

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES  
Monday, July 11, 2011 – 7:00 p.m.  
Charlevoix Public Library: Community Room, Charlevoix, Michigan

A) CALL TO ORDER

The Chairman called the meeting to order at 7:03 p.m.

B) ROLL CALL

Commissioners Present: John Hess, Dan Buday, Francis Flanders, Sherm Chamberlain, Judy Clock, Becky Doan, and Larry Boog

Commissioners Absent: Toni Felter (excused)  
Staff Present: City Planner, Mike Spencer

City Planner Spencer noted that Commissioner June Cross recently submitted her official letter of resignation from the City of Charlevoix Planning Commission and Zoning Board of Appeals effective July 1, 2011; Commissioner Cross has served the City of Charlevoix for over 30 years. The City Planner publically thanked Commissioner Cross, on behalf of the City, for her service and noted that she performed her duties as a Commissioner and Board member very well. The City Planner also noted that Commissioner Cross will be receiving a plaque from City Council in the near future. City Planner Spencer explained that in the planning and zoning profession, sitting on a Planning Commission Board for over 30 years is nearly unheard of, and again thanked Commissioner Cross for her unparalleled service to the City of Charlevoix.

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST – None.

D) APPROVAL OF AGENDA

The Commission approved the agenda as submitted.

E) APPROVAL OF June 13, 2011 MINUTES

The Commission reviewed the June 13, 2011 Minutes.

Move made by Commissioner Boog, seconded by Commissioner Chamberlain to accept the minutes as amended. Motion carried unanimously.

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

G) OLD BUSINESS – None.

H) NEW BUSINESS

1. Presentation on Form Based Codes: Val Lazdins, LSL Planning.

City Planner Spencer noted that agendas and a form-based code article are available for review at the meeting. The City Planner noted that the article shows differences between traditional and form-based zoning codes. City Planner Spencer stated that a draft Zoning Ordinance is in the initial stages of development and will be in accordance with the Master Plan (adopted February 2011). The City Planner went on to state that the new ordinance may include form-based codes along with traditional zoning codes and that form-based zoning is popular across the country in both large and small cities. City

Planner Spencer noted that form-based codes can be used city wide or can be targeted and applied to particular areas as the community, Commission and Staff sees fit. The City Planner noted that the Planning Commission and general public have had several meetings educating them on form-based codes and the next step is to bring in an outside planning consultant (Val Lazdins, LSL Planning) to discuss the finer details of form-based codes specific to Charlevoix. The City Planner went on to say that the next steps will include gathering information and guidance from the Planning Commission and public regarding form-based codes and whether or not they would be appropriate for the new Zoning Ordinance in the City of Charlevoix. City Planner Spencer outlined the credentials and experience for Val Lazdins of LSL Planning and his certification from the Form Based Code Institute. The City Planner noted that the presentation will be recorded and available upon request at the City of Charlevoix Planning Department office.

Mr. Lazdins gave a presentation outlining the basic details of Form Based Codes and general zoning trends. The presentation was open to and viewed by the Planning Commission, various other City Board members, and the general public. The presentation was filmed by Staff and DVD copies are available upon request at the City of Charlevoix Planning Department.

2. Call for public comment.

Steve Hansen of Charlevoix, Michigan stated that he believes the resounding theme of form-based codes seems to be “perpetuate,” and if that is the case, form-based codes would have said no to architects such as Frank Lloyd Wright and Earl Young. Mr. Hansen noted that the Earl Young homes in Charlevoix looked out of place initially and now 70 years later, they are considered the “jewels” of Charlevoix. Mr. Hansen asked Mr. Lazdins if form-based codes were in place when Earl Young was designing homes, would his designs have been turned down by the administrator. Mr. Lazdins replied that he did not think Earl Young would have been turned down because form-based does not necessarily administer what types of materials must be used, but instead, what the community deems the character of the area should be.

City Planner Spencer noted that form-based codes help to accomplish neighborhood character. The City Planner used Park Street in the City of Charlevoix as an example; the City Planner explained that under the current ordinance, someone could purchase a lot in the Earl Young area and build a house that was more fitting for the C&O club, making it out of character for the neighborhood where form-based codes would not allow an out of character structure.

Mr. Hansen again stated that he believes in the beginning of the Earl Young era, the stone designs would not have been allowed in the more “Victorian” style neighborhood with form-based codes. City Planner Spencer noted that depending on how the codes are set up within the ordinance will make a difference as to what may or may not be allowed in specific areas. The City Planner noted that the current Zoning Ordinance allows for more of an “anything goes” type of building and character than a form-based zoning would. City Planner Spencer noted that Charlevoix has had zoning since the 1940’s and, in turn, is a very attractive City. The City Planner stated that many developers in Charlevoix have an appreciation for the City and tend to build structures and homes that fit the overall character of the City.

Mr. Hansen asked if form-based codes calls for more subjectivity than traditional zoning, to which Mr. Lazdins replied, less. Mr. Hansen stated that form-based codes provide more predictability than traditional zoning because the community decides what types of codes are most important and should be administered. Mr. Lazdins gave the example of a neighborhood that includes all 1920’s bungalow style homes with garages in the rear of the houses; the neighborhood did not use form-based codes and someone was able to develop a property, using traditional zoning, with a modern style home that included a three car garage in the front of the property. Mr. Lazdins noted that with form-based codes, this type of

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development would not have been possible because the form not fit the character of the neighborhood, therefore, the neighborhood decided to implement very basic form-based codes to combat out of character development. Mr. Lazdins stated that he is not suggesting that any decisions on form-based codes be made immediately, but instead, the codes need to be community driven and discussed thoroughly. Mr. Lazdins also suggested that codes could work well in Charlevoix in specific, targeted areas.

City Planner Spencer noted that the discussion regarding form-based codes is in no way an attempt to take away decision making from the Planning Commission or City Council. The City Planner explained that with the current ordinance, as long as your commercial development meets height, parking, and setback requirements, the development gets approval. The City Planner went on to say that form-based codes are community driven and implemented by City staff and Council. City Planner Spencer noted that the Pine River Lane area of Charlevoix is currently zoned commercial and potential developments could include gas stations or stores, whereas with form-based zoning, the neighborhood and area residents could express their interests in keeping the current character of the neighborhood in future developments. The City Planner also used the commercial area south of the City as an example, stating that an older home that has been converted into an art gallery, next to a gas station, next to a restaurant, and with form-based codes the different uses would be consistent in design, landscaping, etc. The City Planner also stated that if a strip development were to be built, form-based codes would provide for a more consistent design and allowable uses, whereas the current zoning allows for extremely varied use and design. City Planner Spencer stated that form-based codes may or may not be appropriate for Charlevoix and that the community needs to ultimately decide how they may be applied in the City. The City Planner noted that regardless of form-based codes, the current Zoning Ordinance needs to be revamped, and there are many questions to be answered.

Lyle Gennett, Charlevoix, Michigan addressed the Commission and noted that the entrances to Charlevoix include passing through various townships, and Mr. Gennett asked if and when the townships would "get on board" with form-based codes if they were implemented in the City. The City Planner noted that planning involves working collaboratively with surrounding governments and the City cannot ignore the needs and wants of the townships. City Planner Spencer noted that the surrounding townships were invited to the meeting and presentation, and expressed interest in the topics discussed. The City Planner noted that the City and Charlevoix Township are currently working together to develop regulations on medical marijuana, and he hopes the collaboration continues. Mr. Lazdins noted that he has successfully worked on implementing joint form-based codes with neighboring cities and townships, developing consistency between organizations. The City Planner noted that working with Charlevoix Township will also help to create and develop emerging economies between the two entities. City Planner Spencer stated that the answer for the City may be to update the Zoning Ordinance first and then decide, with the Township, whether or not to implement form-based codes within the City/Township corridors.

Arch Wright addressed the Commission, stating that "use" was pushed back in form-based codes and that he would like to see greater flexibility with uses no matter what type of zoning is used in the City. Mr. Lazdins noted that form-based codes provide the opportunity for flexibility with regard to zoning uses. City Planner Spencer noted that area zoning ordinances note exactly what uses are allowed in each district, and if a use is not listed then it will generally not be considered for development, whereas with form-based zoning, more uses would be considered. Arch Wright noted that in the past, Boyne City was forcing new developments downtown to include strictly retail space on the ground floors even though there was available retail space throughout the city. Arch Wright stated that he did not agree with these types of requirements because there was very little flexibility in allowable uses and that Charlevoix has a great Planning Commission who he hopes will move forward with implementing zoning that includes greater flexibility for future uses and developments. Arch Wright also noted that a newer development in Boyne City involved lots of community participation in deciding on uses and has been very well received throughout the area.

