

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES
Monday, March 8, 2010 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, Michigan

A) CALL TO ORDER

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

B) ROLL CALL

Commissioners Present: Larry Boog, Judy Clock, June Cross, Toni Felter, Francis (Brownie) Flanders, John Hess, and D. J. Way
Commissioners Absent: Dan Buday (excused)
Staff Present: City Planner Mike Spencer

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST None.

D) APPROVAL OF AGENDA None.

E) APPROVAL OF FEBRUARY 8, 2010 MINUTES

The Commission reviewed the minutes. Motion made by Commissioner Boog and seconded by Commissioner Clock that the minutes of February 8, 2010 be approved as presented. The motion was adopted by unanimous voice vote.

F) CALL FOR PUBLIC COMMENT (Not related to agenda items) None.

G) NEW BUSINESS

1. Discussion on Potential Zoning Amendments

Reflective Signs

City Planner Spencer reviewed the use of high intensity reflective signs with the Commission. The ordinance is mute on the use of reflective signs. Presently, there are two sites in the City considering the use of reflective signs. One of the proposed locations is Captain's Corner Shopping Center and they'd like to erect a reflective sign in the M-66 right-of-way.

The Planning Commission discussed the concept of permitting reflective signs in the City. The Commission discussed whether a reflective sign could distract to motorists.

Member Felter asked if reflective signs could be regulated so that signs only have reflective lettering.

Chairman Hess asked if Staff could ask the DDA for their opinion on the use of reflective signs in the DDA district.

Traver Wood asked the Commission if the sign could be externally lit and also have reflective paint. The Commission generally agreed that a sign should not have reflective paint and be lit by a spotlight.

City Planner Spencer asked the Commission to review the proposed zoning ordinance amendment language. Amending the Zoning Ordinance is very expensive and the Commission may wish to consider a couple of additional amendments before holding its public hearing.

Ordinary High Water Mark Versus Water Mark

Currently, the Zoning Ordinance has two definitions - "Ordinary High Water Mark" and "Water Mark" which conflict one another. The Smart Growth initiative recommended the adoption of the "Ordinary High Water Mark" definition. Originally, the Planning Commission asked the City Council to replace the

definition of "Water Mark" and with the "Ordinary High Water Mark" definition. Regrettably, there was a clerical error and the language to repeal the definition of "Water Mark" was not in the adopted ordinance. Mr. Spencer asked the Planning Commission if it would concur to have the definition of "water mark" removed from the ordinance. The Commission reviewed the two definitions.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line. The ordinary high water mark shall be at elevation 581.5 feet (International Great Lake Datum, IGLD-1985) for Lake Michigan and Lake Charlevoix.

Water Mark: The water mark shall be at elevation 581.0 NVGD in the location it existed at the adoption date of this amendment.

The definition of "Ordinary High Water Mark" does not include Round Lake or the Pine River Channel. The Commission agreed to include Round Lake and the Pine River Channel in the definition. Each water body has different features (i.e. sand, boathouses, seawall). The ordinance does not establish a vertical or horizontal datum that meets needs of properties with sea walls. If there is high water, the water levels might be above the defined "ordinary high water mark".

Traver Wood advised the Board that the IGLD 581.5 does not change. It is a consistent vertical/horizontal figure. The ordinary high water mark is also used to help determine lot coverage.

City Planner Spencer reviewed the use of bulkheads and how the ordinary high water mark would be measured if a property had a bulkhead. The Commission discussed the 1986 - 100 year high water and its impact on lake front properties.

Clarify Language on Accessory

City Planner Spencer reviewed Section 5.176 - Accessory Buildings with the Commission. The section does not clearly define the rear yard setback for an attached accessory structure, if the accessory building is attached to the rear of the principal building. The Commission reviewed photos of various accessory buildings in the City.

City Planner Spencer and the Commission discussed whether living space should be permitted in accessory buildings.

The Commission also discussed boathouses, which are accessory buildings, and the rear yard setback requirements for boathouses. The City Planner will research the Zoning Code to see if the City has any jurisdiction on the construction of buildings over the water. The Commission discussed whether the 1978 zoning ordinance eliminated boathouses as an allowed use in the R-1 zone district and if boathouses should be permitted in single family zone districts. Commissioner Cross stated that she is against allowing boathouses on the north shore of Round Lake, as people brought the property knowing there would be no obstructions in front of them.

City Planner Spencer will contact the Department of Natural Resources - Environment (DNRE) on whether the City can regulate boathouses over the water.

2. Motion to Set Public Hearing Date

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Chair Hess asked the Commission if they were agreeable to hold a public hearing on the proposed ordinance amendments at their April 12th meeting. The Commission agreed to hold a public hearing on April 12th.

H) OLD BUSINESS

1. Update on Master Plan Draft Process

City Planner Spencer advised the Commission that RFP's were sent to three companies asking for a proposal to work on the City's Master Plan. LSL Planning of Grand Rapids, was selected by the Review Team. The Charlevoix City Council will be reviewing the proposal and hopefully will award the bid on March 15th. City Planner Spencer will meet with LSL Planning after the award. We hope to have a draft Master Plan within the next three-four months.

2. Planner's Moments Unit 12 – Shoreline Buffers -- Item tabled

I) STAFF UPDATES AND CORRESPONDENCE

1. Requests for research to be completed by City Planner. None.

J) REQUESTS FOR NEXT MONTH'S AGENDA.

K) ADJOURNMENT

Motion made Commissioner Cross and seconded by Commissioner Way to adjourn. Motion adopted by unanimous voice vote.

Meeting adjourned at 7:30 p.m.

John Hess, Chairman

Linda Jo A. Weller, Recording Secretary

Carol A. Ochs, City Clerk