

CITY OF THE VILLAGE OF CLARKSTON

Artemus M. Pappas Village Hall
375 DEPOT ROAD
CLARKSTON, MI 48346

PLANNING COMMISSION

AGENDA

March 7, 2011

7:00 p.m.

TO BE HELD AT

INDEPENDENCE TOWNSHIP'S MAIN FIRE STATION
6500 Citation Drive

1. Meeting Called to Order
2. Roll: Present:
3. **PUBLIC HEARING -- Amendment to Zoning Ordinance 129, ARTICLE IX, HL—HISTORIC LIMITED USE OVERLAY DISTRICT to the Zoning Code**
4. Approval of minutes--- January 20, 2011 and February 9, 2011
6. Approval of Agenda
5. PUBLIC COMMENT

OLD BUSINESS:

1. Discuss voting rights of City Council member appointed to Commission.
2. Discuss third draft of amendment to Zoning Ordinance 129 provided by City Planner, Dick Carlisle, proposing the establishment of a Special Land Use regarding 90 N. Main.

NEW BUSINESS:

1. Joint meeting with Planning Commission and City Council, Thursday, March 10, 2011, 7:00pm at the Artemus M. Pappas Village Hall, 375 Depot.

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City of the Village of Clarkston
Artemus M. Pappas Village Hall
375 Depot Road
Clarkston, MI 48346

Planning Commission
Minutes
January 20, 2011

1. Meeting was called to order by acting Chair, Robert Bondy
2. Roll Call: Present: Robert Bondy, Robert Hahn, Mike McGraw, Thomas Goldner,
Eric Haven and Steve Hargis;
Absent: Anne Clifton
3. Elections: The Chairperson, Robert Bondy, Vice-Chairperson, Thomas Goldner, and Secretary, Eric Haven were unanimously elected.
4. Minutes of the July 7, 2010 and November 1, 2010 meetings will be presented at the next Planning Commission meeting for action.
5. Meeting Agenda was approved
6. Public comments were received

Peg Roth: announced Village merchants' open house and stroll on Saturday 1/22/11.
Mike Sabol: Noted this rescheduled PC meeting was not posted on web site.
Councilman Steve Hargis mentioned he had posted it personally

7. Old Business: Extending moratorium pertaining

Mr. Ritter handed out copies of the second, six month extension of the Marijuana Moratorium, primarily to advise the Commission it will be on the Village Council's agenda for action on January 24, 2011 and returned to the Commission for further study and recommendation.

8. New Business:

City Planner, Dick Carlisle of Carlisle/Wortman Associates, Inc., Village Planning Consultant, presented his draft of a Zoning Ordinance amendment, potentially to be added as Article IX (paragraph) heretofore reserved in the zoning ordinance for such amendments entitled: "HL – Historic Limited Use overlay District." This proposal is to suggest a designation for use of the unique buildings and property at 90 N. Main, a residential, R1, district.

Mr. Carlisle suggested that “conditional rezoning” which his draft proposed, was not the only way to address the situation. He stated that existing “special use” (Section 7.02) provisions might also be considered. His proposal for a type of “planned unit development” (PUD) would give the Village more options for specifying the final solution, in his expert opinion.

Discussion followed providing Mr. Carlisle with substantial information which he will use to redraft and resubmit the amendment proposal at the next regular meeting on February 7, 2011. Input from the Commission and the public in attendance indicated the proposal needs to, (1) protect residents in the surrounding R1 district from negative aspects of commercial intrusion and (2) be defined clearly and exclusive enough to prevent broad use. In that light, the commission requested identification and disclosure be made, separately, of any other properties in the Village that could possibly fall, under this provision as rewritten.

After a draft is provisionally approved, there will be a public hearing held prior to adoption.

Respectfully Submitted,

Eric Haven, Secretary

**City of the Village of Clarkston
Artemus M. Pappas Village Hall**

**Planning Commission Meeting
Minutes
February 9, 2011**

Meeting called to order @ 7:04pm by Chairman Bondy

Roll Call: Present: Bondy, Hahn, McGraw, Goldner and Hargis;
Absent: Clifton, Haven

Minutes: No minutes presented.

Agenda: Agenda for tonight's meeting was approved.

The meeting was opened up for Public Comments. No Public Comments made.

New Business:

1. Discussion opened on the second draft of amendment to Zoning Ordinance #129 provided by City Planning consultant, Dick Carlisle, proposing to establish a Special Land Use with regards to 90 N. Main.
2. Mr. Carlisle began the discussion by describing the significant changes to the proposed draft including:
 - i. The Limited Use Overlay will now be a special land use in the R-1 District and not constitute a rezoning.
 - ii. Several definitions have been added to clarify terms such as "art", "artist." and "gallery."
 - iii. Section 25.11, Intent, has been expanded to include additional performance-related language.
 - iv. Section 25.11.B – Applicability restricts the application of the Limited Use Overlay to the R-1 District.
 - v. Section 25.11.C – Standards for Approval has been expanded, incorporating comments both submitted prior to and discussed at our last meeting.
 - vi. Section 25.11.D – Principal Uses have been reorganized somewhat.
 - vii. Section 25.11.E – Design Standards includes a limitation on the size of gallery space.
2. Discussion was opened to Public Comments:
 1. The main points made were:
 - i. It was emphasized that in considering any petition for approval to establish a Limited Overlay, the Planning Commission and City Council shall consider the criteria set forth in Section 25.02 of this ordinance and the following: 2. "The existing layout or configuration

of the historic building is not suited to uses otherwise permitted in the R-1 District.”

- ii. Concerns were raised about the Dwellings within Mixed-Use Buildings. Several residents were concerned there could be many non-related people living at the location and would add many boats to the lake. Felt the location should only be R1 or commercial only.
 - iii. Others expressed the location has not been offered for sale as a single residence and until the current owners try, no other motions should be considered.
 - iv. A suggestion was made to not limit the section on “Galleries displaying art and photography solely produced on the premises” and open up to being able to represent other art as well.
3. Mr. Carlisle expressed he would take all the above into consideration and make several changes 15 days before the Public Hearing date of March 7th.
 4. It was asked that the Public Hearing be widely published to encourage as many people to attend as possible.
 5. Chairman Bondy clarified that it was the Planning Commission’s job to review the proposal, hold a public hearing, then recommend or decline amendment and pass the proposal on to City Council for consideration. No binding decisions are made by the planning commission.
 6. 8:33 a motion was made to Adjourn.

Respectfully Submitted

Robert Hahn

Bob Hahn
March 7, 2011

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

CITY OF THE VILLAGE OF CLARKSTON

[Amend Article II, Definitions, to add the following new definitions]

Art or Artistic Work: Works of beauty or other special aesthetic significance produced by means of the exercise of human creative skill, including:

1. Written works, such as books, poetry, journalism, plays, or screenplays;
2. Multi-media images generated through the use of computers, software, and applications to combine text, high-quality sound, graphic, and animation or video;
3. Images, forms, or sounds generated for aesthetic reasons rather than solely for commercial or functional use, including drawings, paintings, printmaking, or sculpture, using materials such as paper, plaster, stone, glass, clay, wood, metal, or textile.
4. The application of aesthetic designs to everyday functional objects, including works in photography, industrial design, graphic design, fashion design, or interior design;
5. Performance art in traditional varieties such as theatre, music, and dance.
6. New media and contemporary forms of expression such as assemblage, collage, conceptual, as well as photography and film-based images.

Artist or Artisan: A person regularly engaged in the creation of art.

Artisan Workshop and/or Gallery: A workshop for the production of art or for art instruction and/or a gallery for the performance, display, and/or sale of art.

[Amend Article V, R-1 and R-2, One-Family Residential Districts, Section 5.02, Special Land Uses, to add the following]

- I. Limited Use Overlay, subject to the standards set forth in Section 25.11.

[Renumber Section 5.02 I. and J. to Section 5.02 J. and K.]

[Amend Article XXV, Special Land Use, to include the following]

SECTION 25.11 LIMITED USE OVERLAY

- A. **Intent.** The City of the Village of Clarkston has declared that historic preservation serves a legitimate public purpose and has enacted the Clarkston Historic District Ordinance No. 118. The City also recognizes that certain historic structures located within the R-1 One-Family Residential District may not be able to be reasonably used in accordance with restrictions of the zoning district. Therefore, the Limited Use Overlay is designed and intended to maintain the historic integrity of certain structures while permitting uses which are compatible with a historic residential environment.

It is further the intent to limit permissible uses to those which:

1. Operate during normal business hours.
2. Produce a low volume of pedestrian and vehicle traffic.
3. Are compatible with and avoid creating a nuisance to neighboring historic residential properties.
4. Are compatible with the historic residential structures in which they are located, and maintain the historic significance of the property as a whole.

B. **Applicability.**

1. A petitioner may apply for designation as a Limited Use Overlay as a special land use solely in the R-1, One-Family Residential District in accordance with the procedure, requirements, and standards set forth in Article XXV, Special Land Uses, including Section 25.00 through Section 25.09.
2. The subject property must be located within the City's designated historic district and the use is restricted to the existing building or buildings.
3. In addition to the information required in Section 25.01, the applicant shall also submit the following:
 - a. A statement which indicates how the standards set forth in Section 25.11 are met.
 - b. A specification of uses which conform to the uses identified in Section 25.11.D. A petitioner may voluntarily offer a restriction on use that is more limited than the uses identified in Section 25.11.D.

4. The standards and requirements of this Article are in addition to and supplemental of all other regulations under the City's Zoning Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this Article.

C. **Standards for Approval.** In considering any petition for approval to establish a Limited Use Overlay, the Planning Commission and City Council shall consider the criteria set forth in Section 25.02 of this Ordinance and the following:

1. The building being considered for Limited Use Overlay approval contributes to the unique historic character of the community.
2. The existing layout or configuration of the historic building is not suited to the uses otherwise permitted in the R-1 District.
3. The building occupies a site which contributes to the unique historic character of the community.
4. The petitioner has made reasonable efforts to use the property as a permitted or special use in the R-1 District.
5. Granting approval of the Limited Use Overlay will contribute to the preservation of the historic building(s) and site.
6. Granting approval of Limited Use Overlay will be compatible with the historic residential environment, and will not alter the essential residential character of the area.

D. **Principal Uses Permitted.** If approved as a Limited Use Overlay, no historic building or buildings shall be used except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

1. All principal uses permitted in the underlying zoning district in which the building is located.
2. Photography studios.
3. Artistic and cultural uses which include:
 - a. Art galleries, including art sales.
 - b. Art, music, and dance studios.
 - c. Teaching of visual and performing arts.
 - d. Performing art facilities and theaters.

- e. Museums, art libraries, and other similar cultural facilities.
 - f. Artist live/work space.
4. Galleries displaying art and photography.
 5. Studios for yoga, fitness, or exercise.
 6. Interior design studios.
 7. Offices for executive, administrative, or professional use, excluding medical offices.
 8. Dwelling units within mixed-use buildings, subject to the standards set forth in Section 25.11.E.3.

E. **Design Standards.** Except as otherwise noted, buildings and uses within the Limited Use Overlay shall comply with the following development standards:

1. **Compliance with Historic District Ordinance.** Rehabilitation of existing buildings located within the Historic District shall comply with the Clarkston Local Historic District Ordinance, the State Historic Preservation Office standards, and the U.S. Department of Interior's Standards for Rehabilitation, as amended.
2. **Gallery Requirement** - The gross floor area of a gallery shall not exceed fifty (50) percent of the gross floor area of any individual tenant space.
3. **Dwellings within Mixed-Use Buildings.**
 - a. Where a residential use is proposed to occupy the same floor as a permitted non-residential use, the Planning Commission shall review the compatibility of the proposed uses.
 - b. Each dwelling unit shall have a minimum floor area of not less than six hundred (600) square feet.
4. **Parking.**
 - a. Off-street parking shall be located only behind the front face of the building, and shall meet the standards set forth in Article XX.
 - b. Where off-street parking abuts neighboring property which is zoned or used as residential, landscaping shall be required in accordance with Section 20.02.B.

5. **Lighting.** In addition to the standards set forth in Section 17.06, exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited, except where historical-style lighting is used that is compatible with existing historic-style lamps approved by the Planning Commission.
6. **Signs.** Signage shall be limited to one (1) freestanding sign, subject to the applicable provisions of Article XXII, Signs, and the following conditions:
 - a. The sign shall be set back a minimum of fifteen (15) feet from the existing right-of-way.
 - b. The area of the signboard shall not exceed twelve (12) square feet.
 - c. The height of the sign shall not exceed four (4) feet.
 - d. The height of the lettering, numbers, or graphics shall not exceed four (4) inches.
 - e. The signboard shall be constructed of wood, with wood or cast iron brackets, and shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
7. **Landscaping.** Landscaping requirements set forth in Article XXI, Landscaping, shall be met.