

COUNCIL PROCEEDINGS

Regular Meeting

October 13, 2014

CALL TO ORDER: By Mayor Burch on Monday, October 13, 2014 at 7:00 p.m.

PRESENT: Councilmembers Conway, Dyer, Ridge, Cuttle, Baker, Mayor Pro-Tem Sanders, Mayor Burch, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Mayor Burch followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 22, 2014: Councilmember Conway moved, supported by Baker to approve the minutes of September 22, 2014 as presented. Carried. 7 Yeas. 0 Nays.

APPROVAL OF MINUTES FOR ZONING BOARD OF APPEALS MEETING OF SEPTEMBER 22, 2014: Councilmember Mayor Pro-Tem Sanders moved, supported by Dyer to approve the minutes of September 22, 2014 as presented. Carried. 7 Yeas. 0 Nays.

ABSENT: None.

PUBLIC COMMENT: Chris Bahmer, 619 S. Bostwick, on behalf of Planning Commission, gave an overview of the changes that the subcommittee made to the proposed Mixed Use/Overlay Zoning Amendment that is being presented to the council for adoption.

Zach Story, 105 ½ S. Cochran, Ste. B, stated that he was concerned with the State Street cost estimates provided by DPW Director Gilson. He stated that O'Reilly's is a corporate eyesore. He would like to see the Eaton Theatre sign lit up, as it is a landmark of the community.

CHARLOTTE HIGH SCHOOL LIAISON: No Report.

APPROVAL OF AGENDA: Councilmember Sanders moved, supported by Dyer to approve the agenda as presented. Carried. 7 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- a) Approve casting vote to elect Michigan Municipal League Liability & Property Pool Directors 2015 Slate of Candidates
- b) Approve purchase of Trickling Filter Mast for WWTP in the amount of \$16,184.00
- c) Approve Claims and Accounts in the Amount of \$518,082.50

APPROVAL OF CONSENT AGENDA BY ROLL CALL VOTE: Moved by Councilmember Dyer, supported by Ridge to approve the consent agenda as presented. Carried. 7 Yeas. 0 Nays.

ITEMS OF BUSINESS:

- A. **CONSIDER SECOND READING AND ADOPTION OF MIXED USE/OVERLAY ZONING TEXT AMENDMENT:**

Mayor Burch thanked the Planning Commission for their consideration and hard work in putting together the language to be used for this ordinance.

Councilmember Cuttle stated that the subcommittee formed by the Planning Commission met to work out the details of the language. He stated that there are already interested patrons to utilize this zoning.

Discussion was held among councilmembers in favor of the Mixed Use/Overlay zoning. The ordinance was approved as follows:

THE CITY OF CHARLOTTE ORDAINS Article XXIV - MX-1, Mixed Use, Overlay District - and Sections 82-510 through 82-516 are hereby added to Chapter 82 – Zoning, of the Code of the City of Charlotte, to read as follows:

1. Article XXIV shall be, and is hereby added, to read as follows:

**ARTICLE XXIV. NEIGHBORHOOD COMMERCIAL
MX-1
MIXED USE OVERLAY DISTRICT**

§ 82-510 MIXED-USE OVERLAY DISTRICT.

The overlay district, designated MX-1 Mixed Use Overlay District, is hereby established.

§ 82-511 PURPOSE AND OBJECTIVES.

The purpose of the MX-1 Mixed-Use Overlay District is to:

(A) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space, while allowing that single uses in these buildings are permissible due to market conditions; and

(B) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

(C) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and

(D) Encourage the reuse and redevelopment of older and historic structures, recognizing that amendments to this ordinance may be necessary from time to time to accommodate this purpose; and

§ 82-512 DEFINITIONS.

As used in this ordinance, the following words and terms shall have the meanings specified herein:

“**Floor Area Ratio**” means the ratio of a building’s gross floor area to the area of the lot on which the building is located.

“**Gross Floor Area**” Is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the

use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

“**Mixed-Use Building**” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

§ 82-513 APPLICATION TO NON RESIDENTIAL DISTRICTS.

