

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, January 8, 2018 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Judy Clock, Mary Eveleigh, Nelson Fletcher, Toni Felter, Rick Golding, Dennis Halverson, RJ Waddell, Brian Gelb (late)

Members Absent: None

Staff Present: Elise Crafts, Regional Planner Networks Northwest; Larry Sullivan, Interim Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

Chair Chamberlain stated he had a conflict of interest on the proposed Peppervine project as he worked with Carol Amick.

D. Approval of Agenda

The Commission members approved the agenda as presented.

E. Approval of the December 11, 2017 Minutes

Motion by Member Felter, second by Member Eveleigh, to approve the minutes of December 11, 2017 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Preliminary Site Condominium Development Plan Review (Peppervine)

a. Staff Presentation

Chair Chamberlain distributed copies of an article from *Planning & Zoning News* that outlined site condominiums and a publication put out by the State of Michigan – *Notice of Intent to Condominiumize* and he summarized the process to create a site condominium. Chair Chamberlain left the dais.

Interim Zoning Administrator Sullivan suggested that the Commission consider a preliminary review of the plan for a 21-unit Single Family Residential Site Condominium Development. He stated that the applicant would need to come up with a legal description for each site as well as a description of the building envelope, resolve utility issues and provide condominium documents. He stated that Public Works Superintendent Elliott indicated that the City does not require curb and gutter and sidewalks on a private street. The property owners would be responsible for snow plowing and any other issues related to the private street maintenance. The City Manager suggested that prior to City Council acting on this plan it should be reviewed by an independent third-party engineering firm.

b. Applicant Presentation

Jim Malewitz, Performance Engineering, commented that Electrical Superintendent Swem was not in favor of putting the electrical utilities behind the lots so he will meet with Mr. Swem to redesign the location of the electrical utilities. He suggested that the Commission could approve the plan subject to the final electrical design approval. Member Fletcher questioned if the project would require any variances and Mr. Malewitz responded no.

c. Public Comments

d. Planning Commission Discussion

Member Waddell questioned the location of the mailboxes and Interim Zoning Administrator Sullivan identified the mailboxes on the plan. Discussion followed regarding condominium association dues, regulations, common area and road maintenance, and the conditions outlined in Staff's recommendations. Interim Zoning Administrator Sullivan stated that all neighbors within 300' were notified and he received three letters from neighbors along with one neighbor (John Hess) who stopped in the office and was "fine with it".

Motion by Member Waddell, second by Member Fletcher, that if the five issues identified by Staff can be satisfied then the Planning Commission approves this plan going to City Council for final approval. Motion passed by unanimous roll call vote, except for Chair Chamberlain who abstained from the vote.

The five issues identified by Staff include the following:

- a. Input from the Public Works Department regarding the utilities and roads;
- b. Determination as to the need for fire hydrants within the development;
- c. Approval of the street and utility design by an independent engineer;
- d. Provisions of a landscaping plan complying with Section 5.81 (5) of the Zoning Ordinance; and
- e. Submission of condominium documents as required by the Michigan Condominium Act with a review and recommendation of approval from the City Attorney.

2. Public Hearing: Proposed General Ordinance and Signage Amendments

Chair Chamberlain returned to the dais. Regional Planner Crafts stated that the City Attorney reviewed the proposed Ordinance and felt that due to the number of cases (about 150) that have been litigated since the 2015 case (*Reed v Town of Gilbert, Arizona*) which they were basing their draft Sign Ordinance amendment on, he would like to take a month to tighten up any gray areas that exist in the draft Ordinance. The City Attorney requested that consideration of the sign ordinance be postponed until the February 12th Planning Commission meeting, and the Commission concurred. Regional Planner Crafts referenced her memo and reviewed the edits proposed by the City Attorney.

The public hearing on the proposed zoning amendments was opened and closed as there were no public present.

New member Brian Gelb joined the meeting at this time, and gave a brief background of his experience.

Motion by Member Felter, second by Member Eveleigh, to accept the proposed zoning amendments with changes as proposed. Motion passed by unanimous roll call vote.

3. Set 2018 Meeting Schedule

Motion by Member Fletcher, second by Member Eveleigh, to change the meeting time of the Planning Commission to 6:00 p.m. of the second Monday of every month for 2018 with a change to the By-Laws to reflect the 6:00 p.m. start time. Motion passed by unanimous roll call vote.

4. Selection of Officers

Motion by Member Waddell, second by Member Fletcher, to retain the current officers of Sherm Chamberlain as Chair and Judy Clock as Vice Chair. Motion passed by unanimous roll call vote, except for Chair Chamberlain and Vice Chair Clock who abstained from the vote.

5. Request to Review Boarding House and Shuffleboard

Chair Chamberlain questioned whether employer-owned housing was considered a boarding house or was it a private owner renting a place to private individuals who work for the owner's company. Discussion followed regarding paved parking requirements for boarding houses. City Manager Heydlauff explained that Council questioned was is it necessary to have a specified parking lot for a boarding house whereas a short-term rental has far more permissive language of "parking sufficient to accommodate the needs of the rental". Regional Planner Crafts stated that she will bring the Commission boarding house regulations from other communities for discussion.

City Manager Heydlauff stated that the City was approached by a donor who was interested in bringing shuffleboard back to downtown if it was something the community was in favor of. He stated the first step in a donation acceptance is consideration by the Planning Commission. Discussion followed regarding the past shuffleboard court in East Park, and other potential locations for a court. The Commission felt that other potential locations such as the golf course, Ferry Beach or Lake Michigan Beach may be more appropriate rather than downtown. City Manager Heydlauff stated that he would relay the Commission's thoughts to the donor.

H. Old Business

I. Staff Updates

1. Solid Waste Ad Hoc Committee

Vice Chair Clock stated that the meeting was scheduled for next week.

Regional Planner Crafts stated that she was resigning from Networks Northwest, but Staff Planner Lucas tentatively hired her replacement.

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

K. Adjournment

Motion by Member Eveleigh, second by Member Clock, to adjourn the meeting. Motion passed by unanimous voice vote.
Meeting adjourned at 7:38 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair