

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Wednesday, March 20, 2013 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

I. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:04 p.m. by Chair John Hess.

II. Roll Call

Chair: John Hess

Members Present: Toni Felter, Judy Clock, Sherm Chamberlain, Adam Whitley

Members Absent: Dan Buday, Becky Doan, John Elzinga

City Planner: Michael Spencer

III. Inquiry Into Potential Conflicts of Interest

None.

IV. Approval of Agenda

At the request of Planner Spencer, Agenda Section H.1., Old Business, was amended to add a motion to call a public hearing on the draft zoning ordinance.

V. Approval of Minutes

Motion by Member Felter, second by Member Chamberlain, to approve the February 11, 2013 minutes as presented.

Motion passed by unanimous voice vote.

Subcommittee Minutes

The Planning Commission's Subcommittee on the Draft Zoning Ordinance has concluded its meeting. A quorum of the subcommittee was present and voted on the following:

Motion by Member Clock, second by Member Felter, to approve the January 29, 2013 minutes as presented.

Motion passed by unanimous voice vote.

Motion by Member Chamberlain, second by Member Clock, to approve the March 11, 2013 minutes as presented.

Motion passed by unanimous voice vote.

VI. Call for Public Comment Not Related to Agenda Items

Chair Hess opened the meeting to public comment at 6:08 p.m. There was no public comment.

VII. New Business

None.

IX. Old Business

A. Review of 2012-13 Draft Zoning Amendments

- (1) Planner Spencer advised the Commission that the draft zoning map has been updated and includes three overlay districts. The proposed Marine Overlay District has been removed. Mr. Spencer reviewed the changes to the map since the first draft was reviewed.

Planner Spencer discussed the timetable for approval of the Zoning Ordinance and proposed an additional public hearing be held by the Planning Commission.

Motion by Whitley, second by Chamberlain, to set a public hearing for Tuesday, April 23, 2013 at 6:00 p.m. in Council Chambers to review the final draft of the Zoning Ordinance.

Motion passed by unanimous voice vote.

- (2) Call for Public Comment

Madelyn Renaud stated that Becky Doan should not have been allowed to speak or vote at the March 11 concurrent meeting, because she was a member of the Fireplace Steering Committee. Ms. Renaud also advised the Commission that the Downtown Development Authority (DDA) has not made their library contribution in the last two years and will probably not pay this year.

Chair Hess advised Ms. Renaud that the Planning Commission has no authority with or over the DDA.

Planner Spencer reported that a legal opinion had been requested and received, and that he had been advised that Commissioner Doan was allowed to vote as a Planning Commissioner; participation on an advisory board does not preclude voting on the Planning Commission.

Mary Eveleigh questioned the status of the fireplace design as it pertains to Planning Commission review. Planner Spencer indicated that the Planning Commission's legal obligation had been met at the March 11, 2013 meeting: they had approved the location, the oval design, and had made a determination that the fireplace was in accordance with the Master Plan, based on the Planning Enabling Act. They are not legally required to review or make a recommendation on the final design; however, they may review the design and provide comments to Council.

(3) Review proposed changes

(a) Athletic Courts

A definition of athletic courts has been added to the draft. Square footage, fencing, and lighting will be addressed in the draft. The Commission discussed fencing around gardens and athletic courts and decided to allow fencing.

(b) Buildable Area

A diagram has been added to help determine buildable area.

(c) Definitions for Dwellings

A diagram was added to help define the differences between a detached single family, two family, and attached dwellings.

(d) Setbacks

A diagram was added to help define and describe setbacks.

(e) Zoning Map

Chair Hess asked the Planner to check the lot line placement on the north side of Sunnybank [now American House], 637 Petoskey Avenue.

Commissioner Chamberlain suggested that the area east of the Wojan plant and west of the City garage [nine parcels east of May Street, south of Rose Lane] be changed from R1 to R2. The Commission discussed the area and generally agreed that the zoning should not be changed.

Commissioner Chamberlain inquired about the area on the west side of the City, which Bob Timms had requested be zoned R2 [on Sheridan Street]. The Commission generally agreed that this is not necessary for lots of this size.

(f) R4 High Density

Many of the potential R4 parcels are an acre in size. The draft ordinance proposes a minimum of one-half acre for an R4 lot. Planner Spencer asked the Commission to consider setbacks for R4 parcels.

(g) Building Appearance

At this time, staff is recommending that the draft ordinance only address building materials for commercial properties that front the entryways to town. Planner Spencer provided some examples to the Commission. Some communities require side or rear parking for commercial properties. If the Commission decides to initiate some building appearance standards, it would apply to new construction only.

