

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES  
Monday, February 14, 2011 – 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 John Hess at 7:00 p.m.

B) ROLL CALL

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

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST – None.

D) APPROVAL OF AGENDA

The Commission approved the agenda as presented.

E) APPROVAL OF JANUARY 10, 2011 MINUTES

The Commission reviewed the January 10, 2011 minutes.

Member Clock asked that Page 3 of the minutes be reformatted. The minutes will be reworded and reviewed at the Commission's March 14<sup>th</sup> meeting.

F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS - None

G) OLD BUSINESS

1. Update on Master Plan Adoption

City Planner Spencer informed the Commission that the City Council has adopted the Master Plan as submitted by the Planning Commission. The Planner will be receiving quotes in the near future on printing the document.

2. Discussion on Drafting Upcoming Zoning Ordinance

City Planner Spencer will start work on drafting a new zoning ordinance. Staff will be meeting with the Commission to discuss individual sections of the ordinance. The City's 2011-12 budget includes funds for a consultant to help in drafting the zoning ordinance.

H) NEW BUSINESS

1. Review 2011-12 Capital Plan

The City Planner reviewed 2011-12 Capital Plan with the Commission.

a. Motion

Motion made by Commissioner Clock and seconded by Commissioner Boog to recommend approval of the 2011-12 Capital Budget. Motion adopted by unanimous voice vote.

Chairman Hess relinquished the chair to Vice- Chairman Flanders. Chairman Hess left the meeting at 7:22 p.m.

2. Review/Discussion of Potential Zoning Amendments Concerning the Central Business District and Mixed Use Developments in C-1 Zone.
  - a. Staff Presentation

City Planner Spencer reminded the Commission that Staff and the Planning Commission will be drafting an entirely new zoning ordinance and holding a public review process in 2011. Since the ordinance will be entirely new and the relevant state laws require substantial time for review and adoption, this process is expected to take 12 to 18 months. Due to the length of this review process Staff felt several minor amendments to the existing zoning ordinance are needed to address existing issues and clarify vague language.

**Amendment #1:** Revising Section 5.96 (1). Other Development Regulations

The ordinance states that uses on the first floor in the CBD along Bridge Street (Antrim Street to the Channel) shall be used for "strictly retail purposes". The ordinance does not have a definition for "retail". At one time, downtown Charlevoix had a number of business offices located along Bridge Street. The City Planner discussed this issue with the Downtown Development Authority. The DDA was supportive of changing the zoning to better define and expand the allowable uses, however; they were not supportive of allowing professional offices within that space. There are a number of businesses that may not be considered retail yet create foot traffic in the downtown area. The Planner would like to include language that would allow the Planning Commission to determine whether a use is similar to or comparable to the permitted uses. The Planner would also like to include language that would allow an applicant to apply for a special use permit

Arch Wright, part owner of six Bridge Street storefronts, addressed the Commission. He wished to thank the Commission for considering the issue. Retail businesses have radically changed in the past ten years with the expanded use of the internet and catalogs. He also asked the Commission to carefully consider what they don't wish to have in the downtown area.

- b. Discussion by Planning Commission

The Commission agreed to amend the section to clarify permitted Bridge Street uses. The Planner will draft language for the Commission's consideration.

Vice-Chairman Flanders asked for a short recess. Meeting recessed at 7:48 p.m.  
The Commission meeting was reconvened at 5:51 p.m.

**Amendment #2:** New Section 5.87

- a. Staff Presentation

City Planner Spencer advised the Commission that the current zoning ordinance allows for Professional Offices (PO) and Single Family Residential (R-1) uses in the Community Service Commercial (C-1) zone district. The zoning also allows for a mix of these uses within the same building, such as converting a home or other structure into a mixed use development with a commercial business or offices on the first floor with a dwelling above it. This type of mixed use development is encouraged by the City Master Plan and examples can be found all over the City; however the current zoning is not specific as to which standards (R-1, C-1, or PO) apply to the development. The City needs to clarify which setbacks and

structure height requirements (R-1, C-1, or PO) apply so there is no ambiguity for property owners and the City when they follow the Development Plan Review process. This will make the standard clear for property owners and the City.

b. Motion

Motion made by Commissioner Felter and seconded by Commissioner Clock to set a Public Hearing on the zoning amendments for March 14, 2011 at 7:00 p.m. in Council Chambers. Motion was adopted by unanimous voice vote.

3. Review/Discussion on Moratorium on Sexually Oriented Businesses

City Planner Spencer asked the Commission to review a draft City Council resolution seeking a moratorium on sexually oriented businesses. The Planning Commission will be studying the issue while it drafts the new zoning ordinance. The Commission reviewed the draft City Council resolution.

a. Motion

Motion made by Commissioner Clock and seconded by Commissioner Cross to recommend that the City Council adopt the draft resolution for a moratorium on sexually oriented business operations and facilities in the City. Motion was adopted by unanimous voice vote.

4. Review and Complete Survey from Northwest Michigan Council of Governments (NWMCOG) on Economic Development

The Planner passed out a survey from NWMCOG. The Commissioners reviewed the survey and agreed to do the survey at home and return it to the Planner.

5. Planners Moments: What is place marking? -- Tabled

I) REQUEST FOR NEXT MONTH'S AGENDA OR RESEARCH ITEMS

Public Hearing – Zoning Amendments  
Presentation of Formed Base Codes – Judy Clock

J) ADJOURNMENT

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

The meeting was adjourned at 8:18 p.m.

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John Hess, Chairman

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Linda Jo A. Weller, Recording Secretary

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Carol A. Ochs, City Clerk

