

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, August 11, 2014 - 6:00 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 6:17 p.m. by Chair Dave Novotny.

Due to the absence of Chair Hess and Vice Chair Chamberlain, the Commission approved Dave Novotny to chair the meeting. City Planner Spencer noted that the posted agenda showed a meeting start time of 6:00 p.m., but the City website and newspaper listed the start time as 7:00 p.m. Planner Spencer suggested waiting until 7:00 p.m. to hold the marina discussion so that citizens can be heard before a decision was made.

B. Roll Call

Chair: John Hess (absent)
Vice Chair: Sherm Chamberlain (arrive 6:45 p.m.)
Members Present: RJ Waddell, Toni Felter, Keith Sherwood, Judy Clock, John Elzinga, Dave Novotny
Members Absent: Sherm Chamberlain, John Hess
Planning Director: Michael Spencer

C. Inquiry Into Potential Conflicts of Interest

Member Clock stated that she was associated with Sunshine Charters. Even though she has an unpaid position she has the authority to sign legal papers and Member Clock wanted to recuse herself from the discussion on the marina expansion proposal.

D. Approval of Agenda

Motion by Member Clock, second by Member Felter to discuss Item #2 under Old Business (amended Marina Expansion Project) before Item #1. Motion passed by unanimous voice vote.

E. Approval of July 14 and July 22, 2014 Minutes

Member Clock stated on the July 14th meeting minutes there was a typo on page one on outdoor displays near the bottom of the page that "Councilmembers" should be "Council members" and on page two under Public Comments, on page 2 under Public Comments the name "Jenny" should be "Ginny", and on the sandwich sign discussion the correct spelling of the speakers name under Public Comments is "Tony Duerr". Motion by Member Elzinga, second by Member Felter to approve the July 14 and July 22, 2014 meeting minutes as corrected. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

No public comment.

G. New Business

None.

H. Old Business

2. Review of Zoning Amendments.

a) Staff presentation.

Planner Spencer stated that the Downtown Development Authority (DDA) was not supportive (6 of the 8 members) of having outdoor merchandise displays. The DDA believed that the dry erase, chalkboard type signs were a better fit for Charlevoix and they did not like the plastic message boards.

Planner Spencer stated that he wasn't able to find any cities that had a limit on the square footage allowed for a second dwelling unit in a single-family residential area as a special use permit. Planner Spencer indicated that a footnote could be added to the zoning amendment that stated "all other applicable sections of the Zoning Ordinance would apply including setbacks, lot coverage, etc." Member Clock stated that she was in favor of the owner having to be the resident of one of the two units on the property, and the Commission members agreed with that provision.

b) Call for public comment.

Resident [no name given] questioned whether second dwellings would be allowed only in R-2 zoning and Planner Spencer responded that R-1 and R-2 would be included.

c) Motion.

The Commission concurred with the addition of the requirement that the owner had to occupy one of the units as their primary residence and that the second dwelling unit would have to meet all applicable Zoning Ordinance requirements.

The Commission agreed with changing the front yard setback in R-4 zone to 15 feet.

The Commission concurred with allowing outdoor merchandise displays with the following restrictions: displays shall not exceed 25% of the length of the storefront, no greater than 4' in height, and on the private portion of their owner's property.

Staff will research and make recommendations to the Commission regarding the maximum square footage allowable for storage bins or sheds.

Commission agreed to prohibit the use of plastic, changeable letter type sandwich boards in the downtown area.

Commission recessed at 6:50 p.m. Reconvened at 7:00 p.m.

1. Review of Amended Marina Expansion Project.

Vice Chair Chamberlain announced that he would be recusing himself from the discussion on the marina project because he had been involved with the marina project through his employment.

a) Staff presentation.

As a result of preliminary discussions regarding the expansion of Dock A, City Council formed a subcommittee to explore other expansion options. The design selected by the subcommittee would add additional shopper's docks along the break wall and add five 80' slips. This design would accommodate the Keweenaw Star and Sunshine Charters. Planner Spencer stated that the Beaver Island Boat Company (BIBCO) has been opposed to this design and any alteration of this design throughout the entire process.

Planner Spencer indicated that the proposed design was also submitted to the Downtown Development Authority (DDA) and the DDA felt that the City should explore a seven slip option with more shoppers' docks available. Planner Spencer stated that there was considerable interest from boat owners who would pre-pay for the larger boat slips, and this particular design is estimated to pay for itself in 3-5 years.

b) Call for public comment.

Wayne LeClerc, 417 Bridge Street, posed several questions which were answered: the cost of the expansion project would be \$350,000 - \$400,000; anticipated revenue would be \$11,600 annually per slip; the seasonal wait list has approximately twenty boats. Mr. LeClerc believed that the City was building docks for transient slips.

