony, porch or deck may project no more than five feet into a rear setback provided these projections are not less than 15 feet above grade and provided they do not project into any public right of way and except eaves, chimneys, sills, belt courses, cornices and

ornamental features not to exceed two and a half feet are permitted to extend within the front or rear setbacks.

- (d) **Storage in an R-district yard.** In an R-district, no yard, except the rear yard, shall be used for the location of a swimming pool or for the storage of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment. For the purposes of this Code, storage shall mean parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of thirty consecutive days or more.
- (e) **Contiguous lots.** Two or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, shall be treated together as a single lot for the purposes of this Zoning Code, provided such lots are located in the same zoning district.

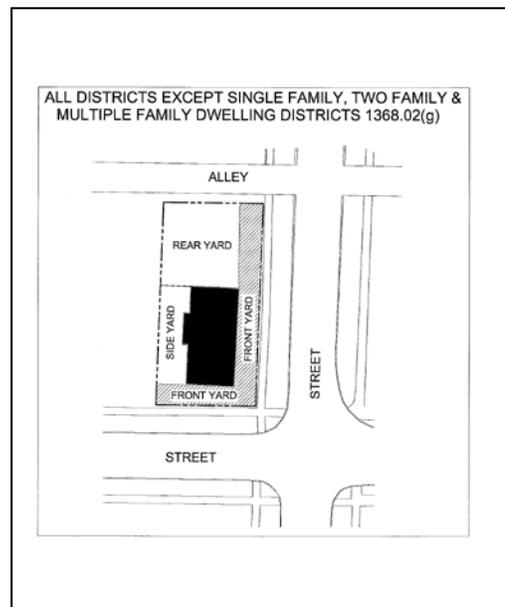
(f) **Corner lots.** On corner lots for Single Family, Two Family and Multiple Family Dwelling Districts, the location of the front lot line and the required rear front setback will be determined by the Planning Director, who will use the following guidelines in reaching a decision:

- (1) The required rear front setback is commonly located on opposite the street frontage having the lesser dimension.
- (2) The required rear front setback is on opposite the street upon which the address has been assigned.
- (3) The required rear front setback commonly abuts a public is opposite the alley.
- (4) The required rear front setback is commonly located to conform to the established development pattern of adjacent properties on the face block.



(g) **Corner lots.** For all districts except Single Family, Two Family and Multiple Family Dwelling Districts, the location of the required rear setback will be determined by the Planning Director, who will use the following guidelines in reaching a decision:

- (1) The required rear setback is commonly located opposite the street frontage having the lesser dimension.
- (2) The required rear setback is opposite the street upon which the address has been assigned.
- (3) The required rear setback commonly abuts a public alley.
- (4) The required rear setback is commonly



located to conform to the established development pattern of adjacent properties on the face block.

**(g h) Nonconforming lots.**

- (1) When a lot of record as of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel adjacent thereto, such lot may nonetheless be used for the construction of a dwelling and for normal accessory uses subject to the standards of this Code.
- (2) Where two or more abutting lots of record, which individually provide less area or width than herein required, are owned by the same party and such lots together create a parcel which complies with the area or width standards of this Zoning Code, such lots shall not thereafter be divided for the purpose of creating another buildable lot or parcel, except in accordance with the requirements of this Code.

**(h i) Compliance Required.** No setback area or lot existing at the time of adoption of this Zoning Code shall be reduced in dimensions or area below the minimum requirements set forth herein except as a result of government action. Setbacks or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established herein.

**(i j) Street-specific setbacks.** The following setbacks are specific to the streets indicated:  
[reserved]

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

\_\_\_\_\_  
Michael Estes, Mayor

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on \_\_\_\_\_.

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

**TRAVERSE CITY CODE OF ORDINANCES**

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

Effective date: \_\_\_\_\_

TITLE: Corner lot setbacks

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1332.04, *Setbacks*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1332.04 SETBACKS.**

**(a) Front setbacks:**

**Building:**

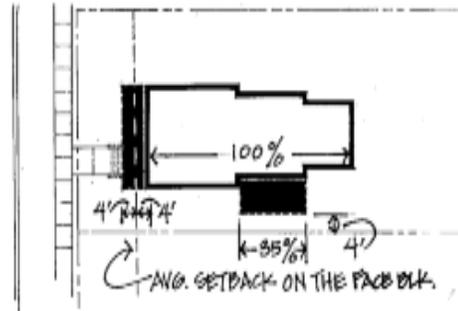
**R-1a:** 25 feet minimum.

**R-1b:** Within 4 feet of the average setback of principal buildings on the same face block, but no closer than 6 feet from the front property line.

**Parking area:**

**R-1a:** 3 feet minimum.

**R-1b:** 3 feet minimum.



**(b) Side setbacks (minimum):**

**Building:**

**One side**

**Aggregate**

**R-1a:**

8 feet

20 feet

**R-1b:**

6 feet\*

14 feet

\*35% of a building side wall may be located no closer than 4 feet from the side property line.

**Parking area:** 2 feet

**(c) Rear setbacks (minimum):**

**Building:**

**R-1a:**

30 feet

**R-1b:**

25 feet

**Parking area:** None.

**(d) Through lots and corner lots** having a frontage on two streets shall provide the required front setback on both streets.

**(e) Water setbacks:** 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from the ordinary high water mark of Boardman River. Where the dock line is established by City ordinance, it shall be measured inland from the dock line.

**(f) Storage** of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment is limited to the rear yard only. Storage shall mean parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of 30 consecutive days or more.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the

Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on \_\_\_\_\_.

Benjamin C. Marentette, City Clerk

## TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: Corner lot setbacks

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1334.04, *Setbacks*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

### 1334.04 SETBACKS.

(a) **Front setbacks:**

**Building:** Within 4 feet of the average setback of principal buildings on the same face block but no closer than 6 feet from the front property line.

**Parking area:** 3 feet minimum.

(b) **Side setbacks (minimum):**

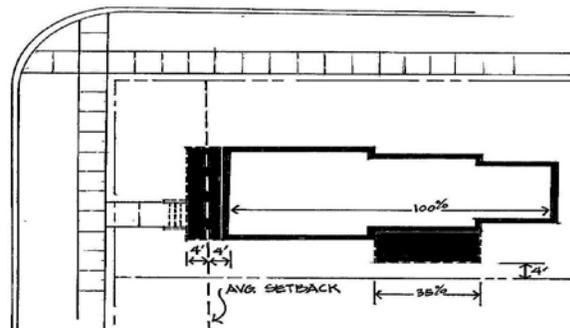
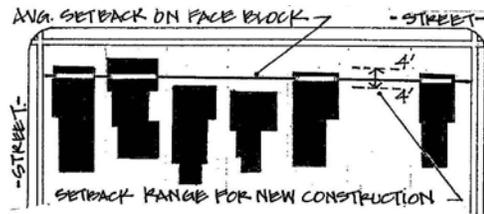
**Building:**

**One Side:** 6 feet

**Aggregate:** 14 feet 35% of a side building wall may be located no closer than 4 feet from the side property line.

**Parking area:** 2 feet

(c) **Rear setbacks:**



**Building:** 25 feet

**Parking area:** None

- (d) ~~Corner and t~~ **Through lots** shall have a front setback on each street.
- (e) **Water setbacks:** 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from the ordinary high water mark of the Boardman River. Where the dock line is established by City ordinance, it shall be measured inland from the dock line.
- (f) **Storage** of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment is limited to the rear yard only. Storage means parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of 30 consecutive days or more.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

\_\_\_\_\_  
Michael Estes, Mayor

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on \_\_\_\_\_.

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk



## Communication to the Planning Commission

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FOR THE MEETING OF:                    DECEMBER 3, 2013

FROM:                                        RUSS SOYRING, PLANNING DIRECTOR

SUBJECT:                                  ZONING AMENDMENT TO LIMIT PARCELS IN THE SINGLE OR TWO  
FAMILY DWELLING DISTRICTS TO ONE DRIVEWAY

DATE:                                        November 27, 2013

At the October 1, 2013 meeting, the Planning Commission reviewed the zoning ordinance requirements for driveways. It was explained that the intent of the language in the current zoning code was to limit residential parcels to one driveway per parcel, but the actual language reads that a corner lot parcel may have two.

At the November 5, 2013 meeting, the Planning Commission scheduled a public hearing for December 3, 2013.

The proposed amendment limits residential parcels to one driveway.

If you agree with the proposed amendment, the following motion would be appropriate:

**I move that an amendment to the Traverse City Code of Ordinances, Section 1374.04, *Driveways and Access Requirements*, to limit parcels in the Single or Two Family Dwelling Districts (R-1a, R-1b and R-2) to one driveway be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.**

RAS:ml

**TRAVERSE CITY CODE OF ORDINANCES**

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

Effective date: \_\_\_\_\_

TITLE: Limit to one driveway per parcel for Single and Two-family Dwelling Districts

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1374.04, *Driveways and Access Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

**1374.04 DRIVEWAYS AND ACCESS REQUIREMENTS.**

- (a) **Intent.** It is the intent of this section to regulate the number, location and spacing of driveway entrances to public streets from private property and to encourage the joint use of driveways and alternative access ways wherever possible so as to minimize the frequency of traffic conflict points, increase safety and protect the traffic carrying capacity of arterial and collector streets.
- (b) **Restrictions.** After the effective date of this Zoning Code:
  - (1) No new driveways are permitted on a new primary arterial or new collector street.
  - (2) No new driveways are permitted from streets in the C-4 District, except to service parking areas on properties that do not have access to an alley provided the standards in Section 1346.01 are met.
  - (3) A service driveway for a dumpster(s) in the C-4 District with a minimum capacity of 3 cubic yards is allowed provided the property does not have access to an alley. The driveway width shall not exceed 10 feet.
  - (4) For a single or two-family residential use, parcels without alley access are limited to one driveway ~~curb cut from a street~~.
- (c) **Minimum spacing regulations.** The following minimum driveway spacing requirements shall apply to arterial and collector streets in all districts. Driveways located in proximity to another driveway on the same side of the street shall not be closer than the linear footage established by the following:

<u>Street Type</u>	<u>Alternate Access Available</u>	<u>No Alternate Access Available</u>
Arterial	200 feet	100 feet
Collector	200 feet	100 feet

- (d) **Minimum distance from street intersections.** Driveways shall not be located nearer to street intersections than established by the following. Minimum spacing is measured along the street curbline and is determined by the linear footage from the end of the intersection curb radius to the end of the driveway curb radius

<b>If a driveway enters a street classified as:</b>	<b>And the intersecting street is classified as:</b>	<b>Minimum spacing for driveways entering a lane approaching the intersection (feet):</b>	<b>Minimum spacing for driveways entering a lane leaving the intersection (feet):</b>
Access	Access, collector or arterial	15	15
Collector	Access, collector or arterial	50	50
Arterial	Access	50	50
Arterial	Collector	50	50
Arterial	Arterial	50	50

(e) **Exceptions.** In all districts:

(1) **Improvement and enlargement of existing buildings and sites.**

- A. A building or site existing at the time of adoption of this Zoning Code having driveway access which does not meet the requirements set forth in subsection (c) hereof may be improved, enlarged or structurally altered, provided no additional driveways are constructed.
- B. A building that is replaced or enlarged or a site which is altered to an extent more than twenty percent of its value, as determined for tax assessment purposes, must comply fully with these public street access regulations.

(2) **Residential lots.** Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard. For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

(3) **Further exceptions.** Further exceptions to driveway minimum spacing regulations in paragraphs (c) and (d) hereof may be granted upon approval of the City Engineer. The distance requirement may be reduced by no more than 50 percent if the City Engineer determines that the requested exception, along with possible additional exceptions in the same area, will meet the following findings:

- A. The character of the street or neighborhood shall not be diminished or negatively impacted.
- B. It is necessary for reasonable use of the lot.
- C. It shall not contravene the intent and purpose of this Zoning Code.
- D. It meets other conditions the City Engineer may specify regarding the health and safety aspects of the exception.

(f) **Design standards for single or two-family uses.** The minimum width of a driveway measured at the throat is 8 feet and the maximum width is 16 feet on all streets or private streets for single or two-family uses. A parking area and driveway width in the front yard shall be the lessor of 40% of the lot width or 32 feet.

(g) **Design standards for all other uses.** For all other uses:

- (1) **Minimum angle to street.** The minimum angle of the driveway to the street shall be 60 degrees.
- (2) **Maximum width at throat.**
  - A. The maximum width of a driveway measured at the throat shall be 24 feet

on arterial and collector streets.

- B. The maximum width of a drive measured at the throat on all other streets shall be 20 feet.
- C. Such width may be increased upon approval of the City Engineer to a maximum of 32 feet on major streets so designated under the Major streets Plan pursuant to 1951 Public Act 51.

(h) **Backing into streets or alleys.** Except for one and two-family dwellings located in districts other than the C-4 District, backing from a private parking area directly into a street or private street is prohibited. Under certain circumstances described in this chapter backing into an alley is permitted for all uses.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

\_\_\_\_\_  
Michael Estes, Mayor

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on \_\_\_\_\_.

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk



## Communication to the Planning Commission

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FOR THE MEETING OF:                    DECEMBER 3, 2013

FROM:                                        RUSS SOYRING, PLANNING DIRECTOR

SUBJECT:                                   ZONING AMENDMENT TO CLARIFY HOW DRIVE THROUGH SERVICES ARE PROVIDED TO CUSTOMERS WITHOUT MOTOR VEHICLES

DATE:                                        November 27, 2013

At the October 16, 2013 meeting, the Planning Commission reviewed the zoning ordinance requirements for drive throughs. The Planning Department had been interpreting the existing ordinance language to mean that automatic teller machines (ATM) are a drive through operation that is in service 24 hours a day and that provisions need to be made to safely accommodate customers without motor vehicles to that ATM machine or the establishment shall provide an additional ATM machine that can be safely accessed for customers without a motor vehicle. The proposed amendment clarifies that interpretation.

On November 5, 2013, the Planning Commission scheduled a public hearing for December 3, 2013.

If you agree with the proposed amendment, the following motion would be appropriate:

**I move that an amendment to the Traverse City Code of Ordinances, Section 1374.06, *Drive-Through Standards*, to clarify how drive through services are provided to customers without motor vehicles be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.**

RAS:ml

## TRAVERSE CITY CODE OF ORDINANCES

### ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: Drive-Through Standards for customers without motor vehicles

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1374.06, *Drive-Through Standards*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

#### **1374.06 DRIVE-THROUGH STANDARDS.**

Purpose: The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, and queued traffic interfering with off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise and visual impacts on abutting uses, particularly residential uses.
- Promote safer and more efficient on-site vehicular and pedestrian circulation.
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

Standards for all drive-through facilities are as follows:

- (a) The service lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists, and motorists.
- ~~(b) Provisions shall be made to safely accommodate customers without motor vehicles at any time the drive-through operation is in service.~~
- (b) A physically separate service area must be available to customers without motor vehicles whenever the building is closed and services are still available. For financial institutions, the above applies, and is inclusive of automatic teller machines.
- (c) The drive-through facility shall be accessory to a full-service, indoor, on-site use.
- (d) The service lanes shall meet the landscape requirement of section 1372.04.
- (e) The service lanes shall not be located between the associated building and public street.
- (f) Regardless of the street classification, all driveways must be at least 50 feet from a street intersection.
- (g) When abutting R zoned land, drive-through facilities with outdoor speakers must document in advance the facility will meet the requirements of the noise control chapter.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2013, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2013, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

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Michael Estes, Mayor

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Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on

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Benjamin C. Marentette, City Clerk

DRAFT



## Communication to the Planning Commission

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FOR THE MEETING OF: December 3, 2013

FROM: Russ Soyring, Planning Director

SUBJECT: Conditional Rezoning Reversion for 10597 East Traverse Highway

DATE: November 27, 2013

On May 16, 2011 a request to conditional rezone 10597 East Traverse Highway from R-1b (Single Family Dwelling) to R-9 (Multiple Family Dwelling) was adopted. *Please see site area map attached.* The rezoning allowed for a maximum density of 134 dwellings. 102 units were proposed with 17 six-unit buildings. The approval, with an extension granted last February, expires on May 16, 2014 unless the project is at least 75% complete. No construction has occurred and it is not practical or likely to have the project three quarters complete by May 16, 2014. No additional extensions are allowed per the zoning code.

Attached is a letter from Michael Dakoski, Vice President of Traverse City State Bank. He is asking that the extension granted for the conditional rezoning last February be cancelled. Traverse City State Bank holds the deed for the property and is working with a potential purchaser for the property with the intention of making an application to conditional rezone the property. The reversion of the conditional rezoning will allow for a new application for a conditional rezoning to begin this winter versus waiting for the conditional zoning to expire in May 2014.

The Zoning Code states the reversionary process be initiated by the Planning Commission. Such a process would rezone the property from R-9 (A) to MU (Mixed Use PUD-Morgan Farm). Unless a PUD is in place, the property zoned MU has the same restrictions as property zoned as R-1b (Single Family Dwelling) District. To start the reversionary process, the following motion would be appropriate:

**I move that a public hearing date be set for January 7, 2014 to rezone the property located 10597 East Traverse Highway from R-9 (A) to MU (Mixed Use PUD Morgan Farm.**

RS



TRAVERSE CITY STATE BANK

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November 21, 2013

Mr. Russell Soyring  
Planning Director  
Traverse City Planning Commission  
400 Boardman Ave  
Traverse City, MI 49684

Re: cancellation of Extension of Conditional Rezoning for parcel #45-51-033-042-00

Dear Mr. Soyring,

The Traverse City State Bank hereby requests that the extension of Conditional Rezoning granted by the City of Traverse City on the 20<sup>th</sup> of February, 2013 for the above parcel, be cancelled. Attached is a copy of the recorded document to which this request refers.

Please call me if you have any questions or clarification regarding this request. We appreciate the City's working with us on this matter and hope to have a new Conditional Rezoning request for this property prepared soon.

Sincerely,

Michael H. Dakoske  
Vice President

RCV'D LEELANAU COUNTY  
2013 MAR 5 AM 10 58

Leelanau County STATE OF MICHIGAN  
Dorothy M. Miller Register of Deeds



RECORDED  
March 05, 2013 02:29:00 PM  
Liber 1156 Page 220-222  
3P FEE: \$20.00



DMM Liber 1156 Page 220 #2013001367

### AMENDMENT OF CONDITIONAL REZONING AGREEMENT

On this the 20<sup>th</sup> day of February, 2013, the CITY OF TRAVERSE CITY, a Michigan municipal corporation, whose address is 400 Boardman Avenue, Traverse City, Michigan 49684 (the "City") and TRAVERSE CITY STATE BANK, 310 West Front Street, P.O. Box 192, Traverse City, Michigan 49685-0192 (the "Landowner") hereby agree to amend their Conditional Rezoning Agreement authorized by action of the City Commission May 16, 2011 (the "Agreement") in the following manner:

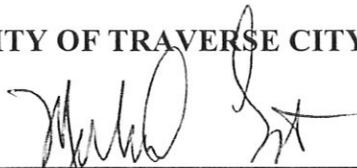
WHEREAS, the Landowner is the owner of real property within the City of Traverse City, Michigan commonly known as 10597 East Traverse Highway, Traverse City, Michigan 49684, Tax Parcel ID# 45-51-033-042-00, and legally described as follows: LIBER 1086, PAGE 493:

PRT OF SE 1/4 OF SW 1/4 SEC 33 T28N R11W BEG AT NW COR THEREOF TH E 870.38 FT TH S 18\* 31' W 856.68 FT TH W 247 FT TH S 186.95 FT; THENCE WEST 238.01 FT TO COUNTY LINE HWY; THENCE NWLY ON COUNTY LINE HWY 175.07 FT TO WEST LINE OF SE 1/2 OF SW 1/4 TH N 853.05 FT TO POB SEC 33 T28N R11W

1. Pursuant to City Ordinance Section 1320.05(H)(10) the term of the Agreement shall be extended for a period of one year (expiring May 16, 2014) as recommended by the City Planning Commission. No further extensions shall be granted.
2. The Landowner shall record this Amendment with the Leelanau County Register of Deeds within twenty (20) business days following approval by the City Commission. Evidence of recording shall be provided to the City Attorney within twenty-five (25) business days of approval by the City Commission.
3. All other terms and conditions of the Agreement shall remain in full force and effect.

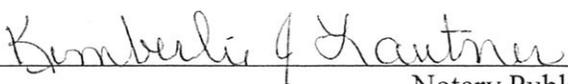
IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date and year first above written.

CITY OF TRAVERSE CITY

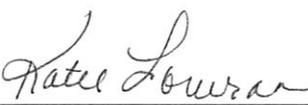
  
Michael Estes, Mayor

STATE OF MICHIGAN )  
 )ss  
COUNTY OF GRAND TRAVERSE )

This instrument was acknowledged on the 28<sup>th</sup> day of February, 2013, by Michael Estes, the Mayor for the City of Traverse City, a Michigan municipal corporation on behalf of the City.

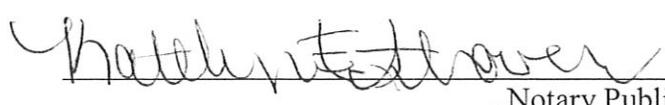
  
\_\_\_\_\_, Notary Public  
County of \_\_\_\_\_, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

KIMBERLIE J. LAUTNER  
Notary Public, State of Michigan  
County of Grand Traverse  
My Commission Expires: 11-09-2013

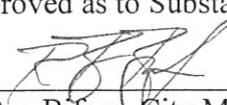
  
\_\_\_\_\_  
Katie Lowran,  
Deputy City Clerk

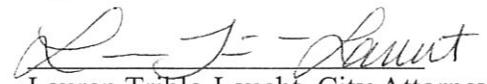
STATE OF MICHIGAN )  
 )ss  
COUNTY OF GRAND TRAVERSE )

This instrument was acknowledged on the 1<sup>st</sup> day of MARCH, 2013, by Katie Lowran, the Deputy City Clerk for the City of Traverse City, a Michigan municipal corporation on behalf of the City.

  
\_\_\_\_\_, Notary Public  
County of \_\_\_\_\_, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

KATELYN E. STROVEN  
Notary Public, State of Michigan  
County of Grand Traverse  
My Commission Expires: 11-24-17

Approved as to Substance  
  
\_\_\_\_\_  
R. Ben Bifoss, City Manager

Approved as to Form  
  
\_\_\_\_\_  
Lauren Tribble-Laucht, City Attorney

STATE OF MICHIGAN )  
 )ss  
COUNTY OF GRAND TRAVERSE )

This instrument was acknowledged on the 28<sup>th</sup> day of February, 2013, by R. Ben Bifoss, the City Manager for the City of Traverse City and Lauren Tribble-Laucht, the City Attorney for the City of Traverse City, a Michigan municipal corporation on behalf of the City.

**Julie E. Dalton**  
Notary Public - Leelanau County MI  
Acting in Grand Traverse County  
My commission expires: 11/6/2016

Julie E. Dalton  
\_\_\_\_\_, Notary Public  
County of \_\_\_\_\_, Michigan  
Acting in Grand Traverse County, Michigan  
My Commission Expires: \_\_\_\_\_

Date of Planning Commission Recommendation: 2/5/2013

Date of City Commission Approval: 2/19/2013

LANDOWNER:

**TRAVERSE CITY STATE BANK**

Michael H. Dakoske  
By: MICHAEL H. DAKOSKE  
Its: VICE PRESIDENT

STATE OF MICHIGAN )  
 )ss  
COUNTY OF GRAND TRAVERSE )

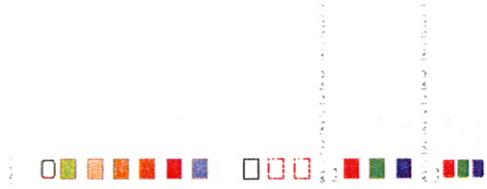
This instrument was acknowledged on the 28<sup>th</sup> day of February, 2013, by Michael H. Dakoske, the VP for and on behalf of Traverse City State Bank.

**Julie E. Dalton**  
Notary Public - Leelanau County MI  
Acting in Grand Traverse County  
My commission expires: 11/6/2016

Julie E. Dalton  
\_\_\_\_\_, Notary Public  
County of \_\_\_\_\_, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

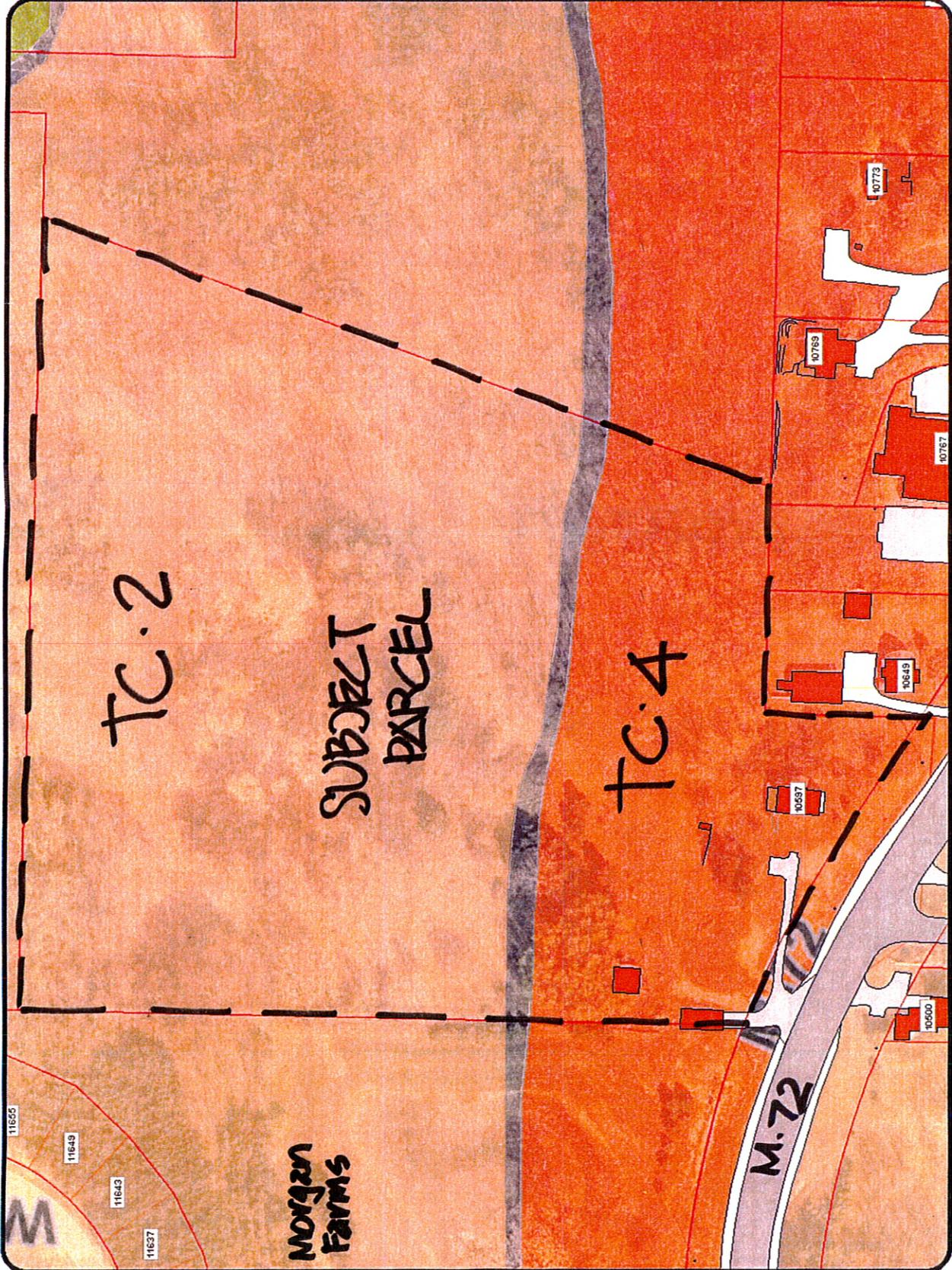
Drafted By:  
Lauren Tribble-Laucht  
City Attorney  
400 Boardman Ave.  
Traverse City, MI 49684

When Recorded Return To:  
Benjamin C. Marentette  
City Clerk  
400 Boardman Ave.  
Traverse City, MI 49684



1 inch = 60 feet

This map is based on aerial photography from the City of Traverse City. The City of Traverse City does not warrant the accuracy of this map. There are no warrants or other legal notices on this map.



# Capital Improvement Program

DRAFT 2

1. CIP Committee is established by City Administration to revise and update the Capital Improvement Program.



Committee makeup: City Manager, Public Services, Engineering, Planning and three Planning Commissioners, one of which is also a City Commissioner.

November

2. Committee reviews Master Plan, special plans, citizen requests, asset management system and staff identified needs.



3. Planning Department compiles projects forms from Committee and City Departments to address needs and requests in Step 2.



December

6. City Manager and Committee schedule projects based on:  
Priority  
Funding Availability  
Staffing Capacity



5. City Treasurer provides expected revenue forecasts.



4. Committee prioritizes projects.



January

7. City Commission receives draft CIP and forwards to Planning Commission.

8. Planning Commission reviews draft with City Manager and City Departments. Schedules public hearing.



February

10. City Administration prepares budget including funds for projects in Year 1 of the CIP.



9. Planning Commission holds public hearing. Adopts CIP.



March

April

11. City Commission reviews City budget.



12. City Commission approves budget and funding for year one of the CIP.



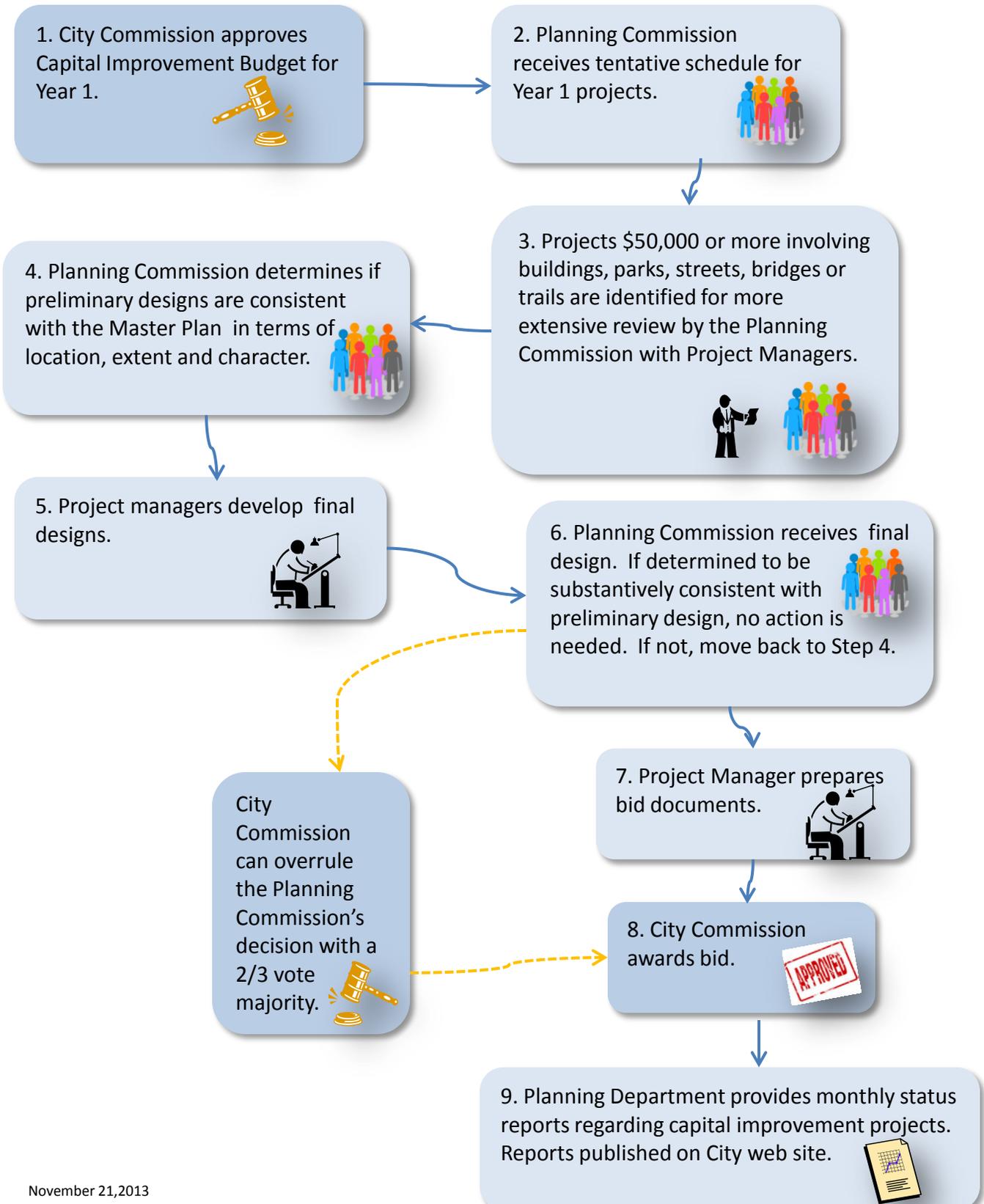
May

Planning Department provides monthly status reports to Planning Commission



# Capital Improvement Projects

DRAFT 2



# Street Projects

DRAFT 2

1. Capital Improvement Program is approved by the Planning Commission.



2. New and reconstructed street projects with costs of \$50,000 or more are reviewed by the Planning Commission. General project components and early design concepts discussed



4. Planning Department gathers comments and shares with Engineering and Street Departments



3. Planning Department mails letters to affected residents and property owners inviting input regarding the street project



5. City Engineer or consultants reviews comments and adjusts design.



6. Planning Commission reviews preliminary designs to determine consistency with the Master Plan in terms of location, extent and character



City Commission can overrule the Planning Commission's decision with a 2/3 vote majority.



7. Planning Commission receives final design. If determined to be substantively consistent with preliminary design, no action is needed. If not, move back to Step 6



8. City Engineer or consultant develops final design and bids project out.



9. City Commission awards street project to contractor

