

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, May 8, 2017 - 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, Mary Eveleigh, Toni Felter, Nelson Fletcher, Rick Golding, RJ Waddell

Members Absent: Dennis Halverson

City Staff: Elise Crafts, Regional Planner Networks Northwest; Interim City Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

E. Approval of April 10, 2017 Minutes

Motion by Member Waddell, second by Member Felter, to approve the April 10, 2017 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

Annette Kuttbauer, 318 Antrim, stated that there needs to be a railing on the steps going down to Lake Michigan Beach. She suggested also having handicap parking spaces closer to the steps.

G. New Business

1. Consideration of East Park Planter Planning, Material and Work Donation from Site Planning Development

a. Staff Presentation

John Campbell reviewed a presentation of existing plantings in East Park near the bandshell and the proposed design to remove the existing perennials and replace with annuals. He explained that the proposal went through the DDA Design Committee and the DDA Board. He stated that they have done fundraising efforts through the Main Street Program and there was no cost to the City.

b. Applicant Presentation (if requested)

None.

c. Call for Public Comments

None.

d. Planning Commission Discussion

None.

e. Motion

Motion by Member Waddell, second by Member Wertz, to send this on to the City Council as the Planning Commission has reviewed the Plan and approved the donation. Motion passed by unanimous voice vote.

2. Solid Waste Ordinance Ad Hoc Committee

a. Staff Presentation

Regional Planner Elise Crafts stated that several issues in the City's solid waste ordinance were identified and it was decided to form a Solid Waste Ordinance Ad Hoc Committee, appointing two Planning Commission members.

b. Call for Public Comments

None.

d. Planning Commission Discussion

Discussion held to determine who would be available to serve on the committee.

e. Motion

Motion by Member Waddell, second by Member Golding, to appoint Judy Clock and Nelson Fletcher to the Solid Waste Ordinance Ad Hoc Committee. Motion passed by unanimous voice vote.

H. Old Business

1. Zoning Code Review

a. Staff Presentation

The Commission agreed with the recommended definition for adjoining: "All lands which touch, border, or are contiguous to a specific parcel of land including, but not limited to, those lands separated from the parcel by a road rights-of-way, or inland lakes and streams as defined by the Natural Resources and Environmental Protect Act 451 of 1994."

Regional Planner Crafts referenced HUD's definition for manufactured home, which read: "A structure (formally known as a Mobile Home) built to the Manufactured Home Construction and Safety Standards (HUD Code) and which displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis." Member Fletcher explained the differences between a State and a HUD approved manufactured home. Regional Planner Crafts recommended referencing the federal Act (HUD Code) for manufactured homes in the Zoning Ordinance. She indicated that she would amend that definition to reflect State legislation and she will review Section 5.47 of the Zoning Ordinance.

Regional Planner Crafts referenced Article 11 of the Zoning Ordinance related to Signs. She cited the Town of Gilbert lawsuit that resulted in a mandate that all sign ordinances must be content neutral. She stated that the rule of thumb going forward is "if you have to read the sign it's not content neutral". She referenced a template for a sign ordinance included in the agenda packet and it was clear that the City's ordinance goes too far and the template was too bare. She also referenced an article entitled *Drafting and Enforcing Sign Codes after Reed v Town of Gilbert*. Regional Planner Crafts stated she will draft an ordinance and bring it back to the Commission for further review.

b. Planning Commission Discussion

None.

2. Update on Short Term Rental Subcommittee

a. Summary of May 8th Meeting

Member Waddell stated that they were going ahead with the short-term rental registration form and Good Visitor Guide. He stated that their goal was to implement the registration process in 2018 with a draft to the Commission during the summer and then City Council in the fall. He noted that both the State House and Senate proposed bills to eliminate all short-term rental regulations. Chair Chamberlain questioned if it would be possible to have the City Council pass a resolution or write a letter to our State Senator and State Representative opposing any legislation that would deregulate short-term rentals. Interim Planner Panoff responded that he would speak to the City Manager. Member Golding noted that they plan to have a draft ordinance ready for the next Planning Commission meeting.

b. Planning Commission Discussion.

Discussion followed regarding methods to notify their legislative representatives.

I. Staff Updates

Interim Planner Panoff stated that he submitted his notice of resignation effective June 2.

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

Member Waddell asked Interim Planner Panoff to include a list of the other sections of the Zoning Code that the Commission discussed in the past that needed revisions.

K. Adjournment

Motion by Member Golding to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 8:18 p.m.