John Kurtz, resident of Charlevoix and also a board member of the Beaver Island Boat Company (BIBCO) stated that BIBCO's only issue with the marina expansion is about safety. He noted that BIBCO did not oppose the Dock A expansion. BIBCO's captains expressed safety concerns with the proposed expansion and the docking of the Emerald Isle. He stated that BIBCO does not plan to attend future City meetings unless specifically requested by the City of Charlevoix. He feels that BIBCO's captains and staff have presented their safety concerns and BIBCO will bring their concerns to hearings with the Coast Guard, the Army Corps of Engineers, DEQ and the City's and BIBCO's insurance companies. Mr. Kurtz suggested that the Planning Commission should take a ride on the Emerald Isle so safety issues can be demonstrated. BIBCO understands the City's desire to expand the number of docks, but for safety reasons BIBCO is unable to support the most recent dock configuration proposals.

Jerry Puhl, Charlevoix Township and on the Board of Directors of W.A.T.C.H., believed that the residents did not want to see the marina docks expanded, and that the proposed dock expansion was not adequate and had safety concerns.

Luther Kurtz, Charlevoix resident and member of the DDA, stated that he was in favor of expanding the docks; his first choice would have been the original expansion of Dock A which he felt would be of benefit to the boaters and a

large portion of the City. If the Dock A expansion is not possible, then he is in favor of this proposed design and he urged the Commission to allow the reviewing agencies to determine the matter of safety.

Cliff Biddick, Irish Boat Shop, professional mariner and a member of W.A.T.C.H., stated he was disappointed that when the subcommittee was formed it was not well announced and it did not include a professional mariner. He expressed various safety concerns dealing with the channel, weather, and other boats. He believed that the subcommittee should reconsider their proposal and listen to the people who use the channel regularly.

Jim Stewart, family physician in Charlevoix and a Charlevoix township resident, stated that the City should determine if there is a need for expansion. He stated that this was his fourth meeting to voice his displeasure at this marina expansion and was particularly chagrined when he learned that all members of the subcommittee were individuals who had publicly supported the marina expansion.

Mary Eveleigh, 1st Ward, questioned whether the expansion would violate the Clean Marina award given to the City. Harbormaster Evans felt that there was no reason to think that they wouldn't continue to be granted Clean Marina status.

Kirby Dipert, Charlevoix Township and Charlevoix businessman/property owner expressed that he was in favor of expanding the marina. He stated that if BIBCO wanted to control the City-owned property at the marina they should be willing to pay the annual revenue that the property could generate. Mr. Dipert stated that parking issues should not have any bearing on the expansion of the marina.

Joshua Mack, Sunshine Charters, stated that the only concerns he had with the current expansion proposal was that the 80' slip closest to the seawall was not possible with his commercial vessel parked in its current location. He believed the 80' boat would have no way to back out of that slot without hitting his boat. He felt it was important to note that there would only be four 80' slips not five. He stated another issue was the lack of a sufficient number of shopper's docks. He felt that the Commission needed to address parking concerns at the marina.

Kraig Funkey, owner of the Keweenaw Star, stated it was suggested to him by several Councilmembers that since his lease was due this year that he should not comment regarding the marina expansion. He indicated that he was opposed to the dock because he did not like tying up to that dock and he was not comfortable with the floating dock in any kind of storm surge.

John Winn stated that he was in favor of the current proposal, but not in favor of extending Dock A. He urged the Commission to vote for the seven slip option. Mr. Winn stated that he did not understand why BIBCO was opposed to this plan and BIBCO only pays \$26,000 a year to the City for usage. He felt the rent BIBCO pays to the City is insignificant compared to their revenues. He urged the Commission to do what was best for the entire community. Mr. Winn stated that the City would have more revenue by going to transient rather than seasonal and he preferred seeing that all the slips be transient.

Peggy Brennan, Subcommittee Chair and Councilmember, stated that the Subcommittee was asked by City Council to provide a safe haven for larger boats and to develop the dock area formerly used by the Coast Guard cutter into a useful part of the marina providing maximum benefit to the City. Councilmember Brennan reviewed the sequence of events throughout the proposed approval process. She also apologized on behalf of the Council if Mr. Funkey felt he had been threatened by anyone.

c) Motion.

Member Felter questioned if the Commission went with Option No. 1 would the proposal have to go through the reviews that Councilmember Brennan discussed and Planner Spencer responded affirmatively. Planner Spencer readdressed all the reasons for the recommendation for the marina expansion and indicated that the Council's public hearing was scheduled for August 18.

Member Sherwood stated that it didn't make sense from a business perspective for the Planning Commission to make the recommendation on the marina expansion.

Member Waddell stated that he liked this proposal better than the Dock A proposal. He took a ride on the Emerald Isle and has witnessed the boat dock at other times. Member Waddell understands his role on the Planning Commission, but he had a problem sending something to City Council that has a dollar amount without knowing what he is recommending and he felt that more information should have been included in the agenda packet.

Chair Novotny stated he was apprehensive about making the recommendation based on some of comments from the public hearing.

Motion by Member Felter, second by Member Elzinga for Option 3 that the Planning Commission recommends that the City Council consider a different design prior to approval and move forward with [the] 7 [80'] slips [option]. Motion passed by a 4 to 1 vote, with Chair Novotny voting against the motion and Members Clock and Chamberlain abstained from voting on this matter.

I. Staff Updates

None.

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

None.

K. Adjournment

Meeting adjourned at 8:10 p.m.

Joyce M. Golding/fgm

City Clerk

David Novotny

Chair