

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, July 8, 2013 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

I. Call to Order/Pledge of Allegiance

The meeting was called to order at 7:00 p.m. by Chair John Hess.

II. Roll Call

Chair: John Hess

Members Present: Adam Whitley, RJ Waddell, Toni Felter, Judy Clock, John Elzinga, Sherm Chamberlain

Members Absent: Dan Buday, Becky Doan

City Planner: Michael Spencer

III. Inquiry Into Potential Conflicts of Interest

None.

IV. Approval of Agenda

No changes were requested by the Commission.

V. Approval of Minutes

Motion by Member Felter, second by Member Whitley, to approve the May 13, 2013 minutes as presented.

Motion passed by unanimous voice vote.

VI. Call for Public Comment Not Related to Agenda Items

Chair Hess opened the meeting to public comment at 7:03 p.m. There were no public comments; however, one member of the audience asked that Public Comment be called for again at the end of the meeting. Chair Hess agreed. The meeting was closed to public comment at 7:03 p.m.

VII. New Business

A. Review of Proposed Resolution for Public Infrastructure Projects

(1) Staff Updates

Planner Spencer reviewed the proposed resolution for infrastructure projects and answered questions from the Commission. The proposed resolution adopts the "City of Charlevoix Review Process and Standards for Public Infrastructure Projects", which is attached to and is part of the resolution. The Process and Standards for Public Infrastructure Projects includes sections for definitions and exemptions. Planner Spencer apologized for the late delivery of the draft resolution and suggested that the Commission review the draft, take public comment, make any changes deemed appropriate, and then review it again at the next meeting.

(2) Question/Discussion from Planning Commission.

Chair Hess polled the members for initial reactions/suggestions to the draft resolution. Members made a couple of suggestions and comments.

(3) Call for Public Comment

Ms. Mary Eveleigh asked that the resolution be made available to the public for review. The document will be placed on the City's website and the City Planner will contact the newspaper to see if they would like to do an article. Ms. Eveleigh also suggested that the definition of "structure" be more closely related to the definition in *Black's Law* dictionary.

VIII. Old Business

A. Update on Adoption of Zoning Ordinance

(1) Update on Adoption of Zoning Ordinance

Planner Spencer provided a staff update on Council's progress, which includes having a Work Session to review changes on July 11 and having a public hearing on August 5, 2013. Planner Spencer also reviewed some additional changes recommended by legal counsel, none of which changed the substance of the ordinance.

(2) Call for Public Comment

Gene Saenger asked if there is anything in the draft ordinance to protect view corridors. There is not. Mr. Saenger stated that the City attorney has, in previous years, indicated that protection of view corridors is not legally allowable under the Zoning Enabling Act. Mr. Saenger disagrees with the attorney's assessment and stated that

many communities in Michigan have ordinances that protect view corridors. Mr. Saenger would like the Commission to address view corridors in the new zoning ordinance.

Mr. Saenger received confirmation that the size of homes in the R1 district is limited solely by setbacks, height limitations, and lot coverage ratios. Mr. Saenger believes that additional limitations should be in place to prevent extremely large homes on combined lots.

Chair Hess suggested that the zoning ordinance may not be the best location for protection of view corridors. Additionally, Mr. Hess reminded the audience that property rights apply both to those that want a view and those that want to build something that may block the view.

Planner Spencer addressed Mr. Saenger's comments, and specifically addressed some of the issues and problems with view corridor protection.

Councilmember Porter advised the Commission that City Council had decided to increase the maximum height requirement in R4 to 35'. Additionally, Councilmember Porter suggested that "mega lots" have increased setbacks.

Ms. Eveleigh asked the Commission to consider that protection of fresh air and light is similar to view corridor protection; however, protection of fresh air and light is a right under the Zoning Enabling Act. Ms. Eveleigh asked the Planning Commission to reconsider defining fencing to include vegetation, not just man-made materials.

Ms. Kristin Jones stated that she appreciates all the work done by the Planning Commission to update the zoning ordinance.

IX. Staff Updates

Planner Spencer noted that the Planning Commission would be reviewing the concept of a conservation easement at Mt. McSauba at a meeting in the future.

X. Adjournment

Motion by Member Chamberlain, second by Member Elzinga, to adjourn.

Motion passed by unanimous voice vote.

Meeting adjourned at 8:19 p.m.

Stephanie C. Brown

Deputy City Clerk

John Hess

Chair