The MX-1 Mixed Use Overlay District is a zoning classification which permits owners of property within any zone other than residential zones to petition City Council to establish an overlay district, and the district use regulations as set forth herein, on their property within said nonresidential zones. Upon the filing of such petition, the petition shall be treated as a request for a zoning change and shall proceed under the Zoning Code in the same manner as a zoning classification change.

§ 82-514 USES.

(A) Uses Within the MX-1 Mixed Use Overlay District.

Uses shall be permitted in accordance with the use table set forth herein. Where indicated under column “P”, the use shall be permitted as of right. Where the use is indicated under column “C”, the use shall be conditioned upon approval of the Planning Commission, which conditions and procedures are set forth hereinafter. The use table is as follows:

MIXED-USE OVERLAY DISTRICT MX-1
USE TABLE

USE GROUP	P	C
Use Category		
• Specific Use Type		
RESIDENTIAL		
Household Living		
• Artist Live/Work Space located above the ground floor	•	
• Artist Live/Work Space, ground floor		•
• Dwelling Units located above the ground floor	•	
• Detached House		•
• Multiunit (3+ unites Residential		•
• Single-Room Occupancy		•
• Townhouse		•
• Two-Flat		•
Group Living		
• Assisted Living/Adult Foster Care/Home for the Aged		•
• Group Home		•
• Nursing Home		•
• Temporary Overnight Shelter		•
• Transitional Residences		•
• Transitional Shelters		•
PUBLIC AND CIVIC		
• Colleges and Universities	•	
• Cultural Exhibits and Libraries	•	
• Day Care	•	
• Hospital		•

• Lodge or Private Club		•
• Public Recreation	•	
• Postal Service	•	
• Public Safety Services	•	
• Religious Assembly	•	
• School		•
• Utilities and Service, Minor	•	
• Utilities and Services, Major		•

COMMERCIAL		
• Adult Use		•
• Animal Services		
○ Sales and Grooming	•	
○ Veterinary	•	
• Drive-Through Facility		•
• Eating and Drinking Establishments		
○ Restaurant	•	
○ Tavern		•
• Entertainment and Spectator Sports		
○ Small (1-149 seats)	•	
• Financial Services	•	
• Food and Beverage Retail Sales	•	
• Gas Stations		•
• Lodging		
○ Small (1-16 guest rooms)	•	
• Medical Service	•	
• Office	•	
• Parking, Commercial (Non-accessory)		•
• Personal Service, including health clubs and gyms	•	

• Repair Service, Consumer, including bicycles	•	
• Retail Sales, General	•	
INDUSTRIAL		
Manufacturing, Production and Industrial Services		
• Artisan (hand tools only; e.g. jewelry or ceramics)		•
OTHER		
Wireless Communications Facilities		
• Co-located	•	
• Freestanding		•

P = permitted by right

C = conditional use

(B) **Parameters and Procedures for Conditional Uses.**

Where the use is determined to be a conditional use, the applicant must seek a permit for such use by the Planning Commission subject to the conditions imposed in this article and subject further to such other conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and abutting properties and subject further to Planning Commission review, including a public hearing, in accordance with § 82-34. Such permit request for conditional use should be filed at the same time as the petition under §82-513.

§ 82-515 REQUIRED CONDITIONS.

All permitted or conditional uses are subject to the following required conditions:

(A) **Indoor/Outdoor Operations.** All permitted uses in the MX-1 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

(B) **Off-Street Parking.**

(1) Off-street parking requirements for residential uses shall be the same as the underlying, non-mixed-use zoning.

(2) No off-street parking is required for non-residential uses in MX-1 districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

(3) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

(C) **Transparency.**

(1) A minimum of 60 percent of the street-facing building facade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space of product display areas.

(2) The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than 4 feet

above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

(D) **Doors and Entrances.**

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(E) **Vehicle and Driveway Access.** No curb cuts are allowed for lots that abut alleys.

§ 82-516 AREA AND BULK REQUIREMENTS.

(A) **Commercial Establishment Size Limits.** The gross floor area of commercial establishments in the MX-1 district shall not exceed 15,000 square feet.

(B) **Floor-to-Floor Heights and Floor Area of Ground-Floor Space.**

(1) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

(b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

(C) **Lot Area Per Unit (Density).** The minimum lot area per dwelling unit shall be 750 square feet for mixed-use buildings and 1,000 square feet for all other buildings.

(D) **Floor Area Ratio.** The maximum FAR shall be 4.0.

(E) **Setbacks.**

(1) The entire building facade must abut front and street side property lines or be located within 10 feet of such property lines.

(2) There is no minimum rear setback except when MX-1 zoned property abuts R-zoned property, in which case the minimum rear setback required in the MX-1 zone shall be the same as required for a residential use on the abutting R-zoned lot.

(3) No interior side setbacks are required in

the MX-1 district, except when the MX-1-zoned property abuts R-zoned property, in which case the minimum side setback required in the MX-1 district shall be the same as required for a residential use on the abutting R-zoned lot.

(F) **Building Height.** The maximum building height shall be 50 feet.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Moved by Mayor Pro-Tem Sanders, supported by Conway to adopt the Mixed/Use Overlay Zoning Text Amendment as recommended by the Planning Commission and to delete Zoned B-1 at the end of the ordinance title. Carried. 7 Yeas. 0 Nays.

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that he is working on finalizing a plan for Council consideration related to enforcement of the sidewalk snow removal ordinance.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Cuttle reported that the Planning Commission approved a conditional use permit for Family Farm & Home store to be located between Dunhams and Peebles. They also approved a Class A Non-Conforming use for 201 S. Lincoln for an addition to the building. They work on large vehicles.
- Councilmember Dyer reported that there will be a Sustainability Meeting on Thursday evening and a speaker will be there from MDEQ.

- Councilmember Ridge stated that the Recreation Co-op is still working on the softball field project.

PUBLIC COMMENT: Zach Story, 105 ½ S. Cochran, Ste. B, stated that council needs to take the lead and become state wide leaders. He stated that he would like to see cohesive lasting neighborhood watch programs.

Ben Phlegar, 425 Horatio, stated that Mr. Story should contact city officials to try to get answers before coming to the board meetings.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Baker expressed that not all questions can be answered at meetings and encouraged Mr. Story to call ahead when possible.
- Councilmember Conway stated the roads are a problem. He would like everyone to consider voting for the County Road millage in November. He encouraged citizens to look at the Paser ratings on the conditions of the roads.
- Councilmember Cuttle stated that O'Reilly's had some contingencies on betterment of the plaza when they were approved for that site. He stated that he had submitted a letter of resignation to the City Council and that this would be his last meeting. He has enjoyed his time on the council and wished them the best.
- Councilmember Ridge stated that the environmental program being held at Camp Frances has been well received. There has been one in September, October and there will be one more in November. It will repeat in the spring. She has enjoyed the Creative Café being held at

ALIVE. She will be attending the MML Conference in Marquette later in the week.

- Mayor Pro-Tem Sanders stated that O'Reilly's would have difficulty moving into a vacant building as they have one style building that is built by their franchise.
- Mayor Burch thanked Councilmember Cuttle for his service and stated that he will be truly missed. She thanked Chris Bahmer for his work and dedication to the Planning Commission. She stated that with the vacancy of Councilmember Cuttle, District 2, anyone interested will need to fill out a Boards & Commission application and turn it in by November 7, 2014 at noon. All eligible candidates will be placed on the November 10th City Council meeting to speak. A decision will be made at that meeting to appoint someone to Councilmember Cuttle's position until the next election. Mayor Burch encouraged everyone to get out and enjoy Bennett Park this time of year. She reminded everyone of the Downtown Trick or Treating and parade on October 27th.

Councilmember Conway moved to adjourn at 7:45 P.M.

Mayor Burch

Ginger Terpstra, City Clerk