

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, February 11, 2013 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

I. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:01 p.m. by Chair John Hess.

II. Roll Call

Chair: John Hess

Members Present: Toni Felter, Becky Doan, Judy Clock, John Elzinga, Sherm Chamberlain

Members Absent: Larry Boog, Frances Flanders, Dan Buday

City Planner: Michael Spencer

Planner Spencer advised the Commission that Larry Boog has submitted a letter of resignation to City Council.

III. Inquiry Into Potential Conflicts of Interest

None.

IV. Approval of Agenda

There were no changes to the agenda.

V. Approval of Minutes

Motion by Member Clock, second by Member Chamberlain, to approve the January 22, 2013 minutes as presented.

Motion passed by unanimous voice vote.

VI. Call for Public Comment Not Related to Agenda Items

Chair Hess opened the meeting to public comment at 6:05 p.m. There was no public present.

VII. New Business

A. Review of 2013-14 Capital Improvement Plan

Planner Spencer reviewed proposed infrastructure projects in the 2013-14 Capital Improvement Plan.

Motion by Member Doan, support by Member Felter, to recommend approval of the Capital Improvement Plan.

Motion passed by unanimous voice vote.

VIII. Call for Public Comment Not Related to Agenda Items

Chair Hess re-opened the meeting to public comment at 6:14 p.m.

Nancy Carey, owner of 229 Bridge Street, reviewed her difficulties finding a retail tenant for the property and stated reasons why she would like to lease to a service-oriented tenant. Ms. Carey asked if the Planning Commission would consider a special use permit or a change to the ordinance to allow rental in the Downtown Development Authority (DDA) to service-oriented tenants.

Planner Spencer reminded the Commission that there is an ordinance in place since 1991 that restricts business with an entrance on Bridge Street to retail businesses. When the ordinance was passed, there was limited space available downtown for retail businesses. In 2011, the Planning Commission and Council reviewed allowable uses on Bridge Street, including professional offices, and decided to keep the prohibition on professional offices on the first floor in the downtown district. At that time, a stipulation was made that a use not listed in the ordinance could be approved by the Planning Commission if similar to permitted uses, or by a special use permit. Charlevoix is currently the only local community that does not allow professional office space in its first-floor downtown buildings. Planner Spencer suggested hiring a consultant to perform a market analysis and look at all the factors, including the current number of retail shops and professional offices, and the current number of vacant spaces. The market analysis should clearly support a decision to change, or not to change, the ordinance to allow professional offices in the DDA.

Ms. Carey reported that waiting, even a few months, for a market analysis will result in loss of a potential renter. The potential renter she has now is a national vendor with international ties.

Some members suggested that while a market study would be helpful, in the meantime Ms. Carey could apply for a special use permit. Planner Spencer explained the process for a special use permit.

Planner Spencer stated that, due to the current economic climate and comments from a consultant whose meeting he recently attended, he feels the Commission should consider a study to get all the facts and "do the process right."

IX. Old Business

A. Review of 2012-13 Draft Zoning Amendments

(1) Staff update.
None.

(2) Call for Public Comment
There was no public present.

(3) Review proposed changes

(a) Bed and Breakfast

Planner Spencer reviewed the history of the Commission's review of the definition of a Bed and Breakfast, and shared the results of research into other communities' definition of a Bed and Breakfast, and proposed a definition for Charlevoix.

The Commission generally agreed to the definition proposed: "A building or structure where individual rooms are rented separately to transients for compensation (additional regulations see Section X)."

The Commission discussed specific requirements for a Bed and Breakfast and decided to incorporate these requirements as follows:

- Maximum of five bedrooms; and
- The Planning Commission shall determine the appropriate number of parking spaces on a case-by-case basis dependent on the number of bedrooms, location of the property, and availability of public parking;

(b) Boat House

Planner Spencer reviewed the subcommittee's recommendation to eliminate an allowance for bathroom and laundry facilities. The majority of the Commission agreed.

(c) Changes to Zoning Map

The Commission generally agreed to the following changes:

- Specific parcels within the Belvedere Club changed to Scenic Reserve;
- Parcels near St. Mary's church which have been identified as changing to CM, Commercial Mixed Use, should stay single family residential.

(d) Assisted Living Facilities

The Commission discussed the proposed definition, and how to address the zoning of the current assisted living facility. Planner Spencer explained why it is necessary to have both a definition and an allowable location through zoning. The Commission generally agreed that assisted living facilities should be allowed in R4 zones under a special use permit.

Commissioner Doan stated that the parcel should remain zoned [R2], with the property being nonconforming.

Planner Spencer reported that if a nursing home or assisted living facility is not an allowed use in a specific zone, and in no other zone, then litigation could occur.

The Commission discussed the pros and cons of leaving the parcel zoned as R2 vs. changing the zoning to R4.

Motion by Commissioner Doan to leave [615 Petoskey Avenue] zoned R2. Motion died for lack of a second.

Motion by Commissioner Clock, second by Commissioner Chamberlain to change [615 Petoskey Avenue] to be zoned R4 with a special use permit.

Motion passed by voice vote, 4-1.

- (e) Northside overlay district along US 31.
The Commission generally agreed that professional offices could be allowed in this area if the residential look of the property is maintained. Planner Spencer will develop language and present it at the next meeting.
- (f) Overlay district for the downtown retail district
The Commission generally agreed to hold this decision until after the zoning ordinance was passed and a consultant could do research.
- (g) Four parcels near the Yacht Club [203, 205, 207, and 209 Ferry]
The Commission generally agreed to change the zoning on these four parcels to Marine Commercial with a height restriction of 26 feet.

X. Staff Updates

Planner Spencer advised the Commission that he is working with the C&O Club regarding concerns they have with the proposed ordinance, specifically that the draft ordinance allows smaller setbacks.

The Commission discussed ways to notify the general public, 80% of which is within 300 feet of a zoning change, of proposed zoning changes. Planner Spencer intends to publish major changes in the Charlevoix Courier.

Planner Spencer gave the Commission an update on the status of the fireplace project. The Planning Commission may have a special meeting to review the architect's recommendation, when ready.

XI. Requests for Next Month's Agenda or Research Items.

Planner Spencer was directed to review or research the following items:

- The status of the library budget, considering that the DDA has not contributed \$30,000 to library debt service.
- Review the court case regarding assisted living and pull information regarding the percentage of need based on population. Provide the information in the next agenda packet.
- Develop language to allow professional offices along US 31, north of the bridge, while requiring maintenance of the residential appearance of the neighborhood.

XII. Adjournment

The Commission generally agreed to adjourn at 8:19 p.m.

Stephanie C. Brown Deputy City Clerk

John Hess Chair

Carol A. Ochs City Clerk