

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, March 9, 2020 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Waddell.

B. Roll Call

Chair	RJ Waddell
Vice Chair:	Dennis Halverson
Members Present:	Sherm Chamberlain, Brian Gelb, Ben Edwards, David Gray, Jennifer Muladore, Philip Parr
Members Absent:	Toni Felter
Staff Present:	Kathy Egan, Community Development Director; Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Chamberlain, second by Member Halverson to approve the Agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. February 10, 2020 Meeting Minutes

Motion by Member Halverson, second by Member Muladore to approve the minutes of February 10, 2020 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Draft Site Plan Review Language

Zoning Administrator Scheel presented the first draft of an update to the Site Plan Review section of the Zoning Ordinance. He stated that it was intended to clean up some language, add more specifications for the Commission to review site plans and also for the developers themselves to know the expectations. The overall changes were more administrative and procedural. He clarified Site Level A & B requirements and waterfront property requirements. He stated that the draft version did not include site approvals for the Airport.

Zoning Administrator Scheel stated that the process for coordination with other departments and agencies was now included in the Site Plan process and there is a section referencing the City's stormwater ordinance. Member Chamberlain suggested adding a six-year time limit on boundary surveys that were required under the Site Plan Submittal Requirements. He also said that under Existing Conditions the requirement for "location, width and purpose of all easements" needed to be applicable to both Level A & B site plan reviews; and on "Existing water bodies" it needed to show the high water mark and the flood plain limit line; and "flood plain areas and basement and finished floor elevations of all buildings" should apply to Level A & B.

Motion by Member Chamberlain, second by Member Gelb to approve the Site Plan Review Draft as presented with changes to include those addressed by Member Chamberlain and to send the draft for legal review. Motion passed by unanimous voice vote.

H. Old Business

1. Rooftop Usage Discussion

Community Planner Neal explained each of the revisions in detail and responded to questions from the Commission members. Discussion followed regarding issues related to music or amplified sound for restaurants with outdoor seating and roof top decks. The Commission concurred to have the sentence in Section D (5) read: *"Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited."*

After discussion, Zoning Administrator Scheel stated that they would need to add language as to the use of music/sound and that would become a permitting process through the site plan approval process. He stated that he gave Hotel Earl permission to build a deck but, he did not give them a use permit for the rooftop. Member Chamberlain stated that presently the Hotel Earl had a rooftop deck that their patrons can use, but it is not an area serving any refreshments. Zoning Administrator Scheel advised that the Townhouse Bar was not replacing windows but constructing an open deck at the front of their building. Zoning Administrator Scheel stated that this would most likely constitute a change of use which would have to come before the Planning Commission for approval.

Motion by Member Halverson to amend the draft ordinance to not permit amplified music on rooftops outside the Central Business District, and a special use permit would be required for any outdoor music. Community Development Director Egan summarized the Commission's direction to: "you're allowing amplification on rooftops in the Central Business District, no amplification on rooftops anywhere else; for restaurants they are saying yes to amplified music as written and as covered by the noise ordinance." Member Halverson restated his motion to be that they will accept the edits as submitted by staff except for Section D (5) which will include language "Amplified musical

instruments are prohibited outside the Central Business District.” Member Chamberlain seconded the motion. Motion passed by unanimous voice vote. The Commission agreed that the draft ordinance needed to be sent for legal review.

3. Residential Building Size Discussion

Chair Waddell stated that last month the Commission asked for further direction on this issue from the City Council. Zoning Administrator Scheel stated he spoke to the City Manager who thought the expectations were that they did not want to see another house like the Anderson house. Zoning Administrator Scheel stated that a house the size of the Anderson house could not be built again based on the Zoning Ordinance’s definition of height. He stated that the Commission may want to consider contextual zoning which was zoning compatible with the neighborhood. Discussion followed regarding the issues related to mega homes, conditional rezoning, potential financial issues related to large homes, and possibly limiting house size to no more than 16,000 sq. ft. Chair Waddell stated that their recommendation would be that the avenues do not seem clear for implementing a square footage limit beyond the present rules in place. Zoning Administrator Scheel asked that he and Director Egan be allowed to work on language for a memo to the Council that the Commission could consider at its next meeting.

I. Staff Updates

Member Halverson asked about the status of the Miller zoning violation. Zoning Administrator Scheel stated that the property owner did not meet any of the City Council deadlines. He noted that Mr. Miller said that he was having 104 W. Upright torn down and he was working on the roof on 102 W. Upright which was supposed to have been done by 12/31/19. He gave a brief review of the status of other zoning violations.

J. Request for Next Month’s Agenda or Research Items

K. Adjournment by 8:00 PM Unless Extended by Motion

Motion by Member Halverson, second by Member Edwards to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:35 p.m.

Joyce M. Golding/fgm

City Clerk

R.J. Waddell

Chair