

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, April 10, 2017 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Judy Clock, Mary Eveleigh, Toni Felter, Dennis Halverson, Rick Golding, RJ Waddell
Members Absent: John Elzinga, Nelson Fletcher
City Staff: Sarah Lucas, Staff Planner Networks Northwest; Interim City Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

Chair Chamberlain recused himself from the donation discussion as he did the work on the survey for the subject property.

D. Approval of Agenda

Motion by Member Waddell, second by Member Felter, to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the March 13, 2017 Minutes

Motion by Member Waddell, second by Member Golding, to approve the March 13, 2017 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

None.

G. New Business

1. Consideration of Veterans Memorial Flame Donation from Mike Bartz

a. Staff Presentation

Interim Planner Panoff stated that Mike Bartz submitted a proposal to donate an eternal flame light for the Veterans Memorial. He stated that the Electric Superintendent did not have any issues with the light and he agreed with the \$11.80 annual charge for electricity to run the light.

b. Applicant Presentation

Mr. Bartz introduced Joe Siddell, VFW Post 226 Commander, and stated that a light on the Memorial would be a great benefit. He noted that the veterans would monitor the light.

c. Call for Public Comment

None.

d. Planning Commission Discussion

Member Golding agreed as a 20-year Navy veteran that the light was needed and he recommended approval.

e. Motion

Motion by Member Golding, second by Member Clock, to approve the installation of the eternal flame light on the Veterans Memorial. Motion passed by unanimous roll call vote.

2. Public Hearing: Proposed Zoning Ordinance Amendments for Single Room Rentals in Owner Occupied Structures

a. Staff Presentation

Interim Planner Panoff stated that the City Attorney reviewed the language and there were a few small adjustments, but the intent was the same as previously discussed.

b. Applicant Presentation

None.

c. Call for Public Comment

None.

- d. Planning Commission Discussion
Member Clock questioned if window signage was allowed, and Interim Planner Panoff responded that window signage would be considered as exterior signage and was not allowed.
- e. Motion
Motion by Member Clock, second by Member Felter, to accept the proposed Zoning amendments regarding single room rentals in owner occupied structures as outlined on pages 8–10 of the agenda packet. Motion passed by unanimous roll call vote.

H. Old Business

1. Consideration of Donation from Charlevoix Conservation Easement Committee

a. Staff Presentation

Chair Chamberlain stepped down from the dais. Interim Planner Panoff stated that the proposed fence location along Park Avenue was revised since the previous meeting and included 397' of fencing with a 5' opening every 100' and a 72' designated parking area (10 parking spaces). He reported that City Council approved a Forestry Management Plan for Lake Michigan Beach Park and Mt. McSauba at a March Council meeting. He stated that Mr. Campbell would like the Commission to consider the donation while considering the Forestry Management Plan.

b. Applicant Presentation

John Campbell, 309 E. Dixon, discussed the Forestry Management Plan and he stated that he reviewed the Plan with Chief Doan. Mr. Campbell's idea was to protect the Park and he referenced photographs of the area. Member Waddell questioned if they discussed changing that area to no parking, and Mr. Campbell replied that City Council makes the decision of where parking should be located.

Member Golding recalled the question from the last meeting regarding restricting parking. Member Waddell felt that the issue was out of order since whether they approve this fence or not, it is eliminating parking which is not part of their job as Planning Commissioners. Mr. Campbell reiterated that the Plan was approved by City Council which states that parking shall be designated and controlled. Member Waddell read "that there should be more public parking lots" on page 23 of the Plan. Mr. Campbell felt that the Plan was applicable to Lake Michigan Beach Park and Mt. McSauba and the Plan was designating parking, "and right now there is none, no designated parking" off of Park Avenue.

c. Call for Public Comment

None.

d. Planning Commission Discussion

Member Waddell recalled that DPW Superintendent Elliott stated that if the City widens the road, the fence will need to be removed. Mr. Campbell stated that was not true and he stated that they also saw the note from DPW Superintendent Elliott "that 6' off the pavement would be fine".

Member Felter questioned why this matter came to the Planning Commission if it was indeed out of order as Member Waddell indicated. Member Clock stated that it was a gift, but the question was whether the Planning Commission had the right to declare this a no parking area. Member Waddell stated that the Department of Public Works and Public Safety determine parking areas, not the Planning Commission. Mr. Campbell stated that the Commission was there to accept the donation and not make a decision on parking.

Discussion followed regarding the Planning Commission's role in making recommendations to accept donations, parking/no parking designations, impact of removing parking from that area, the proposed fence location, the steps in disrepair leading down to the beach, the Management Plan for the Park, and protecting the Park.

Member Halverson questioned accepting a donation with the knowledge that it would have to be removed and replaced if roadwork were to occur on Park Avenue. He questioned if it was the intention of City Council to eliminate or provide parking in this area.