The Commission generally agreed to smaller front yard setbacks and some building appearance requirements for new construction facing US 31 or M-66.

(h) Scenic Reserve areas

Planner Spencer recommends removing the vegetative buffer requirements from the ordinance. Most of these areas do not currently have the vegetative buffer.

Mary Eveleigh spoke to the Commission, encouraging retention of the buffer requirements.

The Commission generally agreed to remove the vegetative buffer requirement.

Planner Spencer stated that he would like to retain requirements for road construction and erosion control. The Commission agreed.

(i) Overlay Districts

- The Marine Commercial Overlay district has been removed.
- In the Central Business Overlay District all shops facing Bridge Street must be retail or restaurants and no professional offices are allowed. The wording in this section is the same as the current ordinance.
- The W. Garfield Ave Commercial Overlay District is unchanged from the previous meetings.
- The W. Carpenter Overlay District consists of four parcels near the airport. Some of these parcels have the front of the lot zoned single family while the back of the lot is zoned industrial. The FAA does not want communities to encourage heavy industrial uses near the airport. This overlay district allows a special mix of uses, light industrial and residential, next to the airport.

Paul Osterberg asked why he was not allowed to keep his equipment under the zoning ordinance. Planner Spencer explained that the equipment in question was not in proper working condition and was rotting into the ground. Mr. Spencer also stated that there is pending litigation regarding the blight on Mr. Osterberg's property, and that, at this time, the discussion should focus on the proposed zoning change. Mr. Osterberg stated that he would need to review the hard copy of the ordinance before giving his opinion.

- The Commission discussed the addition of an overlay district on the north side of town along US 31 to allow professional offices fronting US 31 between Prospect and Meech. The overlay district would allow professional offices while maintaining the residential "feel" of the area.

(j) Accessory Structures

The ordinance has been drafted to allow two detached accessory structures under certain circumstances.

(k) Boat Houses

During a phone conversation with Planner Spencer, Builder Andy Poineau suggested that Boat House roofs be required to have a certain pitch or style (such as gabled roofs) preventing an owner's building flat top roofs to take full advantage of the maximum height requirement. As for limitations on how far a boat house can extend into the lake, Mr. Poineau reported that the Department of Environmental Quality (DEQ) is not allowing any extensions into the lake. The current ordinance limits extension into the lake to 80', as measured by the ordinary high water mark. The Commission will look at this requirement further, to determine if it should be retained and, if it is retained, what the limitations will be.

(l) Landscaping Requirements

Planner Spencer suggests more stringent requirements for properties along the major corridors, and less stringent requirements for less visible areas and industrial areas.

(m) Parking Requirements for Marinas

Planner Spencer recommended a requirement of one automobile parking space for every two boat slips; however, it can be difficult to determine how many slips there are: the number of boats docked can vary based on sizes of the boats.

Michael Esposito, President of Irish Boat Shop, informed the Commission that the DEQ licenses marinas for a specific number of slips and the parking requirement could be linked to that number. Mr. Esposito has reviewed several parking studies, and believes that parking requirements should be set at somewhere between .25 and .33 spaces per slip, or one parking space for every three to four slips. This would allow more green space.

Chair Hess asked if parking requirements were reduced, could there be additional green space for overflow parking during holidays and events, when the extra parking is needed. Mr. Esposito stated that there are alternatives that, while more expensive to install than asphalt, would be beneficial to both the business and the property. For example, in Harbor Springs Irish is using a compressed plastic that is buried and has grass planted over it. This works well for parking. Mr. Esposito will provide copies of the parking studies to Planner Spencer, and Mr. Spencer stated that he will review the studies.

X. Staff Updates

Planner Spencer took a moment to remind the Commission that they are not elected officials, they have been appointed by the elected officials. If a member of the Commission receives a phone call regarding a matter that is not directly related to their job and they do not want to discuss the matter with the citizen, the Commissioner should feel free to refer the call to Council or the Commission as a whole. Planning Commissioners are not obligated to be subjected to verbal abuse or lengthy discussions.

XI. Requests for Next Month's Agenda or Research Items.

Planner Spencer was directed to review or research the following items:

- Verify proper placement of the north lot line at 637 Petoskey Avenue on the zoning map.

XII. Adjournment

Motion by Member Clock, second by Member Felter, to adjourn.

Motion passed by unanimous voice vote.

Meeting adjourned at 8:10 p.m.

Stephanie C. Brown

Deputy City Clerk

John Hess

Chair

Carol A. Ochs

City Clerk