

**ORDINANCE NO. 781**

**AN ORDINANCE TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF PETOSKEY AS SET FORTH IN ORDINANCE NO. 451, THE ZONING ORDINANCE OF THE CITY OF PETOSKEY TO RE-ZONE SPECIFIC PROPERTIES FROM THE R-1 SINGLE FAMILY DISTRICT TO THE C- COLLEGE DISTRICT.**

**WHEREAS**, a request to rezone 1515 Howard Street from R-1 Single Family to C- College District was made on June 3, 2021 by North Central Michigan College; and

**WHEREAS**, the subject properties are located on the southeast end of the City of Petoskey and hold community college facilities including classrooms, administrative offices, utility facilities, parking lots, a sculpture gallery, a community gymnasium, dormitories, cafeteria facilities, and a 195 acre natural area; and

**WHEREAS**, the subject property is currently within the R-1 Single Family District as a special condition use; and

**WHEREAS**, North Central Michigan College is required by the State of Michigan to adopt a five-year master plan that was last updated in 2019; and

**WHEREAS**, the City of Petoskey has been working with the College for several years on the extension of the internal ring road and the Planning Commission approved a design for the road to become a publicly dedicated street on March 18, 2021; and

**WHEREAS**, during the roadway discussion it was suggested that a new zoning district for the College that reflected the overall master plan would be appropriate; and

**WHEREAS**, the Planning Commission and College worked to draft district language that balances the needs of the community with future college expansion; and

**WHEREAS**, the new C College zoning district was adopted by City Council at its August 2nd, 2021 meeting; and

**WHEREAS**, the Planning Commission held a public hearing on the request to rezone the property from R-1 Single Family to C- College on August 19, 2021; and

**WHEREAS**, the Planning Commission made the determination that the rezoning of the subject property from R-1 Single Family to C- College District is consistent with the City Master Plan, Future Land Use Map and Zoning Plan, that the uses and development standards are compatible with surrounding uses, that

the site is of sufficient size to accommodate the proposed uses, and that the rezoning will not adversely affect surrounding properties and recommended the rezoning to City Council on a 9-0 vote.

**NOW THEREFORE**, the City of Petoskey ordains:

1. The property known as 1515 Howard Street, specifically:

Parcel ID 52-19-08-100-016

COM AT PT ON SEC LN 653 FT M/L E OF SEC COR COM TO SEC'S 5 & 8 & SD PT BEING C/L OF WAUKAZOO AVE PRODUCED S, TH E ALG SD SEC LN 522.7 FT, TH S 250 FT, TH W PAR TO SEC LN 522.7 FT, TH N 250 FT TO BEG. COM AT NW COR OF SEC 8, TH E 33 FT TO POB. TH E 620 FT, S 250 FT, E 522.7 FT, N 250 FT, E 1431 FT TO N LN OF KALAMAZOO AVE, TH S 1320 FT, W 1287 FT, N 16.5 FT, W 1089 FT, TH NW'LY TO SD SEC LN, TH N 279 FT, S88°9'E 314.3 FT, TH N0°41'E 394.4 FT, TH N83°14'W 321.3 FT TO HOWARD ST, TH N 319 FT TO POB. ALSO COM AT SW COR OF NW 1/4 OF NW 1/4, TH E 82 RDS, N 1 RD, W 66 RDS, NW'LY TO SEC LN AT PT 21 RDS N OF POB, TH S ALG SEC LN 21 RDS TO POB. EXC COM 744.70 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N32°W 162 FT, N80°W 197 FT, W 360 FT, N 182 FT TO POB. EXC THAT PT OF THE ATKINS RD EXT DESC AS: PT OF SW ¼ OF SECTION 5 & PT OF NW ¼ OF SECTION 8; COM AT NW COR SEC 8, TH ALG N LN OF SD SEC 8 S89°57'00"E 33.01 FT TO E'LY LN OF HOWARD ST & POB, TH ALG SD LN N00°13'45"W 44 FT, TH S89°57'00"E 1285.94 FT, TH S15°57'57"E 2.68 FT, TH 84.13 FT ALG CURVE L, RAD 217 FT, DELTA 22°12'45", CHD N62°55'41"E 83.60 FT, TH N51°49'19"E 14.88 FT, TH 51 FT ALG CURVE R, RAD 283 FT, DELTA 10°19'29", CHD N56°59'03"E 50.93 FT, TH N27°51'12"W 11 FT, TH 333.28 FT ALG CURVE TO R, RAD 294 FT, DELTA 64°57'02", CHD S85°22'41"E 315.72 FT, TH S52°54'10"E 369.08 FT, TH 156.16 FT ALG CURVE L, RAD 206 FT, DELTA 43°26'04", CHD S74°37'12"E 152.45 FT, TH N06°20'14"W 39 FT, TH 79.75 FT ALG CURVE L, RAD 167 FT, DELTA 27°21'46", CHD N69°58'53"E 79 FT, TH S33°42'01"E 39 FT, TH 16.20 FT ALG CURVE L, RAD 206 FT, DELTA 04°30'25", CHD N54°02'47"E 16.20 FT, TH N51°47'35"E 160.77 FT, TH 187.19 FT ALG CURVE R, RAD 295.18 FT, DELTA 36°20'02", CHD N70°00'43"E 184.07 FT, TH S89°57'00"E 1.38 FT TO W'LY R/O/W OF KALAMAZOO ST, TH ALG SD W'LY R/O/W S00°07'10"W 44 FT TO SD N LN OF SEC 8, TH CONT ALG SD R/O/W S00°15'51"E 44 FT, TH 130.08 FT ALG CURVE L, RAD 207.18 FT, DELTA 35°58'18", CHD S69°49'51"W 127.95 FT, TH S51°47'35"W 155.36 FT, TH S38°12'25"E 44 FT, TH S51°47'35"W 5.34 FT, TH 40.11 FT ALG CURVE R, RAD 338 FT, DELTA 06°47'55", CHD S55°11'32"W 40.08 FT, TH N31°24'30"W 44 FT, TH 351.52 FT ALG CURVE R, RAD 294 FT, DELTA 68°30'20", CHD N87°09'20"W 330.95 FT, TH N52°54'10"W 369.08 FT, TH 233.52 FT ALG CURVE L, RAD 206 FT, DELTA 64°57'02", CHD N85°22'41"W 221.22 FT, TH N27°51'12"W 11 FT, TH 39.10 FT ALG CURVE L, RAD 217 FT, DELTA 10°19'29", CHD S56°59'03"W 39.05 FT, TH S51°49'19"W 14.88 FT, TH 109.71 FT ALG CURVE R, RAD 283 FT, DELTA 22°12'45", CHD S62°55'41"W 109.03 FT, TH S15°57'57"E 11 FT, TH 82.18 FT ALG CURVE R, RAD 294 FT, DELTA 16°00'57", CHD S82°02'32"W 81.91 FT, TH N89°57'00"W 539.06 FT, TH 93.61 FT ALG CURVE R, RAD 363.13 FT, DELTA 14°46'09", CHD S82°39'50"W 93.35 FT, TH N89°57'00"W 594.69 FT TO E'LY R/O/W OF HOWARD ST N00°13'45"W 56 FT TO POB. ALSO EXC COM AT N ¼ COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD

SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. EXCEPTING THAT PORTION NORTH OF THE ATKINS STREET RIGHT-OF-WAY. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-003

COM AT NW COR SEC 8 S ON SEC LN 316.2', TH S83°14'E 33.2' TO POB TH S83°14'E 321.3', TH S0°41'W 394.4', TH N88°09'W 314.3' TO E LN OF HOWARD ST., TH ALG SD LN 422.2' TO POB. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-017

T OF NW ¼ OF SECTION 8, COM AT N ¼ COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. SUBJ TO EASE(S) OF RECORD. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-014

COM 744.7 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N-32-W 162 FT, N-80-W 197 FT, W 360 FT, N 182 FT TO POB, SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-100-005

SE 1/4 OF NW 1/4, NE 1/4 OF SW 1/4 & NW 1/4 OF SE 1/4. SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-200-016

SW 1/4 OF NE 1/4 SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-300-008

SW 1/4 OF SE 1/4 LYING E OF BEAR RIVER SECTION 8, T34N, R5W; AND

Parcel ID 52-19-17-100-022

NW 1/4 OF NE 1/4 LYING E OF BEAR RIVER SECTION 17, T34N, R5W.

is rezoned to C- College District, subject to all applicable zoning usages, standards, regulations, requirements, and conditions of that district.

2. The Zoning District Map of the City of Petoskey shall be, and the same hereby is, amended in order that the following described property be shown as located in the C-College District and the Zoning classification hereafter for said property shall be C- College:

Parcel ID 52-19-08-100-016

COM AT PT ON SEC LN 653 FT M/L E OF SEC COR COM TO SEC'S 5 & 8 & SD PT BEING C/L OF WAUKAZOO AVE PRODUCED S, TH E ALG SD SEC LN 522.7 FT, TH S 250 FT, TH W PAR TO SEC LN 522.7 FT, TH N 250 FT TO BEG. COM AT NW COR OF SEC 8, TH E 33 FT TO POB. TH E 620 FT, S 250 FT, E 522.7 FT, N 250 FT, E 1431 FT TO N LN OF KALAMAZOO AVE, TH S 1320 FT, W

1287 FT, N 16.5 FT, W 1089 FT, TH NW'LY TO SD SEC LN, TH N 279 FT, S88°9'E 314.3 FT, TH N0°41'E 394.4 FT, TH N83°14'W 321.3 FT TO HOWARD ST, TH N 319 FT TO POB. ALSO COM AT SW COR OF NW 1/4 OF NW 1/4, TH E 82 RDS, N 1 RD, W 66 RDS, NW'LY TO SEC LN AT PT 21 RDS N OF POB, TH S ALG SEC LN 21 RDS TO POB. EXC COM 744.70 FT S OF NW COR OF SEC FOR POB, TH E 920 FT, S 352 FT, W 280.15 FT, N32°W 162 FT, N80°W 197 FT, W 360 FT, N 182 FT TO POB. EXC THAT PT OF THE ATKINS RD EXT DESC AS: PT OF SW 1/4 OF SECTION 5 & PT OF NW 1/4 OF SECTION 8; COM AT NW COR SEC 8, TH ALG N LN OF SD SEC 8 S89°57'00"E 33.01 FT TO E'LY LN OF HOWARD ST & POB, TH ALG SD LN N00°13'45"W 44 FT, TH S89°57'00"E 1285.94 FT, TH S15°57'57"E 2.68 FT, TH 84.13 FT ALG CURVE L, RAD 217 FT, DELTA 22°12'45", CHD N62°55'41"E 83.60 FT, TH N51°49'19"E 14.88 FT, TH 51 FT ALG CURVE R, RAD 283 FT, DELTA 10°19'29", CHD N56°59'03"E 50.93 FT, TH N27°51'12"W 11 FT, TH 333.28 FT ALG CURVE TO R, RAD 294 FT, DELTA 64°57'02", CHD S85°22'41"E 315.72 FT, TH S52°54'10"E 369.08 FT, TH 156.16 FT ALG CURVE L, RAD 206 FT, DELTA 43°26'04", CHD S74°37'12"E 152.45 FT, TH N06°20'14"W 39 FT, TH 79.75 FT ALG CURVE L, RAD 167 FT, DELTA 27°21'46", CHD N69°58'53"E 79 FT, TH S33°42'01"E 39 FT, TH 16.20 FT ALG CURVE L, RAD 206 FT, DELTA 04°30'25", CHD N54°02'47"E 16.20 FT, TH N51°47'35"E 160.77 FT, TH 187.19 FT ALG CURVE R, RAD 295.18 FT, DELTA 36°20'02", CHD N70°00'43"E 184.07 FT, TH S89°57'00"E 1.38 FT TO W'LY R/O/W OF KALAMAZOO ST, TH ALG SD W'LY R/O/W S00°07'10"W 44 FT TO SD N LN OF SEC 8, TH CONT ALG SD R/O/W S00°15'51"E 44 FT, TH 130.08 FT ALG CURVE L, RAD 207.18 FT, DELTA 35°58'18", CHD S69°49'51"W 127.95 FT, TH S51°47'35"W 155.36 FT, TH S38°12'25"E 44 FT, TH S51°47'35"W 5.34 FT, TH 40.11 FT ALG CURVE R, RAD 338 FT, DELTA 06°47'55", CHD S55°11'32"W 40.08 FT, TH N31°24'30"W 44 FT, TH 351.52 FT ALG CURVE R, RAD 294 FT, DELTA 68°30'20", CHD N87°09'20"W 330.95 FT, TH N52°54'10"W 369.08 FT, TH 233.52 FT ALG CURVE L, RAD 206 FT, DELTA 64°57'02", CHD N85°22'41"W 221.22 FT, TH N27°51'12"W 11 FT, TH 39.10 FT ALG CURVE L, RAD 217 FT, DELTA 10°19'29", CHD S56°59'03"W 39.05 FT, TH S51°49'19"W 14.88 FT, TH 109.71 FT ALG CURVE R, RAD 283 FT, DELTA 22°12'45", CHD S62°55'41"W 109.03 FT, TH S15°57'57"E 11 FT, TH 82.18 FT ALG CURVE R, RAD 294 FT, DELTA 16°00'57", CHD S82°02'32"W 81.91 FT, TH N89°57'00"W 539.06 FT, TH 93.61 FT ALG CURVE R, RAD 363.13 FT, DELTA 14°46'09", CHD S82°39'50"W 93.35 FT, TH N89°57'00"W 594.69 FT TO E'LY R/O/W OF HOWARD ST N00°13'45"W 56 FT TO POB. ALSO EXC COM AT N 1/4 COR OF SD SEC, TH N89°14'57"W 1208.89 FT ALG N LN OF SD SEC TO POB, TH N89°14'57"W 100 FT ALG N LN OF SD SEC, TH S00°45'03"W 664.93 FT, TH N81°17'34"W 262.68 FT, TH S09°49'34"W 333.18 FT, TH S81°17'34"E 416.72 FT, TH N00°45'03"E 1015.26 FT TO POB. EXCEPTING THAT PORTION NORTH OF THE ATKINS STREET RIGHT-OF-WAY. SECTION 8, T34N, R5W; AND

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SW 1/4 OF NE 1/4 SECTION 8, T34N, R5W; AND

Parcel ID 52-19-08-300-008

SW 1/4 OF SE 1/4 LYING E OF BEAR RIVER SECTION 8, T34N, R5W; AND

Parcel ID 52-19-17-100-022

NW 1/4 OF NE 1/4 LYING E OF BEAR RIVER SECTION 17, T34N, R5W.

3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
4. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 4<sup>th</sup> day of October 2021.

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John Murphy  
Its Mayor

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Alan Terry  
Its Clerk