Member Eveleigh felt they could accept the gift with stipulations. Member Clock recalled that the Commission requested at the last meeting that they receive letters from DPW Superintendent Elliott and Chief Doan stating that it would be okay to declare that a no parking area, but they had not received such letters.

e. Motion

Motion by Member Eveleigh to accept the gift and she explained her reasons for supporting the donation. After discussion, motion seconded by Member Felter. Member Waddell stated that he was still concerned that it was a gift with a \$3,500 price tag and if they were eliminating parking then the City would incur the additional cost of 'no parking' signs. Member Halverson questioned the impact of removing parking areas along Park Avenue with the installation of the fence and how that would affect parking during the busy summer season. Member Golding noted that it was unlimited parking along there now and if they recommend to City Council to accept the donation then they would be excluding parking from the section along the fence. Member Eveleigh felt that there were issues with protecting the Park.

Members Eveleigh and Felter withdrew the motion and second.

Member Felter suggested accepting the gift provided that the DPW Superintendent and Police Chief are willing to make this a no parking area. Member Waddell recalled that was what they did last month when they voted out of order unless the two individuals agreed that this was a no parking zone. Member Felter stated that the question was if the Planning Commission would accept the gift. It was clarified that the fence was being donated, but the City's cost to install it was \$3,500.

Staff Planner Lucas suggested two options: 1) the Commission accepts the gift contingent on City Council's consensus on related parking issues or 2) defer any action by stating that the Planning Commission chose not to act on the donation because of questions surrounding parking restrictions. Member Felter suggested that they send information to Council and that they pass on the decision.

Motion by Member Waddell to pass on voting on this gift because there are lingering questions and too many issues that didn't get answered from the questions that were asked last month. Member Golding amended the motion to have Staff include a summary of those related issues to be presented to City Council. Member Halverson seconded the motion. Motion passed by unanimous roll call vote.

2. Zoning Code Review

a. Staff Presentation

Chair Chamberlain rejoined the meeting. Staff Planner Lucas stated at the last couple of meetings the Commission reviewed recommended changes to the Zoning Code that could be submitted for approval and be on the books by September. She introduced Elise Crafts, Networks Northwest. Ms. Crafts reviewed each of the recommended changes in detail and responded to questions from the Commission. She indicated that she based many of these minor changes on Alpena and Rogers City's Zoning ordinances. Discussion followed regarding Section 5.71, Setback Requirements, and the Commission agreed that a house located on a corner lot would have two side setbacks, two front setbacks, and no rear setback. Staff Planner Lucas stated that next month they would review the Sign Ordinance, and the revised draft of revisions to the Zoning Code.

b. Planning Commission Discussion

None.

3. Update on Short Term Rental Subcommittee

a. Staff Presentation

Member Waddell contacted Chief Doan who reiterated that there were only certain short-term rental homes that had issues. Member Waddell spoke to Mayor Kurtz regarding a joint meeting with City Council because they were informed that some Councilmembers were planning their own short-term ordinance if the Subcommittee did not create one. He stated that Mayor Kurtz was agreeable to putting them on the agenda, but Mayor Kurtz said Council hadn't talked about short-term rentals at all and he wasn't certain "where this was coming from". Mayor Kurtz said that he liked what the Subcommittee was doing and he would like to see them go through the process.

Member Waddell stated that the Subcommittee met that morning and decided to prepare a registration ordinance for rental property owners with Council establishing fees and/or penalties related to the registration process. He stated that they were also developing a Good Visitor Guide and he felt that the ordinance would not be in place until 2018.

b. Planning Commission Discussion

Member Waddell stated that as a point of order he was now a Co-Chair and asked that Member Golding serve as Co-Chair as well. With former Member Roth's decision to not request reappointment on the Commission, Chair Chamberlain stated that he wanted to ask Member Halverson to sit on the Subcommittee because of his background as a former Police Chief and his career in real estate. Member Waddell stated that their next meeting would be at 2:00 p.m. on May 8th.

I. Staff Updates

Staff Planner Lucas updated the Commission on the Van Pelt Alley issue and noted that at the public hearing there were a lot of questions regarding parking, pedestrian issues, and vehicular traffic. She stated that Staff submitted an application to Michigan State University's Sustainable Building Environment Initiative and she felt that the project was going to go forward.

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

Member Halverson questioned if there was a Master Plan on file for the area from Grant to Park to the City limits. Interim Planner Panoff stated that he believed the Shade Tree Commission worked on something for that whole area including Lake Michigan Beach and the two forestry areas. He stated that there were drawings of what they hoped to do with paths, plantings and fences. Member Halverson referenced the previously discussed donation and that it would be good to have the ability to tie that back to a Master Plan for the area

K. Adjournment

Motion by Member Halverson to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:55 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair