

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, May 9, 2016 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

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

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Judy Clock, John Elzinga, Toni Felter, Rick Golding, Julee Roth, RJ Waddell
Members Absent: Mary Eveleigh, Dave Novotny
Interim City Planner: Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

Chair Chamberlain stated that Carol Amick was a client and therefore would be recusing himself from the discussion regarding the Division Street property. He also disclosed that he worked with the previous owners of Juilleret's Restaurant, but felt he could be fair and had no direct benefit from the new project.

D. Approval of Agenda

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

E. Approval of April 11, 2016 Minutes

Member Waddell stated a correction was needed on page 4 of the minutes: sentence before subsection e), "would this would" be changed to "would this". Chair Chamberlain stated that "Laurie LaBlance" should be "Maureen LaBlance" and "Monica Mayhew" should be "Monica Mailloux" on page 2. Motion by Member Golding, second by Member Clock to approve the April 11, 2016 minutes as corrected. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

None.

G. Old Business

1. Proposed PUD Rezoning for Property on Division Street

a. Address Motion Issues from Previous Meeting

Interim Planner Panoff stated that the intention of the motion at the last meeting was to postpone the discussion on the PUD rezoning until a later date. After discussing with the City Clerk, Interim Planner Panoff explained that the motion was handled incorrectly.

Member Waddell felt that the intention was clear and referenced page 6 of the agenda packet. Motion by Member Waddell, second by Member Roth to rescind his motion from the April 11th meeting on tabling the decision on Project 2016-02 PUD since that was not technically possible. Motion passed by unanimous voice vote, with the exception of Chair Chamberlain who abstained from the vote.

Motion by Member Waddell, second by Member Roth that since the proposal did not meet the PUD requirements that at this time we vote no on Project 2016-02 PUD - the proposal on Division Street. No vote taken. Motion dies.

Motion by Member Waddell, second by Member Golding that the Commission postpone this vote [regarding Project 2016-02 PUD] to within the 2016 calendar year so the applicants would have up to December 31, 2016 to come back before the Commission. Motion passed by unanimous voice vote, with the exception of Chair Chamberlain who abstained from the vote.

2. Site Plan Review for Bridge Street Commons (1418 Bridge Street)

a. Staff Presentation

Interim Planner Panoff reviewed the staff report for Project 2016-03 SP in which the applicant Doug Labelle proposed a building containing a drive-through restaurant and retail space, as well as a potential second phase building for retail/office space.

b. Application Presentation (if requested)

Mr. Labelle stated he was a Charlevoix resident for 15 years. He indicated that most of his development projects were downstate and that this property was ideal for a multi-purpose building.

Jim Malewitz, Performance Engineers, referenced the site plan and reviewed the parking requirements, sanitary sewer and water location in the front portion of the property, leaving the driveways as is, underground stormwater storage, and landscape plan. He and Mr. Labelle responded to questions from the Commission. Discussion followed regarding issues with the two existing driveways and the adjoining properties, the possibility of additional landscaping at the front of the property, and sign and lighting requirements.

c. Call for Public Comments

Brian Farrell, questioned the elevation and wanted to ensure that the stormwater design was done properly. Mr. Malewitz further explained the underground storage capacity for stormwater on the property and responded to concerns from Mr. Farrell. City Manager Heydlauff stated that he, DPW Superintendent Elliott, Mr. Malewitz and Mr. Labelle discussed ways to remedy the sewer issue. Discussion followed regarding the site plan and how the sewer would be addressed.

d. Planning Commission Determination of Findings of Fact

Chair Chamberlain read aloud through the Findings of Fact as contained in the Staff Report. Changes made as follows:

- 5.120 (1), 5th bullet, add "as proposed on site plan" to the end of the first sentence;
- 5.120 (4), (e), in response to questions by the Commission members, Interim Planner Panoff stated that the parking lot and building lighting configuration would be addressed during the zoning permit phase; lighting would be subject to staff review.

Chair Chamberlain questioned if the Commission members were satisfied by all conditions of approval as listed in the staff report, and proceeded to read aloud the Conditions of Approval.

e. Motion

Motion by Member Waddell, second by Member Roth to approve the project at 1418 Bridge Street, formerly known as the Juilleret property, with the conditions as noted in the staff report on signage, lighting, and utilities, subject to review by the Zoning Administrator. Member Waddell stated that he liked the proposal and would like to see more green space. Member Golding noted that using planters on the outside seating area of the building could provide more aesthetic appeal. Motion passed by unanimous voice vote.

H. **New Business**

1. Potential Zoning Ordinance Amendments

a. Review List of Potential Updates

Interim Planner Panoff referenced the list of potential updates to the Zoning Ordinance on page 7 of the agenda packet. Chair Chamberlain stated that Interim Planner Panoff researched the retaining wall issue and he would like to move forward including creative landscaping. Member Waddell felt that provisions were needed addressing the look and construction of retaining walls.

Member Roth stated that the City did not have any initiatives for "green building" such as Leadership in Energy and Environmental Design (LEEDS) certified buildings. She felt that language should be included in the Zoning Ordinance and Member Clock felt it should be included in the Master Plan as well. The Members concurred.

Chair Chamberlain referenced item #4, "inland dredging without a boathouse on Round Lake" and felt that it would be helpful to create a policy. He proposed an ordinance to address upland dredging requests whereby the City would automatically request a public hearing with the Army Corps of Engineers and Michigan Department of Environmental Quality (DEQ) prior to the request coming before the Planning Commission.

Interim Planner Panoff stated that he would draft language to address retaining wall height and setback, green building initiatives, and inland dredging without a boathouse on Round Lake for this year's amendments to the Zoning Ordinance.

- b. Direction for Further Staff Research, Draft Amendments, etc.
Discussed above.

2. Discussion on Land Use Master Plan Updates

- a. Discuss Updates Chapter 4 and 5 of the Master Plan

Interim Planner Panoff stated that the latest versions of his review of Chapters 4 and 5 were largely unchanged from the 2011 Master Plan. He suggested that the Commission review and discuss at the next meeting. He indicated that he was still working on the drawings and renderings of downtown.

I. Staff Updates

Interim Planner Panoff stated he would notify the Division Street applicant, realtor, and interested property owners that the group has until the end of 2016 to bring forward a revised proposal for the property.

Member Waddell stated that City Council decided to remove some of the Zoning Ordinance duties from Interim Planner Panoff's position and to hire a Zoning Enforcement Officer. He explained that the Officer would patrol the City for trash and other such issues, and Interim Planner Panoff would remain the Zoning Administrator. He stated that they were conducting interviews for the part-time position next week. Member Roth asked if it would be possible to put a notice in the utility bills about the Enforcement Officer once someone is hired with the phone number to call for such issues and Interim Planner Panoff replied that he would look into the suggestion.

Interim Planner Panoff stated that Charlevoix Township is correcting mistakes in their zoning for two properties located near St. Marys Cement plant. Members should forward comments regarding the proposed changes to the Interim Planner. Chair Chamberlain explained that the property was located west of the Norwood and Carpenter intersection.

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

None.

K. Adjournment

Motion by Member Roth, second by Member Elzinga to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:31 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair