

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES
Monday, December 13, 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 Chairman John Hess at 7:03 p.m.

B) ROLL CALL

Commissioners Present: Dan Buday, Judy Clock, June Cross, Becky Doan, Toni Felter, Francis (Brownie) Flanders and John Hess

Commissioners Absent: Larry Boog

Staff Present: City Planner Mike Spencer

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Chairman Hess and Commission Doan advised the Commission that they have a conflict of interest on the Master Plan's Future Land Use Map's designation of a vacant parcel located near their residences.

D) APPROVAL OF AGENDA

The Commission approved the agenda as presented.

E) APPROVAL OF OCTOBER 11, 2010 MINUTES

The Commission reviewed the October 11, 2010 minutes.

The following amendments were made:

- Page 6 second paragraph 12th line to be revised to read:
"The Hansen's originally agreed to sell their property to ~~Ms. Bandfield & the Careys~~ CATT to create an infill development 4 years ago."
- Page 5 fifth paragraph 4th line to be revised to read:
"Presently, there is an outside stairway that accesses a second apartment in ~~here~~ her home."
- Page 8 first paragraph 1st line to be revised to read:
"Due to some of the small lots on West Dixon, it might be prudent to have a medium density zoning."

Motion made by Member Flanders and seconded by Member Felter to amend the minutes as outlined.
Motion adopted by unanimous voice vote.

Motion made by Member Flanders and seconded by Member Doan to approve minutes as amended.
Motion adopted by unanimous voice vote.

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

G) OLD BUSINESS

1. Review of 2010 Draft Master Plan

- a. PC Chair and Board member discussion of the review process for this meeting

City Planner Spencer suggested that the Commission receive all public comments before it begins to make any changes to the master plan. The Commission agreed. The Planning Commission makes

recommendations on the master plan and zoning ordinance, which is in the best interest of the community. It's time to take ownership and fully understand the document. The Planning Commission must review the document and hear comments from both staff and the general public. All questions should be answered before any decisions are made. The City Council also has the right to make changes to the document prior to their adoption.

b. Call for public comments

Chairman Hess asked for audience comments.

Tracy Sell, Edgewater Inn General Manager/Property Manager and The Lodge Owner/Operator addressed the Commission. He supports updating the Master Plan, but he is opposed to changes that could be detrimental to the current or future value of his commercial properties. The Future Land Use map designates The Lodge as Commercial-Hospitality. He feels that the proposed change will affect The Lodge's property value. Mr. Sell does not feel it's fair or right to make changes that will lower the property value or do anything that will limit the potential development of his property. He would like to The Lodge to be designated as a mixed/high density use. He feels the adoption of the master plan should also include changes to the zoning ordinance. The Edgewater Inn is supportive of its proposed "mixed use" designation.

Tom Conlan of the Belvedere Club asked for clarification on the proposed designation of the Belvedere Club. City Planner Spencer reviewed the Future Land Use map and confirmed that the Club's residential structures and the Casino are designated as private club and that the beach area, cabanas and woods are scenic reserve. The Planning Commission agreed on these designations at a previous meeting.

Marilyn Copeland of 322 Meech Street spoke to the Commission. She has learned that the property next her home may be used for high density in the future. The property is currently wooded and is zoned R-2. She'd like it to remain as is.

Rik Lobenherz asked if the master plan were adopted does it mean that his property would be rezoned. He is co-owner of Pointes North. The property is proposed "Commercial Hospitality" on the Future Land Use plan. He understands that the master plan is a recommendation for property zoning and if the master plan recommends that the property be changed to a certain use, the zoning ordinance will reflect that use.

City Planner Spencer stated that there are two separate ways a property can be rezoned. The City can adopt a new zoning map that should follow the parameters of the master plan. The second way is that the property owner can petition to change the zoning. In both situations, you look at the master plan for guidance on rezoning the parcel. The property could be rezoned when the Commission looks at developing the new zoning ordinance.

Mr. Lobenherz asked for additional information on the possible rezoning of his property. He asked for details on what hospitality zoning is and what's allowed and its setbacks. He understands that there will be public comment at the time the zoning ordinance is adopted, but he would like this information before endorsing the master plan. The master plan is a guideline, not a tool to rezone property. The value of his property depends upon the number of options available.

Nancy Carey spoke to the Commission outlining her concerns about the Future Land Use map. She represents the owners of 115 Pine River Lane. The property has been zoned C-1 since 1978. She voiced concern about the lack of data that has been obtained to make the sweeping and drastic changes to the property from C-1 to R-1. R-1 is the most restricted residential use in the proposed Future Land Use map. Mrs. Carey stated that Mr. Spencer advised her that the changes are due to traffic and safety

issues. Mr. Spencer was asked to submit information on the traffic and safety issues, but she was told that there is no data available. Traffic, parking or safety issues along Pine River Lane can be improved by simple measures such as postings (no outlet sign) or removal of parking from one side of Pine River Lane. The Weathervane Terrace property can be used to access West Dixon and its always open. Mrs. Carey stated that the decision to change the property's zoning does not conform to the Planning Enabling Act of 2008. The future zoning map must reflect the visions and goals of the community. The master plan is composed to outline infill measures, views, increase economic health of the City, increase commercial downtown property and the tax base along with 15 other recommendations. This goal is not accomplished when a few families are asked to sacrifice 90 to 95% of their property values. This destroys the future tax base because of an imagined traffic problem. A traffic study was done a couple of years ago and no traffic or safety issues were found. The Planning Commission asked City employees to create a map for the community that meets these visions and goals. She asked the Planning Commission to change the Future Land Use map to reflect what the citizens are requesting. She feels "pigeon holing" parcels and defining one or two specific categories for commercial property has a negative impact on the City by causing a financial burden and prohibits future growth. The current C-1 zone allows 10-15 different uses. She would like the Commission allow a multiple of uses in commercial districts. The current zoning map serves the community better than the proposed Future Land Use map. Mrs. Carey feels the map is detrimental to the community. She asked that the request be tabled to allow the Commission to consider a sub-plan for the Pine River Lane area.

Joan Balch representing the Chicago Club spoke to the Commission. A letter was previously received from Mr. Powell requesting that the Club be permitted to add scenic reserve areas in the future.

Steve Hansen told the Commission that he is supportive of the Pine River Lane property being single family.

c. Planning Commission review/discussion of potential amendments

Chairman Hess reviewed the Commission's options. Approve as submitted and give it to Council for their consideration, table a decision and study the comments or throw it out.

The Planner asked for an opportunity to review the individual items in the staff report.

Chairman Hess asked the Commissioners for their comments.

Commissioner Felter asked if the mixed use category is appropriate for Pine River Lane and if the existing uses will be "grandfathered?"

Mr. Spencer stated that the existing uses will be grandfathered and will be able to continue. If the use is discontinued, the property will have to meet the standards outlined in the zoning ordinance. Our current zoning ordinance allows numerous types of uses in the C-1 zone district; one of the uses is clustered housing units. Clustered housing is not a high density use. Condos and apartment buildings are not allowed in the C-1 zone district, R-1 uses are permitted in the C-1 zone. The Pine River Lane area has existing R-4 zoning. High density uses should be placed in areas that have adequate infrastructure; traffic flows, and is in a neighborhood that supports the use. Neighborhood themes are a large part of the master plan. In this part of the City, (Pine River Lane) there are a number of uses. The Weathervane Terrace is a condominium hotel. There is a restaurant, professional offices, and retail. Pointes North has condominium ownership with rooms rented by the night, but some of the owners live there year round. Our master plan and Future Land Use plan will attempt to clarify what the community wants to have in this area. It is not to prevent commercial development or to limit the economy. The map will determine the future uses in areas as determined by the Planning Commission and the City Council.

The master plan encourages mixed uses and we currently have a number mixed uses in commercial areas. The intent is to look at what is in the best interest of the neighborhood and the City, as a whole.

Mr. Spencer reviewed the Pine River Lane area with the Commission. Currently, there are residential, hotel, commercial, restaurant and mixed uses in the same area. Most of the City has commercial along US 31 with residential uses behind it. He asked the Commission if it wishes to see the commercial character extended westerly along Pine River Lane. The Commission needs to look at the historic use of the property and the fact that there is traffic congestion and parking problems in the area. The extension of the commercial character will make the existing problem worse. Commercial development has a more traffic volume and parking needs than a residential uses. The proposed Future Land Use map designates all of the parcels, with the exception of the Lake House, as low density. It is not just Mrs. Carey's lot.

Commissioner Cross feels we need to review what is being proposed. The traffic survey Mrs. Carey referred to was taken in June, not during heavy traffic periods in July and August.

Commissioner Doan voiced a concern about the designation of the vacant parcel behind Sunnybank. The proposed Future Land Use map indicates that area is high density. She feels the character of the neighborhood is single family and would like the vacant land to remain single family. The Planner advised the Commission that Sunnybank has requested their property to be high density.

Chairman Hess also owns property adjacent to the vacant lot. The vacant lot behind Sunnybank has single family homes around it. The character of the neighborhood is residential. He feels the property can be developed as single family parcels.

Commissioner Clock voiced concern over protections of the shoreline. She'd like to have it consistent with adjacent areas.

Tracy Sell asked for clarification on how the master plan is used when considering a rezoning request. Even though The Lodge is currently used as a hotel and the hospitality classification is appropriate for what is there today, he'd like the property to have a different classification.

City Planner Mike Spencer advised Mr. Sell that when the Commission reviews a rezoning request, the master plan is only one source of information that is used in determining whether to rezone the property. The City would look at access and available infrastructure too.

The Commission reviewed the proposed changes to the master plan as outline in the agenda packet.

The Commission asked that the Grey Gables be considered mixed use as there is a residence in the second floor of the restaurant.

The Planner asked the Commission to determine the existing use of Sunnybank. The Commission agreed that Sunnybank should be designated as high density on the existing land use map.

The Commission reviewed the C & O Club and agreed that the C& O Club should be designated as single family residential.

The Commission studied the text in the infill development section. Mr. Buday asked that the word "to" be added to the fourth line. The Commission reviewed the Northwest Marine and Irish Boat Shop parcels on Ferry Avenue. The parcels will not be added to the infill map.

The Commission discussed the Street Department site and agreed to not include it on the infill map at this time.

The Commission reviewed the vacant Marina Bluff parcel along Ferry Avenue. It was agreed that the parcel was developable and should be on the infill map.

The Planner reviewed the proposed amendments to the Community Vision and Goals section of the master plan. The Commission agreed to add paragraphs describing the complete streets program, development of a regional trail and alternative methods for storing and collecting yard wastes to the master plan.

The Commission reviewed the "Future Land Use map. The following changes were made:

- The wooded area in the Belvedere Club will be designated as scenic reserve.
- Add a table that correlates to the existing and future zoning ordinances.
- Northwest Marine and Irish lots on Ferry Avenue to be changed to MC Marine Commercial.
- The Maple Leaf Motel and Villa Moderne will remain highway commercial

The Commission reviewed the definition of "Age-Restricted Independent Housing or Assisted Living Facility". The Commission reviewed the Sunnybank parcel and concurred to leave the parcel as R-2

The Commission reviewed the Pine River Lane/West Dixon area and alternate designations. The Commission agreed to tour the site and make a decision next month.

City Planning Mike Spencer reviewed the proposed designation of the area properties.

- The Weathervane is supportive of the proposed hospitality designation, provided that they have the ability to convert the hotel to a high density residential use in the future.
- The Edgewater is a classic mixed use development.
- The Lodge would like a mixed use/high density designation. The hotel use would be allowed to continue.
- Rik Lobenherz wants additional information on the proposed zoning ordinance before he agrees to any type of designation.
- The Bridge Street Inn located on the corner of Michigan & Dixon would like to be high density.
- Other property owners have given the Commission comments that they support the proposed low density classification.

Nancy Carey commented that two separate high density projects have been approved for their property. The area is a transition area between the motels and the condominiums. She asked that the area be designated as high density.

The Planner reviewed the Bandfield/Carey property with the Commission. The hotel was approved based upon the traffic study and several extensions were given on the development. CATT wished to do the

clustered housing. The zoning ordinance was changed to allow clustered housing in the C-1 zone district. The City has not approved the CATT (clustered housing) development.

The Commission reviewed the Wojan Window and Door parcel on May Street. The Future Land Use map designates the property as high density. The neighbors to the north would like the area to remain single family residential.

Dennis Wojan of DK Investments addressed the Commission. He would like the parcel to be high density residential. The property has industrial zoned property on the south and single family to the north. The Commission will review the site and discuss it at the January meeting.

d. Motion – None.

H) NEW BUSINESS

1. Review of new hangar at City Airport

- a. Board discussion
- b. Motion

The City Planner reviewed the placement of a hangar at the Charlevoix Airport. The hangar will be accessed off Old Norwood Road. The new hangar will be constructed south of the existing hangars. The building will revert to the City after 25 years.

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

The Commission and the City Planner discussed the Pine River Lane area. Hansen property would like to be single family residential. They were supportive of the clustered development, because it looked like single family homes. The Planner will find out the size of the Pine River Lane water and sewer lines. Mr. Spencer reported that Fire Chief Ivan has stated that access to the area is not the best. It's hard to get in and out of the area. Some people say there's not a congestion problem in the area, yet we do not want to make it worse. Future development needs to provide parking on-site. The parking problem is multiplied as to the Weathervane Restaurant does not have on-site parking and hotel patrons park their boats and trailers in the street. The City Police has received complaints from Pine River Lane homes because their driveways are frequently blocked.

J) ADJOURNMENT

Chairman Hess adjourned the meeting at 9:38 p.m.

John Hess, Chairman

Linda Jo A. Weller, Recording Secretary

Carol A. Ochs, City Clerk