Dan Yenglin asked Mr. Lazdins if there was enough data from the implementation of form-based codes in communities like Charlevoix that could be used to predict what and how it could work in our community. Mr. Lazdins stated that there are examples that could be referenced, but each community is unique and form-based codes are generally driven by economics. Mr. Lazdins noted that form-based codes have been great for real estate in several communities.

City Planner Spencer stated that the City of Charlevoix Master Plan shows areas where high density residential could be implemented and people in single family districts in the area were skeptical of apartments. The City Planner noted that when the community is engaged in code development the product is generally pleasing to both developers and the area residents because of the predictability of the results. The City Planner noted other areas of the City that could be considered for form-based codes including, May Street and the property above Oleson's.

Don Seelye addressed the Commission and asked how form-based codes would affect properties surrounding the municipal airport for specific zoning to protect the land and properties in the area. Mr. Lazdins suggested that Charlevoix would benefit from a "hybrid code" where traditional zoning districts would apply and form-based codes would work in targeted areas. The City Planner noted that the airport and surrounding areas were not initially targeted by the City to implement form-based codes.

### 3. Questions/Discussion from Planning Commission.

Commissioner Doan noted that Mr. Lazdins described form-based codes as focusing less on "use" than traditional zoning ordinances and asked Mr. Lazdins to explain this topic further. Mr. Lazdins explained that architectural character plays a larger role in form-based codes than use does and also gave the example that an area could look and feel very residential but also provide boutiques, restaurant, and retail uses without losing its original character. Commissioner Doan asked Mr. Lazdins how the Commission would explain form-based codes to people not accustomed to changes in use and zoning districts. Mr. Lazdins explained that the zoning district uses should be generally accepted as a community and using real Charlevoix community examples of form-based zoning and blended uses will aid in the discussions.

Commissioner Chamberlain noted that the east side of Bridge Street near Carpenter Street has various buildings and lots for sale where the residential style of commercial development could be considered. The City Planner noted that the area described by Commissioner Chamberlain is a potential shortcoming of the current Zoning Ordinance because many types of developments with different styles and setback requirements are currently allowed in the area. City Planner Spencer note that form-based codes are new to him and he brought Mr. Lazdins in to give a presentation to give the community and Commission a brief look into form-based codes and how they are used. The City Planner noted that he did not want to delay the adoption of a new Zoning Ordinance and that form-based codes can always be added at a later date and time. Mr. Lazdins suggested doing a pattern survey and have the public comment on the potential to implement form-based codes in targeted and defined areas of the community.

### 4. Provide future direction for Staff.

Chairman Hess asked City Planner Spencer what types of questions the Planning Commission could answer for Staff regarding form-based codes. The City Planner stated that he would like to have a detailed discussion at the next Commission meeting with the Commission and Mr. Lazdins to get an idea of how much time it may take to implement a form-based code in targeted areas and how much it would cost. The City Planner noted that the discussion at the next meeting will drive whether or not form-based codes are going to be a part of the new Zoning Ordinance immediately or if they would be better implemented later after adoption of the ordinance. City Planner Spencer noted that it is a matter of time and budget as to what will be pursued first and he would like input from the Planning Commission prior to

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making a decision on form-based codes in Charlevoix. Mr. Lazdins noted that once potential areas are defined, the discussion can move into what types of codes could potentially be implemented in the targeted areas. The City Planner noted that he would like input from the Commission and general public into potential areas that have not been identified in tonight's discussion that could be an area for form-based codes to apply. City Planner Spencer noted that taking a look at the community and noting what neighborhoods or districts and elements work well and which don't are great indicators of how and where form-based codes may be appropriate for the community.

- I) REQUEST FOR NEXT MONTH'S AGENDA OR RESEARCH ITEMS – None.
- J) ADJOURNMENT

Chairman Hess adjourned the meeting at 8:45 p.m.

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John Hess, Chairman

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Patrick Kilkenny, Recording Secretary

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Carol A. Ochs, City Clerk