

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, November 13, 2017 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

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

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Judy Clock, Mary Eveleigh, Nelson Fletcher, Toni Felter, Dennis Halverson, RJ Waddell
Members Absent: Rick Golding
Staff Present: Elise Crafts, Regional Planner Networks Northwest

C. Inquiry into Potential Conflicts of Interest

Chair Chamberlain indicated that he had a Conflict of Interest with New Business, Items 1 and 2.

Member Clock indicated that she has children who work with the business proposing New Business, Items 1 and 2, but she does not benefit directly from this arrangement. The Commission agreed that this was not a conflict.

D. Approval of Agenda

No revisions were proposed, and the agenda was approved unanimously by the Commission members.

E. Approval of the October 9, 2017 Minutes

The subject meeting minutes were not included in all the agenda packets; therefore, the October 9th minutes will be scheduled for approval at the December regular meeting.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Special Land Use Permit Application, Project 2017-09 SU

David Marvin, VP Stafford's Hospitality, proposed the purchase of an existing residence Zoned R-1 with a North Side Professional Overlay located at 403 Petoskey Avenue and use it for housing for four Weathervane Restaurant employees. Due to the definition of "family" that is contained in the City of Charlevoix Zoning Ordinance, the applicant has no option for providing housing for their employees in R-1 or R-2 Zone Districts other than choosing the Boarding/Rooming House option, which is an allowed use with a Special Use Permit. Chair Chamberlain left the dais and Vice Chair Clock opened the discussion for public comment.

Greg Bryan (not a neighboring property owner) stated that he was not in favor.

David Marvin, prospective purchaser of the property under review, explained the project's goals and details and he supported the proposed use.

Bill Dietrich, realtor for the seller, supported the proposed use.

Melissa Garner, 405 Petoskey Avenue, questioned if the use could ever be expanded to more than four individuals. Regional Planner Elise Crafts explained that the proposed condition of approval capped the residence at four individuals.

Bill Herriman, 403 Petoskey Avenue, provided a history of the property and explained logistics of accessing the property from the street.

Interim Zoning Administrator Sullivan provided a brief overview of the project, clarified that Special Use Permits run with the land and not with the individual applying for said permit, and answered questions regarding parking. Member Waddell was concerned with the increased traffic, a dirt parking lot and the lack of non-street parking.

Vice Chair Clock read each of the suggested findings provided by Staff and no changes were made by the Commission. She also read aloud the Conditions of Approval including the Staff recommended condition: "The condition is the number of persons allowed to reside in the Boarding/Rooming House is limited to four persons."

Motion by Member Felter, second by Member Waddell, to approve Project 2017-09 SU based on the specific findings of fact that the application does meet the review criteria in Sections 5.25 and 5.133 with the additional condition that it is limited to four persons allowed to reside in the Boarding/Rooming House.

Yeas: Clock, Eveleigh, Fletcher, Felter, Halverson, Waddell
Nays: None
Absent: Golding
Abstain: Chamberlain

2. Level B Site Plan Review 2017-10 SP: Herriman/Marvin Site Plan Review

Vice Chair opened the item to public comment. There was no comment and the item was closed. Interim Zoning Administrator Sullivan stated one issue was ensuring that the parking spaces are not located in the side yard setbacks and noted that one of the spaces proposed on the site plan is into the side yard setback and in the right-of-way. Another issue is what type of surface to require for the driveway and the parking area.

Discussion followed regarding parking regulations, the requirement that two or more parking spaces constitutes a parking lot, special use requirements, surfacing consisting of grass, gravel, brick or pavement, and leaving the driveway intact with space for two parking spaces. Member Halverson stated that the restriction of four individuals living in the house would not change, and there is no argument that it is a parking lot even though it's called a parking area on the site plan. Section 5.94 of the Zoning Code requires that parking lots be hard-surfaced. Mr. Herriman asked that the Commission consider giving them a year to have the parking lot constructed.

Regional Planner Crafts summarized the two options available with regard to the parking requirements: a) the applicant shall comply with the requirements of Section 5.94 for off-street parking facility design, but allowing the applicant to comply with those requirements within one year; or b) to look at Section 5.94 where if there were other forms of travel such as bicycles, the Planning Commission could say that parking requirements are overly excessive and the parking spaces can be deferred keeping that space free and clear. Regional Planner Crafts suggested a condition of approval that read: "All proposed parking facilities shall comply with all applicable Zoning Ordinance provisions including Section 5.94, Off-Street Parking Facility Design by November 1, 2018."

Motion by Member Halverson, second by Member Eveleigh, to approve Project 2017-10 SP with conditions based on the specific findings of fact.

Yeas: Clock, Eveleigh, Fletcher, Felter, Halverson, Waddell
Nays: None
Absent: Golding
Abstain: Chamberlain

3. Short-Term Rental Subcommittee

a. Motion to Dissolve Subcommittee

Chair Chamberlain returned to the dais. Motion by Member Clock, second by Member Felter, to disband the Short-Term Rental Subcommittee. Motion passed by unanimous voice vote.

H. Old Business

1. Zoning Ordinance Language Progress Report

a. Staff Presentation

Regional Planner Crafts proceeded to review her memo regarding a summary of the ordinance language changes made by the Commission since April 2017 including administrative edits and new ordinance language regarding signage and solid waste issues that were still under discussion.

b. Planning Commission Discussion

After discussion, the Planning Commission agreed to move forward with the administrative edits included in Articles 1–12. Regional Planner Crafts explained the standard process was that the proposed changes go to City Council for an informal review (December), Council sends it back to the Planning Commission for a public hearing (January), and then back to City Council for the actual ordinance changes and public hearing (February).

2. Planning Commission To-Do List

a. Staff Presentation

None.

b. Planning Commission Discussion

Member Waddell stated that review of the boarding house, dormitory and employee housing definitions should be added to the To Do list, and the Commission agreed.

3. Zoning Code Review: Signage

a. Staff presentation

Regional Planner Crafts recalled the two outstanding issues at the last meeting were sign number maximums and political signage. She recapped the research she did relative to political signage and stated that political signs should be treated as "temporary signage". She reviewed proposed temporary signage language.

b. Planning Commission Discussion

Member Waddell stated that there was language in the Nuisance Ordinance which allowed hanging signs on utility poles and felt that language needed editing.

Discussion continued regarding temporary signs, political signs and implications of current legislation regarding content-neutral signage. Regional Planner Crafts summarized that the Commission would be going forward with recommending no maximum number for temporary signage. She requested input on a maximum number for all sign types in all zoning districts. Discussion continued regarding various examples of existing signage on businesses in the downtown district, three proposed scenarios, and temporary ground signs in the CBD District. The Commission selected Scenario 1 (Business-Friendly Model) for the maximum number of signs and agreed that Regional Planner Crafts should make the updates and present the draft Signage Ordinance to City Council for review.

I. Staff Updates

1. Solid Waste Ad Hoc Committee

Member Clock stated that the Ad Hoc Committee meeting was postponed until Monday, November 20th.

2. Historic District Creation Process

Planner Crafts stated that she will have a formal presentation at the next meeting. Member Waddell requested more information regarding current overlay districts and their locations.

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

Interim Zoning Administrator Sullivan noted that there may be two site plan reviews at the next meeting. One is for an expansion to Wojan's, and a RPUD Subdivision named Peppervine proposed to be located behind the American House. Interim Zoning Administrator Sullivan requested that the Commission hold their next meeting at 6:00 p.m. due to his scheduling conflict

K. Adjournment

Motion by Member Felter, second by Member Clock, to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 9:43 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair