

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES
Wednesday, September 29, 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 Vice- Chairman Flanders at 7:05 p.m.

B) ROLL CALL

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

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST None.

D) APPROVAL OF AGENDA

The Planner asked to add "Discussion of Holiday Gas Station" to the agenda. The Commission agreed to amend the agenda and approved the revised agenda.

E) OLD BUSINESS

1. Public Hearing on Project 2010-05SU. Knapp Special Use Permit.

a. Brief summary by staff

The subject property is located at 904 May Street just south of the intersection of E. Carpenter and May Street. This is a larger lot totaling about 23,150 square feet, with a large parking area. The surrounding land uses in the immediate vicinity are single and multi-family residential, and the Charlevoix Middle School. There is an existing residential unit within the rear portion of the structure and small garage on the lot. The property is owned by a church. The building will be leased and used as a home with the proposed home occupation. Staff stated that the proposed use is an allowable home occupation. The City has approved a special use permit in 1996 to allow a day care on the site. The City department heads have reviewed the application. The City is requesting that a grease interceptor is installed to eliminate grease from entering into the City sewer system per Chapter 61 of the City Code. The Commission has received several letters commenting on the special use request.

b. Presentation by application (If requested)

Commissioner Felter asked for clarification on the location of the living quarters. The applicants, Ron & Cheryl Knapp advised the Commission that the living quarters are located in the rear of the structure. They will be living in the building.

Commissioner Felter asked if the proposed bakery area would have more than one entrance. The Knapp's advised the Commission that an emergency exit is available at the rear of the proposed bakery.

Commissioner Doan asked if the Knapp's planned to have any outside seating. Mrs. Knapp stated that they are not planning to have any outside seating.

Commissioner Doan asked where the business sign would be located. Mrs. Knapp advised that they plan to place a sign between the walk into the building and the parking area. The sign would not be in the road right-of-way and be 16 square feet. The sign would be lit only when the business is open and

the light will be shining down on the sign. The Planner advised the Commission that they can place a condition on the hours and type of lighting permitted for the sign.

Commissioner Boog asked if the City had any information on the traffic generated by the day care center and what could be created by the proposed bakery. The Planner advised the Commission that the City does not have information on the amount of children that attended the day care or whether some of the children were from the neighborhood and walked to the facility.

The Planner asked the Commission to consider placing a condition on the special use that all patrons and employees shall not park on any portion of May Street at any time.

The Commission discussed the amount of traffic on May Street. May Street is a secondary street and is heavily used by local residents.

Commissioner Doan asked if the property values would be affected by the business. The City Planner reminded the Commission that the special use permit is very specific and it is unlikely that the property values will be affected. The property is not being rezoned to a commercial use. If the bakery is closed, another commercial use can not go in, the buildings use returns to residential. The applicant is proposing to do some landscaping improvements next year to install some flowers or shrubs.

Commissioner Cross voiced support of the application. The use will be an asset to the neighborhood.

Commissioner Felter asked if the proposal met with special requirements (d) and (f). She also asked if the operation would create any odors that would be offensive to the neighbors. The Planner stated that the Commission can place a condition that the garbage be stored in a building and that refuse not be a nuisance to neighboring properties. Mr. Knapp stated that they would be willing to store the garbage inside.

Commissioner Boog stated that one of the letters mentions a concern about large delivery trucks coming to the business. Mrs. Knapp stated that they will be bringing most of the items to the store. The only item they anticipate being delivered is flour, which they will be purchasing in 2500 pound shipments.

c. Call for public comments

No comments were available. The record shall reflect that the Planning Department received four letters on the special use permit application which have been placed in the record as Exhibit C, Exhibit D, Exhibit E and Exhibit F.

b. Planning Commission review of findings of fact

The Commission reviewed the proposed findings of fact.

- (1) Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located. *The Planning Commission finds that the proposed special use will be harmonious with the existing or intended character of the general vicinity and this use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations that would result in a commercial building in a residential area. The applicant is not requesting a zoning change resulting in commercial zoning in a residential area.*

- (2) Will not be hazardous or disturbing to existing or future nearby uses. *The Planning Commission finds that the proposed special use will not be hazardous or disturbing to existing or future nearby uses. May Street has the capacity to handle traffic resulting from the bakery. Traffic safety and the overall condition of May Street is very good. Sight distance to the north and south is good and the large parking area will not result in customers parking on May Street. This property is flat and has large amount of green space to accommodate any storm water runoff resulting from the parking lot. The applicants are not proposing any additional parking lots. No exterior construction is proposed that may be disturbing to nearby residents.*
- (3) Will be equal to or an improvement in relation to property in the immediate vicinity and to the city as a whole. *The Planning Commission finds that the interior improvement and use of this aging structure will result in an improvement of this property that will benefit the neighborhood and City of Charlevoix as a whole. The majority of the building is vacant and not being used, with the exception of the residential unit in the back portion of the building.*
- (4) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. *The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use. This application was reviewed by all City Department Heads on September 27, 2010. No department heads expressed major concerns over the project. The Superintendent stated that this business would be required to install an interceptor unit which is required by Chapter 23 City Sewer Services.*
- (5) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the city. *The Planning Commission finds that this approval will not create excessive additional public costs and will not be detrimental to the economic welfare of the city. This project will not require improvement to or expansion of city infrastructure including streets, water and sewer lines.*
- (6) Will be consistent with the intent and purposes of this chapter. *The Planning Commission finds that home occupations are an allowed special use within an R1 zone and therefore will be consistent with the intent and purpose of this chapter.*
- (7) Specific Requirements. In reviewing an impact assessment and site plan, the planning commission shall consider the following standards:
 - (a) That the applicant may legally apply for development plan review. *The Planning Commission finds that the application was signed by the Pastor, Mr. Green who represents the Bible Baptist Church. Bible Baptist Church is the legal owner of the property and may apply for review.*
 - (b) That all required information has been provided. *The Planning Commission finds that all of the required information has been provided.*
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located. *The Planning Commission finds that this proposal conforms to all regulations of the zoning district in which it is located. The plans meet the requirements for setbacks, minimum square footage, and does not exceed 30% of the lot area. (Sections 5.33 and 5.34.)*
 - (d) That the plan meets the requirements of the city for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services. *The Planning Commission finds that this plan meets all the requirements of the*

City for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services. The plans were reviewed by all department heads on September 27, 2010. The department heads indicated this proposal met all of the requirements of the City Code relating to police and fire protection, water supply, sewage disposal and storm drainage.

- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. *The Planning Commission finds this requirement is met based on the conditions of approval contained in this report.*
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se. *The Planning Commission finds that this proposal will not affect natural resources since this property is already developed and no additional exterior alterations or excavations are proposed.*
- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject project. *The Planning Commission finds this requirement is not applicable since there are no floodways or floodplains on or adjacent to this property.*
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner. *The Planning Commission finds that this standard is met since there is no additional exterior construction taking place and there are no known soil problems in this area.*
- (i) That the proposed development will not cause soil erosion or sedimentation problems. *The Planning Commission finds that this development will not cause soil erosion or sedimentation problems since no additional construction will take place and there are no known soil erosion problems on this property.*
- (j) That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. *The Planning Commission finds that since the applicant is not proposing additional parking a stormwater drainage plan is not necessary. The greenspace is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. There are no watercourses in the area that could be affected by storm water runoff. There are no known runoff problems resulting from existing parking lot or structures.*
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties. *The Planning Commission finds that no grading or filling resulting from this development will take place, therefore this special use will not destroy the character of the surrounding area. The Commission finds no evidence that this proposal will adversely affect the adjacent or neighboring properties.*
- (l) That phases of the development are in a logical sequence, so that any one (1) phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control. *The Planning Commission finds that this development is not phased so this requirement is not applicable.*
- (m) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water and sewage facilities. *The Planning Commission finds that this development will not require expansion of facilities so this requirement is not applicable.*
- (n) That landscaping, fences or walls may be required by the planning commission in pursuance of the objectives of this ordinance [subsection.] *The Planning Commission*

finds that since no additional structures or exterior improvements are proposed the applicant is not required to provide landscaping, fencing, or walls.

- (o) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets. *The Planning Commission finds that this development will result in increased traffic flows but the existing streets have the capacity to handle the increased flows. The number of parking spaces exceeds the number required by the zoning ordinance of 1 space for every 100 square feet. The parking lot has more than enough spaces to accommodate the patrons without having to park on May Street. Adjacent streets will not be adversely affected since they are in good condition and have adequate site distance. The Police Chief did not voice any concerns over traffic safety.*
- (p) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient. *The Planning Commission finds that vehicular and pedestrian traffic, both within the site, and in relation to adjacent streets and sidewalks are safe and convenient. Site distance on May Street is adequate and there is no sidewalk on the east side of the street. Since pedestrians use the sidewalk on the opposite side of the street, there are no anticipated problems with vehicles entering and exiting the lot.*
- (q) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties. *The Planning Commission finds that this property has a suitable building for storage of garbage and refuse that will not be a nuisance to neighboring properties.*

The Commission agreed to consider approving the special use permit application with conditions.

Greg Stevens asked if the garbage would be required to be in a building. There are other areas in the neighborhood where the garbage is stored in a dumpster and the dumpster was screened.

Cindy Libber of the Bible Baptist Church asked if the dumpster would be required to be in the building. A garbage truck could not remove the dumpster from a building.

d. Motion.

Motion by Commissioner Boog, supported by Commissioner Doan to approve Project 2010-05SU based on the findings of fact that contained herein subject to the following conditions:

- The applicant shall install a grease interceptor, pursuant to Chapter 61 Sewer of the City Code.
- No patrons or employees of the bakery shall be allowed to park in any portion of the May Street right of way at any time.
- All refuse, garbage, or any other form of waste shall be kept contained and screened from view and located so as to not create a nuisance for neighboring properties.
- Any lighting of the building and/or signage shall be designed and installed as to not project or cause any disturbance to neighboring properties.
- The applicant shall obtain and provide copies of all other required permits and licenses to the Planning Office, such as those required by the County Health Department for food service, prior to opening for business.

The motion was adopted by a unanimous voice vote.

F) NEW BUSINESS

1. Discussion of Holiday Gas Station

Holiday Station Store of 1408 Bridge Street has approached the Planning Department seeking to install an 8' x 12' freezer. The freezer would not have a foundation and would be placed adjacent to the store. The Planner asked if the freezer unit would be required to obtain development plan approval. The Commission asked that the freezer unit be reviewed under development plan review procedures.

G) REQUESTS FOR NEXT MONTHS AGENDA OR RESEARCH ITEMS. None

H) ADJOURNMENT

Motion made Commissioner Boog and seconded by Commissioner Buday to adjourn. Motion adopted by unanimous voice vote.

Meeting adjourned at 8:03 p.m.

John Hess, Chairman

Linda Jo A. Weller, Recording Secretary

Carol A. Ochs, City Clerk