

CITY OF CHARLEVOIX PLANNING COMMISSION MEETING MINUTES
Thursday, July 16, 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: Larry Boog, Dan Buday, Judy Clock, June Cross, Toni Felter, Francis (Brownie) Flanders, John Hess, Brian Vollmer and D. J. Way
Commissioners Absent: None
Staff Present: City Planner Mike Spencer

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST None.

D) APPROVAL OF AGENDA

The Commission agreed to approve the agenda as presented.

E) APPROVAL OF JUNE 8, 2009 MINUTES

The Commission reviewed the proposed minutes. Motion made by Commissioner Clock and seconded by Commissioner Vollmer to approve the June 8, 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. Project #09-04 DP Development Plan Review for New Lakeshore Tire

Planner Spencer advised the Commission that Lakeshore Tire has requested to place their development plan on hold.

Motion made Commissioner Way and supported by Commissioner Cross to postpone the decision on the Lakeshore Tire Development Plan until the applicant notifies the Planning Office to proceed with its review.

Motion was adopted by a unanimous voice vote.

2. Review of proposed zoning amendments

- a. Staff presentation
- b. Planning Commission discussion

Boat houses

City Planner Mike Spencer advised the Commission that the Zoning Board of Appeals recently reviewed a complex project on Round Lake. As a result of its review, the ZBA revoked the zoning permit as a boat house is to be exclusively for the purpose of docking and storage of boats, and the Board found that the proposed boat house did not meet that definition. The ZBA also found that there are a few things in the

zoning ordinance that need clarification. City Planner Spencer reviewed the appeal with the Commission. City Planner Spencer reviewed his July 9, 2009 memo with the Commission.

The Commission reviewed whether boat houses should be permitted in the residential zones and on the north shore of Round Lake. The Commission discussed if boat houses should be permitted over the water or if they should be dug into the land. It was agreed that boat houses are part of Charlevoix's character and should be retained. Boat houses should be built in an environmentally safe manner. The majority of the Commission is in agreement to permit boat houses on Round Lake.

City Planner Spencer stated that the Commission could amend the ordinance to allow boat houses by a special use permit. If a SUP were required, the Commission could review the plan to ensure that high environmental standards are met. The Commission could require engineering plans to ensure construction takes place in a safe manner.

The Commission generally agreed that the ordinance should be amended to require future boat houses to be approved through a special use permit.

The Commission reviewed whether bathrooms and laundry facilities should be in boat houses. Presently, the DEQ does not permit living space over the water. The Commission discussed the definition of a dwelling unit and whether a boat house should be a traditional boat house with open rafters or if a boat house would be permitted to have bathrooms and living space. Charlevoix has a history of having traditional boat houses.

The Commission asked the City Planner to draft an ordinance with various options on dwelling units and bathrooms for their review at the next meeting.

Boat Slip – Boat Docking Space

City Planner Spencer reviewed the current zoning ordinance with the Commission. The ordinance requires one parking space for each 26' feet of dock space. There is a legal question that needs to be addressed. One side states that as the boat dock is over the water, the City does not have jurisdiction and the other side is that as the dock is connected to the land, so the City does have the right to regulate dock space. Presently, the Army Corps of Engineers regulates dock lengths. Does the Commission wish to regulate docks? The Commission will consider the issue and discuss it at the next meeting.

Structure Height

The City Planner reviewed the definition of "height of building" with the Commission. Presently, the building height is measured from finished grade to the mid-point of the roof if it is a gable or hip roof. There is nothing in the Code to prevent a property's finished grade to be modified to allow the walk out basement and changing the grade around structures would allow taller buildings. The Commission reviewed "building height" definitions from other cities.

Member Clock asked if structures along the waterfront could use the water mark for its base. She does not like back filling.

The City Planner asked the Commission for their input on how to define "structure height". It is his intent to remove height regulations from the definition section of the Code and place the regulations in the building height section. The Commission was asked how it wished to calculate the height of a building.

The Commission agreed to change the Code to permit a building to a maximum height, excluding chimneys and antennas. Measuring by specific roof types, including turrets, would be removed.

Regulation of Underground Structures in the Setback Area

The City Planner reviewed an example of an underground structure with the Commission. He asked the Commission to determine if this type of structure should be allowed within the required side yard setback. The Code has setbacks to provide fire, light, water/drainage and air flows. Does the Commission wish to regulate them? Evangeline Township has recently adopted a "vertical setback".

Commissioner Cross feels that all portions of the building should have to adhere to the setback requirements, whether above or below ground. The Commission agreed you amend the Code to require all structures, whether below or above grade to adhere to setback requirements.

Regulations of Flags

The City Planner asked the Commission if it wishes to allow flags, (i.e., open, promotional flags), one flag per business no more than XXX square feet.

Commissioner Flanders feels the use of flags makes the business looks like a carnival or a used car lot.

Commissioner Felter asked if a business could have an "open" flag during the off season. The Planner advised that we cannot regulate flags only certain times of year.

The City Planner reviewed the various types of flags with the Commission; "open" flags and decorative flags. It was generally agreed that a business could have one "open" flag or other non-advertising flag and be limited to a certain size.

Commissioner Buday asked if the Commission could receive input from the DDA.

Fees, Escrows and Performance Guarantees

The City Planner asked the Commission to consider amending the Code to add language to allow the Zoning Administrator to request a performance guarantee for all zone districts, not just in Section 5.188.

The Commission agreed to the proposed amendment.

Additional reports requested by Zoning Administrator

The City Planner asked the Commission to consider amending the Code to add language to allow the Zoning Administrator to request additional reports, e.g., traffic studies, environmental studies to be provided by the applicant in residential districts to ensure that the development does not negatively impact the neighborhood.

The Commission agreed to the proposed amendment.

The City Planner will draft an ordinance for the Commission's review and comments.

3. Discussion on Upcoming Conference

The Commission discussed upcoming planning meetings.

H) OLD BUSINESS None.

I) STAFF UPDATES AND CORRESPONDENCE

1. Requests for research to be completed by City Planner. None.

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

K) ADJOURNMENT

Meeting adjourned at 7:50 p.m.

Respectfully submitted by Linda Weller, Recording Secretary

John Hess, Chairman

Linda Weller, Recording Secretary

Carol A. Ochs, City Clerk