

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, April 8, 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 6:00 p.m. by Chair John Hess.

II. Roll Call

Chair: John Hess

Members Present: Dan Buday, Becky Doan, Judy Clock, Sherm Chamberlain, Adam Whitley

Members Absent: Toni Felter, John Elzinga

City Planner: Michael Spencer

III. Inquiry Into Potential Conflicts of Interest

None.

IV. Approval of Agenda

No changes were requested.

V. Approval of Minutes

Motion by Member Whitley, second by Member Chamberlain, to approve the March 20, 2013 minutes as presented.

Motion passed by unanimous voice vote, with Member Doan abstaining.

VI. Call for Public Comment Not Related to Agenda Items

Chair Hess opened the meeting to public comment at 6:02 p.m. There was no public comment.

VII. New Business

A. Proposed Awning Project on North Side of the Anchors Building, 204 Bridge Street (South of Bridge Park)

Planner Spencer presented the item and answered questions from the Commission. Normally, an awning would be part of a sign permit and would not come before the Planning Commission; however, the proposed awning is a more permanent structure and will extend over the sidewalk. Because the awning will extend over the City sidewalk, the item will need to go before Council. At this point, Planner Spencer is looking for any comments the Planning Commission would like to give to Council regarding the project.

The Commission discussed the proposed awning. There is a tree in front of the entryway; however, the tree is far enough from the building that it should not be affected. There was some discussion about whether an engineering review should be required. The Commission generally agreed that they were in favor of the project.

VIII. Staff Updates

Planner Spencer advised the Commission that the draft ordinance is undergoing legal review and that the consultant, LSL Planning, is doing a final professional review. Mr. Spencer also reviewed the lot configuration for Sunnybank [American House], and noted that the zoning map did not accurately reflect the lot lines. It has been corrected.

Member Doan asked Mr. Spencer to verify what classification of senior living is being requested by American House from the State of Michigan, so that the City can ensure that the property is zoned the same way. The City's zoning ordinance uses definitions from the State's senior living licensing program.

The Commission discussed the classification of the Joppa House in relation to transient housing and a boarding/rooming house, and noted that the definition of a boarding/rooming house is incomplete. Mr. Spencer will check into the definition of boarding house and report back to the Commission.

IX. Old Business

A. Review of 2012-13 Draft Zoning Amendments

Chair Hess determined that the Commission would review the ordinance in order, from beginning to end, looking for specific comments from members or the audience and asked that, if the audience had any questions or comments, they address the Commission when that section is being reviewed.

- (1) Article 1
 - (a) Section 5.1., Title:
 - The section does not specifically state the authority under which the ordinance is enacted. Planner Spencer stated that, if it is required to have that reference in the section, the attorney will catch it during his review.
 - The Commission discussed the title of this Section and decided to name it "Preamble" instead of "Title."
 - (b) Section 5.3., Purpose
 - The section refers to "public ... morals." Planner Spencer believes that the statement came directly from the Planning Enabling Act. The Commission asked that Mr. Spencer verify the origin of the use of "morals" and to delete the word if it does not come directly from the Act.

- (2) Article 2
 - (a) Section 5.5., Construction of Language
 - Member Buday questioned the use of "except where the context clearly indicates a different meaning" and stated that it allows interpretation. Mr. Spencer stated that he does not believe the argument could be used successfully unless the applicant has a logical alternative definition.
 - The Commission generally agreed that subsection (d) should read "includes, but is not limited to."
 - The Commission asked that the word "singly" be corrected to "singularly."
 - (b) Section 5.6., Definitions A-B:
 - The definition of Boarding/Rooming House is incomplete.
 - There is no definition of "Adjacent" in the ordinance. The Commission determined that adjacent, adjoining, and abutting are the same and that one of these should be included as a definition, with reference to the other two.
 - There is no definition of "Amusement Arcade" in the new ordinance. The Commission generally agreed to leave it out.
 - There is a definition of "Bordering Land" in the current ordinance, but not in the new ordinance. Mr. Spencer stated that this item is not anywhere in the ordinance except for definitions.
 - Member Clock asked if the definition of Boat House should be for ... "structure exclusively used" ... The Commission generally agreed that the more vague definition is preferable. The Section referenced on this definition may be incorrect, as the numbering of Section 5.46 is incorrect.
 - There are no restrictions on the allowable material for fencing around an Athletic Court. The Commission generally agreed to not restrict materials.
 - The Commission generally agreed to add a definition for "Building Roof."
 - (c) Section 5.7., Definitions C-D:
 - The Commission generally agreed to add a definition for "Club or Lodge."
 - The definition of "Day Care Facility" limits the "care and supervision for periods of less than 24 hours per day." The Commission had previously discussed this and determined that the hours of operation may be 24 hours a day to satisfy parent's needs. Planner Spencer stated that the definition matches the State's definition for Day Care Facilities. Member Doan asked Mr. Spencer to determine when the Commission had previously addressed this item. Member Clock stated that there is another section in the ordinance that allows up to 16 hours of operation.
 - The definition of "Dwelling Unit" includes a reference to "or other transient residential use." The Commission generally agreed to delete this term.
 - (d) Section 5.8., Definitions E-F:
 - Member Chamberlain asked that standards be included for the width of an Easement. Planner Spencer stated that this would not be included in the definition, and he would review the item to determine what standards might be and where they would go in the ordinance.
 - The Commission asked that the definition of Frontage be corrected by removing the word "is."
 - (e) Section 5.9., Definitions G-H:
 - The definitions of Home Occupation (Minor) and (Major) both use the term "vocational activity." There was significant discussion about changing the terminology; the Commission generally agreed to retain the current terminology.
 - (f) Section 5.11., Definitions L-M:
 - The Commission asked that the order of this section be corrected to place Master Plan alphabetically.

- (g) Section 5.12., Definitions N-O:
 - Member Chamberlain asked that the definition of NVGD include “of 1985” as there is also an NVGD of 1929 and that the definition of Ordinary High Water Mark reference the elevation per the NVGD of 1985. Planner Spencer suggested that NVGD be eliminated, as it is not being used. Member Chamberlain agreed and the Commission concurred.
 - (h) Section 5.14., Definitions R-S:
 - Member Doan asked if the definitions under Senior Housing for Independent Living and Assisted Living came directly from State law. Planner Spencer will find out.
 - The Commission discussed the definition of Structure and determined that it should not apply to fencing.
 - (i) Section 5.15., Definition T-U-V:
 - The Commission generally agreed to change the definition of Transient Housing by deleting “of less than one week” and adding “of time.”
- (3) Article 4, Residential Districts
- (a) Section 5.26., Schedule of Uses:
 - The Commission discussed and determined that Site Condominiums should be allowable uses in the R1 and R2 districts.
 - The Commission discussed why Special Use permits are required in the R1 and R2 districts for Day Care Centers: to provide neighboring residents an opportunity to comment or object to the project and its related additional noise and traffic.
 - The Commission asked that Essential Services be formatted in bold, as it is a defined term.
 - Member Buday stated that the definition of Bed and Breakfast should be better distinguished from a house shared by roommates. Planner Spencer stated that a Bed and Breakfast is usually advertised with signage. Member Buday stated that a Bed and Breakfast is a subcategory of Transient Housing; because Transient Housing is an allowable use in all residential zones and a Bed and Breakfast is only allowed in R1 and R2, and only with a Special Use Permit, it is important that the difference between the two be clearly identified. Planner Spencer will draft some language for the Commission to consider at the next meeting.
- (4) Call for Public Comment
None.

XI. Requests for Next Agenda or Research Items.

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

- The classification of Senior Housing being requested from the State of Michigan by American House.
- The definition of a Boarding/Rooming House.
- The origin of the word “morals” in the Purpose section of the ordinance.
- The previous decisions and legality of allowing Day Care Facilities to operate 24 hours a day.
- The standards and appropriate placement for Easement.
- The origin of the definitions under Senior Housing.
- Draft language to better define the difference between Transient Housing and Bed and Breakfast.

XII. Adjournment

Motion by Chair Hess, second by Member Buday, to adjourn.

Motion passed by unanimous voice vote.

Meeting adjourned at 8:00 p.m.

Stephanie C. Brown

Deputy City Clerk

John Hess

Chair

Carol A. Ochs

City Clerk