

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, December 9, 2013 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 7:00 p.m. by Chair John Hess.

B. Roll Call

Chair: John Hess

Members Present: RJ Waddell, Toni Felter, Judy Clock, Keith Sherwood, David Novotny, John Elzinga, and Sherm Chamberlain

Members Absent: None

City Planner: Michael Spencer

C. Inquiry Into Potential Conflicts of Interest

None

D. Approval of Agenda

No changes.

E. Approval of November 11, 2013 Minutes

Motion by Member Elzinga, second by Member Chamberlain, to approve the November 11, 2013 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Item

Chair Hess opened and closed the meeting to public comment as there were no public comments.

G. New Business

1. Discussion on proposed Special Use Application for the Community Reformed Church at 100 Oak Street

City Planner Spencer advised that this is one of the uses that does not fit nicely into the City's zoning code. The zoning is R-1, Single Family Residential and churches are allowed in R-1 zoning. The church is requesting permission to start a temporary winter shelter for men and the closest definition in the Zoning Code is a Boarding/Rooming house. The model is based on a Safe Haven Ministries Program. If it is determined that a Special Use permit is required, the Commission could set that hearing for later in the month.

a) Presentation by applicant

Dan Barron, representing Community Reformed Church and Safe Haven Ministries, concurred with the City Planner that this use may constitute a customary use of the church. He introduced Jan Boss of the Church. Ms. Boss stated that she and other members of the Church have been researching the possibility of providing a shelter for those in need and reviewed the Safe Harbor program in Traverse City. She stated that their target date to start the program was January 15th, if they have 28 male volunteers in place. There would be two volunteers on site at night. The doors would open at 8:30 p.m., and close at 10:00 p.m., and the men would have to be out of the church by 8:00 a.m. except on Tuesdays and Fridays, when the men would be allowed to stay for the church-provided free breakfast from 8:00 – 10:00 a.m. She stated that they presently have six volunteers in place, and the ministry will be introducing the program to area service groups to secure volunteers. Chair Hess questioned how many homeless were in Charlevoix. Ms. Boss responded that there are at least three and she has heard of people sleeping in carpools and the car wash. They would be able to accommodate 7-10 men from November 15th to March 15th. Ms. Boss responded to inquiries from the Planning Commission members.

b) Planning Commission Discussion

Discussion followed regarding the traditional uses and activities in churches.

David Bailey, Pastor, First Baptist Church of Charlevoix, stated that the heart of Safe Haven Ministry and this outreach is not only to be a good neighbor but to be a good example to our community. He had the privilege of being one of the co-founders of the Nehemiah Project in Petoskey, where neighbors were notified proactively. Many of the neighbors became volunteers for the program. Sponsors of the Nehemiah Project worked hard to be very good neighbors and address any issues or concerns.

Chair Hess polled the Commissioners, and the majority agreed that this would be a customary use for a church; however, Chair Hess believes that a Special Use Permit is the appropriate action.

Planner Spencer noted another option: to make a motion that finds that this particular set of circumstances, temporary shelter, is a use that is customarily associated with churches and that no new structures were built to accommodate the use.

Ken Baker, former Deputy Warden of the Department of Corrections, believed that any time that people need support is a customary use for a church. He does not believe this to be outside the scope of a church's activities.

c) Motion

Motion by Member Chamberlain, second by Member Elzinga, to find this use to be consistent with churches based on Table 5.2.6 of the Zoning Code and on the Findings of Fact outlined at this meeting. Findings of Fact include: use is to be seasonal, November 15th – March 15th, limited to 10 men, volunteer staff will be trained by members of the Safe Harbor Program in Traverse City, at least two volunteers to be on site each night that the shelter is open, shelter opens at 8:30 p.m. and doors close at 10:00 p.m., individuals will leave church by 8:00 a.m. except on Tuesdays and Fridays when the free breakfast is served from 8:00 – 10:00 a.m.

Motion passed by a 7 to 1 vote with Chair Hess voting Nay.

H. Old Business

1. Discussion on City parks, conservation easement proposal, Parks and Recreation Master Plan

Planner Spencer reviewed the proposal for a conservation easement at Mt. McSauba and deed restrictions on City-owned property, namely Michigan Beach Park. He stated that there are a number of changes that need to be made to the City's Parks & Recreation Master Plan, including: options for development of the Coast Guard Park property, and goals for the Lake to Lake Trail, which may start construction as early as spring, 2014. Planner Spencer reported that the new Parks & Recreation Director has a number of proposed changes as well. Planner Spencer asked if the Commission wants to tackle the conservation easement proposal as part of the Plan updates or proceed with a public hearing and recommendation to City Council outside of that process. In the past, City staff worked with the Parks & Recreation Advisory Committee to revise the Master Plan. This time he would like to have the Planning Commission review the proposed changes to the Master Plan as well. The Commission discussed whether or not there are deed restrictions on the golf course property.

John Campbell, 309 E. Dixon, requested that the Commission consider a conservation easement for Mt. McSauba and Lake Michigan Beach Park. He stated that Lake Michigan Beach Park, which had a deed restriction on it, had the water treatment plant built on the property 30 years ago. He believes that deed restrictions "do not hold much water" and that Mt. McSauba has deed restrictions set by the Michigan Department of Environmental Quality (MDEQ) because of dune legislation and because the area is a high risk erosion area. Mr. Campbell also reported that the property is zoned scenic reserve in Charlevoix Township. His desire is to protect Mt. McSauba for the future, as past public officials did for East Park. Mr. Campbell reported that the North Pointe Nature Preserve, adjacent to Mt. McSauba, has some special needs and is protected by the State of Michigan. Mt. McSauba has approximately 2,500 ft. of shoreline to be protected. Mr. Campbell is advocating for a third party to protect Mt. McSauba and Lake Michigan Beach Park through conservation easements. This would be a long range plan for the future of Charlevoix.

Chair Hess referenced the two options for the Commission to choose from on page 14 of the agenda packet. Planner Spencer stated the question was whether to hold the public hearing now as a separate process on the conservation easements, or later as part of other update to the Parks & Recreation Master Plan.

Mr. Campbell reported that Charlevoix Township has submitted a letter of support for placing a conservation easement on the Mt. McSauba property.

Planning Commission Members generally agreed that the conservation easement process should be included with other updates to the Parks & Recreation Master Plan.

Planner Spencer suggested that Mr. Campbell help draft a proposed conservation easement with permitted and prohibited uses and a map of the Lake Michigan Beach Park. Mr. Campbell clarified that the proposed conservation easement for Mt. McSauba would be on the lake side for the shoreline and dunes, not on the developed side of the property.

Member Chamberlain suggested that staff consider the City-owned property at M-66 and Ferry Road for a possible BMX/mountain bike trail park.

2. Review of Planning Commission Draft Bylaws

Planner Spencer reported that the Zoning Board of Appeals had formed a sub-committee to review their By-laws and make recommendations to the full Board. He noted that the Commission could go through the document page by page or go through a sub-committee process. Chair Hess suggested forming two groups, one to review each half of the document.

Planner Spencer stated that he could review and revise the Bylaws to a manageable size document and show the Board what he was cutting out, or they can go the sub-committee way. Chair Hess suggested staff revise the document and have a sub-committee of three members. Judy Clock, David Novotny, and RJ Waddell were selected for the sub-committee.

I. Staff Updates

1. Planner Spencer provided the following updates:

- Staff has been contacted by a developer, The Cottage Company of Harbor Springs, who wants to do a downtown cluster housing development.
- Staff is working with a company interested leasing the 7-11 building. Planner Spencer cannot disclose the name of the interested party at this time, but it is to a very good Michigan business.
- An architect is working on plans for a new single-family home on a vacant lot in the C&O Club on Stroud Ct.
- The City was approached by an individual interested in opening a spa where My Sister's Place was located.
- Cherry Republic is looking to relocate from its current location to Fred DiMartino's building. Another company is interested in the Cherry Republic site.
- The developer of the Carey property held an open house and had really good reception. A couple of units may soon be under contract.

2. Planner Spencer asked that the Planning Commission address the issue of architectural standards at a future meeting, and noted that they are not common for residential districts, but are used in downtown districts.

J. Request for Next Month's Agenda or Research Items

Planner Spencer reported that the next agenda will include a marina expansion project to add additional 50'-80' boat slips. This is an unplanned public improvement and will require Planning Commission review and action.

K. Adjournment

Meeting adjourned at 8:31 p.m.

Stephanie C. Brown/fgm

Deputy City Clerk

John Hess

Chair