

**CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES**

**Monday, April 13, 2009 -- 6:00 p.m.**

210 State Street, City Hall, Council Chambers, Charlevoix, Michigan

A) CALL TO ORDER

The meeting was called to order by Chairman Hess at 6:00 p.m.

B) ROLL CALL

Commissioners Present: Francis (Brownie) Flanders, Dan Buday, Judy Clock, Toni Felter, John Hess, Brian Vollmer, June Cross and D. J. Way

Commissioners Absent: Larry Boog (excused)

Staff Present: City Planner Mike Spencer

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Chairman Hess advised the Commission that his company is planning to bid on two City projects, the downtown kiosks and light post hangers for flower baskets. He asked the Commission to advise him if they wish him to step down.

D) APPROVAL OF AGENDA

The Agenda was approved as presented.

E) APPROVAL OF MARCH 9, 2009 MINUTES

The Commission reviewed the proposed minutes. Motion made by Commissioner Cross and seconded by Commissioner Felter to approve the March 9, 2009 minutes as presented. Motion adopted by a unanimous voice vote.

F) CALL FOR PUBLIC COMMENT (Not related to agenda items) None.

G) NEW BUSINESS

1. Development Plan Review. Project 09-02 DP Alano Club

a. Presentation from applicant (if requested)

Richard O'Leary, Chairman of the Alano Club Board of Directors reviewed the application with the Commission. The former building no longer suited the Club's needs. The building was in poor condition and was unsafe. The Board considered relocating the facility out of the downtown area, but after study they chose to stay in the downtown area.

b. Staff presentation

The original structure was conforming and had two on-site parking spaces. The aging building was evaluated by Performance Engineers, who found that it was structurally unsafe and would not meet current building code requirements. The building had to be removed. The first plan provided two on-site parking spaces, but due to the demolition of the building, it was determined that the Alano Club could not

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES

Monday, April 13, 2009 -- 6:00 p.m.

Page 2

be “grandfathered” and additional parking spaces would be required. This information was verified by the City Attorney. The applicant submitted a second plan, which did not meet the parking or landscape requirements. The applicant modified the plan by adding landscape elements to create a larger area for green space and landscaping that will absorb runoff. This landscaping plan provides much needed green space in a developed area where building footprints and parking creates a large amount of impervious surface. The applicant applied for and received a variance from the parking requirements from the Zoning Board of Appeals. The applicant will provide one on-site parking space for handicap accessibility. The ZBA imposed one condition of approval requiring the applicant to comply with the submitted landscape plan that can be found in Exhibit 3 of the application. The plan appears to meet the requirements of the code, with the exception of the parking, which has received a variance from the ZBA. The Planning Department received a letter of support and no letters of opposition.

- c. Call for public comment

Bruce Bartlett, owner of the adjacent Courier building, voiced support of the development plan.

- d. Planning Commission determination of findings of fact

Commissioner Flanders asked for information on what type of surface was proposed for the parking area. Mr. O’Leary advised the Commission that the parking pad and the walkway up to the handicapped ramp was proposed to be flat concrete. The walkway areas are proposed to be a colored stamped concrete.

The Commission reviewed the development plan approval guidelines outlined in Section 5.188 (2) of the City Code.

- (a) Compliance with the site related requirements of the zoning district in which the land use is located as well as all other site related requirements of this zoning ordinance which apply to the land use.

*The Planning Commission finds the Alano Club Development Plan Application does comply with the site related requirements of the CBD zoning designation and all other site related requirements of this zoning ordinance. This parcel is within the CBD and Section 5.92 (9) allows private clubs within that zone district. The plans meet all setback, area and height requirements. All other minimum standards included in Article V General Provisions have been met. The applicant has received a variance from the parking requirements outlined in Article VI, therefore the parking standards have been met.*

- (b) Compliance with requirements of the City of Charlevoix for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

*The Planning Commission finds the Alano Club Development Plan Application does comply with the requirements of the City of Charlevoix for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services. This proposal was discussed at two meetings on February 23 and March 30, 2009 with all department heads and it was the professional opinion of each department head that the proposal complied with the requirements or capacities of their*

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES

Monday, April 13, 2009 -- 6:00 p.m.

Page 3

*area of responsibility. This includes the professional opinion of the Department of Public Works that the existing water and sewer lines have the capacity to accommodate this use.*

- (c) Compliance with the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

*The Planning Commission finds the Alano Club Development Plan Application does not require approval from other State or Federal Agencies. The Alano Club must obtain building permits from the Charlevoix County Department of Building and Safety prior to starting construction. The Planning Commission finds this standard has been met.*

- (d) The creation of no unsafe condition including, but not limited to pedestrian, vehicle, and emergency access.

*The Planning Commission finds the Alano Club Development Plan Application does not create unsafe conditions for pedestrian, vehicle, and emergency access. The City of Charlevoix Police Chief and Fire Chief did not have any concerns or specific recommendations regarding pedestrian, vehicle, and emergency access. The approved variance does require vehicular ingress and egress to the required parking space to be forward, versus backing out over the sidewalk and into the street where it is more difficult to see pedestrians and other vehicles. This requirement creates a safer design for pedestrian and vehicular access. The Planning Commission finds that this standard has been met.*

- (e) Compatibility of proposed landscaping, grading, and filling with adjoining property and land uses.

*The Planning Commission finds that landscaping, grading, and filling in the Alano Club Development Plan Application is compatible with adjoining property and land uses. This parcel is a flat piece of land with minimal sloping. The approved variance from the parking requirements creates a larger area for green space and landscaping that will absorb runoff. The new addition is much smaller in area than the previous building that was torn down, therefore grading and filling will not affect adjoining property and land uses. This landscaping plan will provide much needed green space in a developed area where building footprints and parking creates a large amount of impervious surface. The Alano Club is intending on utilizing the existing curb cuts to minimize construction impacts and potential drainage problems which will not create any adverse impacts to adjoining properties and existing land uses. The Zoning Administrator waived the requirement for a storm, surface, and subsurface drainage control plan (5.188(3)(d)(11)) due to these site conditions and minor building additions. The Planning Commission finds that this standard has been met.*

e. Motion

Motion made Commissioner Felter and seconded by Commissioner Cross that the Commission approve project 09-02 DP without conditions, based on specific findings of fact that prove

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES

Monday, April 13, 2009 -- 6:00 p.m.

Page 4

the project does meet the review standards in 5.188(2). The motion was adopted by a unanimous voice vote.

2. Training session by Dean Solomon, Charlevoix County Extension Director

Dean Solomon of the Charlevoix County Extension Director gave the Commission an overview of Planning Commission roles, the planning process, available planning programs and the State Enabling Planning Act.

3. Review of DVD of Form Based Codes.

The Commission tabled the item to a future meeting.

H) OLD BUSINESS

1. Update on survey progress.
  - a. Review of Draft Community Survey for Master Plan input.

The surveys have been distributed. We have received over 300 surveys. We are receiving a variety of responses, year round residential, seasonal residential, business, and condominiums. Many of the surveys offer suggestions of what people wish to see in the City.

I) STAFF UPDATES AND CORRESPONDENCE

1. Requests for research to be completed by City Planner. None.
2. Update on Trout Stream

The project has started and is anticipated to be done on schedule. The participants will be able to fish in the stream during the Charlevoix Area Trout Tournament.

3. Update on Alice Street

The City has met with a representative of the condominium association. The City wishes to keep the public access. The City is considering issuing a license to permit the building to remain in the right-of-way for a specific period of time.

4. Clinton Street Retaining Wall.

The Planning Department had a structural engineer review the leaning wall. It was deemed unsafe. The property owner has removed the unsafe portion and the City is working with the property owner to repair the wall.

J) REQUESTS FOR NEXT MONTH'S AGENDA. None.

K) ADJOURNMENT

Motion made by Commissioner Way and seconded by Commissioner Flanders to adjourn. Motion was adopted by a unanimous voice vote. Meeting adjourned at 8:26 p.m.

Respectfully submitted by Linda Weller, Recording Secretary

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John Hess, Chairman

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Linda Weller, Recording Secretary

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Carol A. Ochs, City Clerk