

**CITY OF CHARLEVOIX**  
**PLANNING COMMISSION MEETING MINUTES**  
**Monday, March 13, 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, Nelson Fletcher, Rick Golding, RJ Waddell  
Member Absent: Toni Felter, John Elzinga, Mary Eveleigh, Julee Roth  
City Staff: Sarah Lucas, Staff Planner Networks Northwest; Interim City Planner Zach Panoff

**C. Inquiry Into Potential Conflicts of Interest**

Chair Chamberlain stated that he would recuse himself from the discussion on the proposed donation of fencing materials from the Charlevoix Conservation Easement Committee as he worked on the survey for the subject property.

**D. Approval of Agenda**

The agenda was approved by unanimous voice vote.

**E. Approval of February 13, 2017 Minutes**

Motion by Member Waddell, second by Member Clock, to approve the February 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**

None.

**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 advised that DPW Superintendent Elliott's responses to the questions from the last meeting were included in the agenda packet. Superintendent Elliot indicated that the installation of the fence would cost approximately \$3,500 for labor and equipment. Interim Planner Panoff stated that John Campbell of the Charlevoix Conservation Easement Committee supplied a survey of the subject area on Park Avenue.

b. Applicant Presentation (if requested)

John Campbell, Charlevoix Shade Tree Commission, stated that the existing steps located in the park were not passable and parking was an issue on Park Avenue. He reviewed the proposed plan for fencing and ten parking places. Member Fletcher recalled the discussion that posting "no parking" signs may be more of a deterrent than fencing. Mr. Campbell stated that they were looking to have less signage. The Commission asked to have an opening every 100' for pedestrians to get through the fence and Mr. Campbell agreed.

c. Call for Public Comments

Sherm Chamberlain stated that he envisioned a sidewalk along Park Avenue from Grant Street to the hospital as well as a planting program to replace lost trees in addition to a fence. He felt that the access points in the fence line should be where the public roads intersect the park not necessarily every 100'.

Maureen Owens stated that she was not in favor of a lot of signs, but she felt that without "no parking" signs, people are still going to park along that stretch of Park Avenue. She agreed that there should be openings in the fence.

John Campbell stated that they were developing a long range tree planting plan and a plan to address the invasive plant species on the property. He recalled that there was a Management Plan completed by Michigan State University and noted that during the summer they may use goats to take care of the invasive species.

d. Planning Commission Discussion

Member Waddell stated that the cost for installing the fence is \$3,500 and that ten “no parking” signs would cost \$200. He recalled that Superintendent Elliott said that the fence needed to be 6–8’ from the future edge of the asphalt rather than 5’ from the existing pavement, and the drivable part of the road was 20’ wide. He reviewed his discussion with the DPW Superintendent and Police Chief regarding the proposed fence, that there were no parking limitations and potential parking issues that have occurred in the past. He stated that parking was not part of the Planning Commission duties, therefore he wanted to rule the issue as out of order for the Planning Commission to vote on. Discussion followed regarding the no parking issues and whether the Planning Commission had the authority to rule on a parking issue.

Mr. Campbell stated that 6’ from the future edge of the asphalt was included on the plan, and the fence was intended to protect Lake Michigan Beach Park. He stated to expand the roadway into the Park is against the gift that was given to the City of Charlevoix by Mr. Fox in 1880 and that will be contested if they try to do that. He stated that the only reason he brought up “parking tonight is that we were trying to designate parking and I went to the City of Charlevoix and the designated people to talk about parking and that was approved by Mr. Elliott”. He indicated that the location of the ten parking spaces was approved by Superintendent Elliott. Mr. Campbell stated that the reason for the fence is to protect the Park, not for parking.

Member Fletcher stated that if there were presently no restrictions on parking in that area then the Police Chief and DPW Superintendent should designate parking first, prior to approval of the donation. Member Golding agreed, but he did not want to disregard the donation as he felt the fence was a great addition if they go about it in the right manner.

Mr. Campbell asked what the Planning Commission needed to go forward with this item. Member Waddell stated that it was out of order for them to vote on the donation because they could not determine parking, and he felt if the Police Chief and DPW Superintendent agree with the parking then they could look at it again. He stated that they would have to designate Park Avenue from Grant Street to Clinton Street as a ‘no parking’ area. Mr. Campbell stated that he wanted to be very clear that the Commission needs a letter from the Police Chief and DPW Superintendent on City stationery “stating that this plan is okay”. Member Waddell stated that they would need to know that Park Avenue on the park side of the road from Grant Street to Clinton Street is designated ‘no parking.’

e. Motion

None. Chair Chamberlain rejoined the meeting.

2. Zoning Code Review

a. Staff Presentation

Staff Planner Lucas stated that this month the report was housekeeping in nature: formatting, definitions, rewording language to clarify any ambiguities, and identifying minor fixes that make the document more functional. She stated that there were a number of inconsistencies throughout the document. Discussion followed regarding how to go through the document and identify what could be addressed easily and what items need more time for review. Member Waddell suggested discussing items 11–15 of the report next month. Staff Planner Lucas stated that she could not promise the sign regulation changes by next month since there was not a good small city example.

b. Planning Commission Discussion

Chair Chamberlain began a review of the points in Denise Cline’s memo to Staff Planner Lucas regarding the Zoning Ordinance, and stated that items 2, 3, and 4 could be agreed upon that evening. Discussion followed regarding a proposed timeframe for all the Zoning Code changes to be presented to the Commission in June, with a public hearing before the Planning Commission in July, and final approval of the Ordinance in August by City Council. Staff Planner Lucas questioned whether the single room rental issue needed to be considered separately to allow for a decision before the start of the summer season.

Motion by Member Fletcher, second by Member Golding, to set a public hearing for an ordinance amendment on the single-room rental issue with changes to Sections 5.14, 5.15, and 5.78 of the Zoning Code. Motion passed by unanimous voice vote.

*Clerk's note: the date, time and place of the public hearing were not addressed in the motion.*

3. Food Truck Discussion

a. Staff Presentation

Staff Planner Lucas recalled that there was a pilot program to allow food trucks in Charlevoix last year. She stated that several cities have adopted ordinances allowing food trucks with some of them being very restrictive. Member Waddell stated that there was only one food truck as part of the 2016 pilot program. Staff Planner Lucas indicated that the owners of the one truck from 2016 were requesting an extension of the pilot program through 2017.

b. Planning Commission Discussion

After discussion, the Planning Commission concurred with the continuation of the food truck pilot program for 2017.

4. Charlevoix Tomorrow and Capital Budget

a. Planning Commission Discussion

Staff Planner Lucas stated that City Manager Heydlauff asked the Planning Commission to review the Charlevoix Tomorrow document which pertains to the City Council's Goals and Capital Improvement Plan and look for ways it can be integrated into the Master Plan. These efforts were with an eye toward becoming a Redevelopment Ready Community. Member Waddell commented that there was one reference to street reconstruction in the document for Hurlbut, Antrim and Prospect Streets for 2017, but nothing for future years. Chair Chamberlain stated that he felt that the Kipke Field property should be added to the list of "Prime Sites for Future Growth or Redevelopment".

5. Update on Short Term Rental Subcommittee

a. Summary of March 13<sup>th</sup> Meeting

Member Waddell stated that last month the Subcommittee talked about a cover letter to landowners with a questionnaire, but they found out if there was to be a fee associated with short-term rentals there would need to be an ordinance. He stated that the Sub-Committee discussed doing a survey, but thought the response would be very small, and they discussed a registration ordinance which would mean they would have to define each of the terms used in the short-term rental regulations. He stated if they did a registration process, they would also have to address fees, penalties, and enforcement of the short-term ordinance. He said that Member Roth stated at the Subcommittee meeting that she heard that members of City Council were expecting a short-term rental ordinance from the Subcommittee and if the Planning Commission did not develop one, City Council would.

b. Planning Commission Discussion

Member Waddell felt that if members of City Council already knew what they wanted in a short-term rental policy he didn't know why the Committee was working "in the dark". He stated that Staff Planner Lucas suggested a joint meeting of the Planning Commission and City Council to find out what the Council wanted the Planning Commission to do with regard to short-term rentals. Staff Planner Lucas suggested preparing a report that would identify the issues and possible solutions.

Member Waddell stated that there was a member of the public at their meeting who reiterated "how much of a problem are we really having with short-term rentals". He stated that he discussed short-term rentals with the Police Chief and questioned how many calls the department received about short-term rentals. The Chief responded that "there are some houses in town that have more situations than others". Member Waddell proposed that the majority of short-term rentals in town are probably doing fine. He suggested that there might be a way to access user fees if the police have to respond to too many calls for a particular short-term rental.

Member Fletcher stated that he did not understand what all the issues were other than noise and parking, but it appeared to him that they were setting up regulations to deal with something that has been going on for years. He didn't understand what the real problem was. He stated if it was a noise issue, you deal with it via the existing noise ordinance. Chair Chamberlain restated that the goal was to consider whether or not there was a problem. Member Golding concurred with Member Fletcher. He noted that one point made at the Subcommittee meeting was that you have ordinances to deal with noise and parking and the neighbor next to the short-term rental is hesitant to call the police and utilize those resources. He stated that "it still hasn't been proven by anyone in attendance at their meetings that there is an overwhelming issue with short-term rentals in this community". Member Waddell felt that part of the reason for the formation of the Subcommittee was to be proactive instead of reactive. He addressed the

proposed Good Neighbor Visitor Guide.

Chair Chamberlain suggested discussing this at a Council meeting with the Subcommittee and Police Chief. Member Fletcher felt that cities looking at short-term regulations were much larger than Charlevoix.

**I. Staff Updates**

Staff Planner Lucas stated that Mary Eveleigh attended the Site Plan Review in Petoskey and she thought it was very helpful and she asked that copies of the materials be distributed to the Planning Commission members. Member Clock and Chair Chamberlain advised that they attended the meeting also.

Staff Planner Lucas stated some members received the Framework for our Future document and an invitation to the Local Government Summit on April 7<sup>th</sup> and that members may need to update their mailing addresses.

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

None.

**K. Adjournment**

Motion by Member Waddell, second by Member Clock, to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:49 p.m.

---

Joyce M. Golding/fgm

City Clerk

---

Sherm Chamberlain

Chair