

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, July 14, 2014 - 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. Vice Chair Sherm Chamberlain.

B. Roll Call

Chair: John Hess (arrived 7:33 p.m.)
Vice Chair: Sherm Chamberlain
Members Present: RJ Waddell, Toni Felter, Dave Novotny, Judy Clock, John Elzinga
Members Absent: Keith Sherwood
Planning Director: Michael Spencer

C. Inquiry Into Potential Conflicts of Interest

Vice Chair Chamberlain stated that he was listed as a consultant by Performance Engineers on the site plan for Bridge Street Blooms, but he only referred it to another company. City Planner Spencer did not believe that the Vice Chair had a conflict in this matter.

D. Approval of Agenda

The Commission approved the meeting agenda as prepared by unanimous voice vote.

E. Approval of June 9, 2014 Minutes

Motion by Member Waddell, second by Member Novotny to approve the June 9, 2014 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Item

No public comment.

G. New Business

1. Public hearing on new zoning amendments.

Planner Spencer suggested the Commission go through each proposed amendment individually and take public comment on each.

a. Accessory Dwellings (granny flats)

Vice Chair Chamberlain stated that the first topic was an amendment for accessory dwellings (granny flats) in the R2 and R2A zoning districts as special uses. Planner Spencer stated that this change, if approved, would allow an applicant in a single-family zone to approach the Planning Commission for a special use permit to create a second dwelling unit on a single-family lot. He gave examples of various scenarios where this special use permit would apply. If this amendment is approved, the Planning Commission could look at each request on a case by case basis.

i. Planning Commission Questions/Comments.

Vice Chair Chamberlain questioned if any accessory building would have to comply with the necessary setbacks and Planner Spencer responded affirmatively that all setbacks, adequate ingress and egress, compliance with fire codes, and applicable building codes would have to be met. Planner Spencer responded to various questions from the Planning Commission members.

ii. Call for Public Comments.

Wayne LeCler, 417 Bridge Street, felt that the amendment has great merit and that if anyone has to take care of an aging parent it would be great to be able to have them close to the family home.

iii. Motion.

Planning Commission concurred to have Planner Spencer research and report back with more specifics at the August meeting.

b. Outdoor Displays of Merchandise

Planner Spencer, stated with regard to the "hot button item" of outdoor advertising displays, that after the Planning Commission finished the recommendation to City Council last summer his office and Councilmembers were both bombarded with complaints about merchandise being displayed outside, specifically on buildings as well as cluttering up the sidewalks. Council directed him to draft language disallowing such displays, which was approved. Planner Spencer stated that the goal was to have a universal rule for all, but in some cases outdoor displays could be on private property and another business owner may not have any room to display their

merchandise. He reviewed allowable outdoor displays in other communities. He is scheduled to be at the next Downtown Development Authority (DDA) meeting to present this item.

i. Planning Commission Questions/Comments.

Planner Spencer clarified that this discussion was related to outdoor merchandise for sale (outdoor displays), not outdoor seating for food and beverage service. Member Novotny stated he would like to see everyone have the chance to display merchandise and he understands that it may become a hazard. He is in support, but subject to the amount of allowable space on a case by case basis. Planner Spencer would prefer clear rules to follow; he suggested that it could be outside of "Zoning" and be more of a license agreement. Member Clock stated that a clothing rack close to a building would allow the shopper to view only one side of the rack. Member Waddell has issues with store owners that actually own property between the storefront and the public property. He thought owners ought to be able to have the use of their property. Member Felter stated that stores had no visibility and should be able to put their product outside.

ii. Call for Public Comments.

~~Jenny~~ Ginny (no last name given) stated that she calls herself "the sidewalk superintendent" and she is downtown every day. She is against the signs in front of businesses. She stated that the merchants who have been downtown for a long time do not have anything out on the sidewalk. She also did not support the outdoor display of merchandise.

Eric Foras, stated sandwich boards were crucial to his businesses in Florida and he agreed with displays within the private property areas. Another option would be to not allow outdoor displays across the board.

Chair John Hess arrived at the meeting at 7:33 p.m.

iii. Motion.

No formal action taken.

c. Sandwich Board Signs.

Planner Spencer stated that in 2009, City Council changed the sign regulations to be more business friendly and allowed sandwich board signs with restrictions. Each business is allowed one sign, 6 square feet or less, must be displayed on private property for liability reasons, and cannot stay out overnight. There was discussion whether or not to require sandwich board signs to be either chalkboard or whiteboard, disallowing plastic changeable-letter signs.

i. Planning Commission Questions/Comments.

Vice Chair Chamberlain stated that he supported restricting the signs to the dry erase and chalkboard type for aesthetic purposes. Planner Spencer displayed photos of different types of sandwich board signs. Members Felter, Clock and Waddell indicated that they prefer the chalkboard type signs. Member Clock suggested tying signage with displays: if you had a sandwich board sign you couldn't have merchandise displayed and vice versa. Member Novotny stated that he did was not in favor of plastic signs.

ii. Call for Public Comments.

Tony ~~Derr~~ Duerr, owner/operator of Pine River Books, was against increasing restrictions against retail businesses. He stated that businesses were in a tight retail environment with a short selling season. He feels that 90% of the pedestrians in town do not see his main sign. He urged the Commission not to make things any harder for business owners.

iii. Motion.

No formal action taken.

d. Portable Storage Bins.

Planner Spencer has received many inquiries from residents as to whether or not they could have a "storage closet" outside their home. He stated that most cities do not regulate such units, and he would like to clarify the language in the Zoning Ordinance that such units were not considered structures.

i. Planning Commission Questions/Comments.

Vice Chair Chamberlain questioned if any time limits were going to be placed on the storage units, and Planner Spencer stated he had not anticipated a time limit. He stated that he did not think it was the intent to prohibit them, but the units were not clearly defined in the Zoning Ordinance.

ii. Call for Public Comments.

None.

iii. Motion.

No formal action taken.

e. Architectural & Design Standards in Residential Areas.

Planner Spencer stated that a Councilmember brought forward the idea of requiring architectural and design standards in residential areas. He stated that he had checked with a planning consultant and they didn't know of a single example of a City imposing architectural standards in a single-family or multi-family area. Planner Spencer indicated that standards were not common. Planner Spencer stated that homeowner's associations such as the C & O Club, Belvedere Club and Chicago Club impose such standards, but he had not heard of any City imposing standards in residential areas.

i. Planning Commission Questions/Comments.

Member Elzinga commented that imposing standards was overstepping the City's authority, thus moving closer to "big government". Vice Chair Chamberlain agreed and stated that aesthetics were difficult to regulate. Member Clock referenced an article she read in the New York Times about a group of individuals taking someone to court over a new building not matching the aesthetic quality of the neighborhood. Member Novotny stated that he preferred the eclectic mix of housing types within the City.

ii. Call for Public Comments.

None.

iii. Motion.

The Commission agreed not to pursue architectural design standards for residential areas and to table the proposed zoning ordinance until Planner Spencer can conduct more research.

Planner Spencer stated with R4 developments (townhomes, apartments and condominium units) there is a 25' setback requirement and with commercial developments the setback was reduced to 15' with the intent of seeing more green space and requiring more side/rear parking. With the newly approved townhome project they have parking in the front, whereas if they reduced the setback requirement, it may encourage more green space and better landscaping. He questioned if the Planning Commission supported his recommendation to reduce the setback on R4 zoning properties to 15'.

Vice Chair Chamberlain agreed with the reduction as long as no parking would be allowed in the 15' setback and Planner Spencer stated that is something that can be required.

After a five-minute break, the meeting reconvened.

2. Site Plan Review for Bridge Street Blooms.

a. Staff presentation.

Planner Spencer included pictures of what the greenhouse would look like in the agenda packet. He stated the applicant has been successful with their temporary business and was now moving forward with building a greenhouse. There is an existing parking lot and under the new ordinance there is less of an emphasis on parking and more of an emphasis on good landscaping. Planner Spencer felt that it was an unnecessary waste of resources to require the applicant to rip out the existing parking lot to put in a new lot. He stated that the engineer was present and they agreed that there would not be any drainage issues from using the existing parking lot. He stated that the plans have been revised since the agenda packet was distributed.

Planner Spencer proceeded to review the details of the site plan and staff report, use of the existing parking lot, and examples of existing parking lots throughout the community. Overflow parking has been added to the rear of the building. The new ordinance originally required that landscaping plans had to be done by a licensed landscape architect, but the Planning Commission removed that provision.

Planner Spencer stated that revised plans were received on Friday after 5:00 p.m. and he provided a list of issues to the Commission members. He cited issues with the landscaping plan not meeting the intent of the Zoning Ordinance.

b. Applicant presentation.

Jim (no last name given) stated that he had submitted the site plan, revisited the Zoning Ordinance again, and met with the owner, Chris Helstrom and Planner Spencer. Jim felt the site plan met each item in the ordinance. He stated that the requirements were for five trees along the frontage area, not flowers or bushes. The two side yards are abutting commercial properties which don't require buffers, but they are naturally protected right now with cedars. Planner Spencer referenced requirements for screening on any parking lots with more than 10

spaces. Jim stated that the site plan included planters/country gardens on the street side of the building that were not required.

Chris Helstrom, applicant, distributed pictures of perennial gardens from his properties which were examples of what he was proposing for the front of his business. He stated that they have met the required number of trees. Neither one of the flower beds is required, but Mr. Helstrom was installing them try to beautify the property. The only requirement was the two ornamental trees that were installed in the beds. Mr. Helstrom stated that they have gone through the number of trees, the number of parking spaces, drainage areas and stated "we're above and beyond". He noted that there are 65 cedar trees on the property which they did not include in the count. Mr. Helstrom said he has 25 years' experience in managing commercial garden centers and 25 years as a Master Gardener. To his knowledge, the required number of trees has been met. The plan includes constructing a glass greenhouse (72' x 100') with roll-up glass doors. Mr. Helstrom described in detail the greenhouse and the perennial beds and landscaping for the project ("constant bloom around the whole property"). Planner Spencer stated that future plans were to remove the cedars that Mr. Helstrom referred to and two of the proposed trees were buried in the cedars and were not easily seen. He stated that some of the trees Mr. Helstrom was counting were not on his property, but were in the public right-of-way and two of the trees shown on the plan were proposed to be planted in 2018 by the City. Mr. Helstrom stated he would pay for the two trees now. Planner Spencer stated he was concerned about the precedent they would be setting for other developments.

Mr. Helstrom indicated there was not a requirement for a professional landscaper in the Ordinance. He stated that he would not make the investment in the property going forward on a conditional approval as Planner Spencer suggested. Mr. Helstrom believes he has built a great site with plans to allocate 10% of his profits annually to improve the property. He referenced each of the items listed in Planner Spencer's report and noted that the requirements were met or exceeded.

The applicant responded to questions from the Commission members. Vice Chair Chamberlain stated that a greenhouse is unique and it needs as much sun as possible to make the plants viable.

Chair Hess suggested that the City Planner and applicant sit down and work out a compromise plan. Discussion continued regarding the landscape plan. Planner Spencer stated that it was a great building but he disagreed with the landscape plan and he disagreed with setting a precedent by waiving certain requirements.

c. Call for Public Comments.

Wayne LeCler, 417 Bridge Street, stated that it appears that the applicant has met many of the ordinance requirements in this matter and it also appears that Planner Spencer has not had enough time to fully review the plans. He believes that Planner Spencer should have more time to focus on the items that don't meet the requirements.

d. Planning Commission determination of findings of fact.

None.

e. Motion.

Motion by Member Felter, second by Member Elzinga to table the discussion on Project 2014-02-SP until Tuesday, July 22, 2014 at 6:00 p.m. prior to which time the City Planner and the applicant will meet to work out the differences on the site plan and landscape issues. Motion passed by unanimous voice vote.

3. Outdoor Seating Discussion.

Planner Spencer stated that there was a member of the DDA that would like to see the City work with businesses to pursue more outdoor seating. He stated that right now it was allowed next to the building and he provided pictures of examples of how other cities handle outdoor seating. He stated that the City has formed an Outdoor Dining Committee tasked with seeing whether or not changes should be proposed to Council regarding outdoor seating. Discussion followed.

H. Old Business

None.

I. Staff Updates

1. Update on Marina Expansion.

No discussion.

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

None.

K. Adjournment

Meeting adjourned at 9:31p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Vice Chair