

City of Charlevoix
Planning Commission Regular Meeting minutes
Monday, July 11, 2022 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: RJ Waddell
Members Present: Sherm Chamberlain, Annemarie Conway, Toni Felter, Mary Millington, Maureen Radke
Members Absent: Jennifer Muladore
Staff Present: Jennifer Neal, Community Planner, Networks Northwest; Janet Koch, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

Chair Waddell stated that he ran into Diane Foss-Priest and she asked him questions about the agenda item regarding the proposed donation.

D. Approval of Agenda

Motion by Member Conway, seconded by Member Millington to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. June 13 Meeting Minutes

Motion by Member Radke, seconded by Member Chamberlain to approve the minutes of June 13, 2022 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Proposed Donation: Miniature Painted Sailboat Honoring Dale and Marilyn Boss

Linda Boss
Pam Beatty

This agenda item was based on a request from a group of individuals who wanted to offer a donation of a miniature painted sailboat to memorialize the life and work of Dale and Marilyn Boss. The sails would feature scenes from Charlevoix reminiscent of activities Mr. and Mrs.

Boss enjoyed and contributed to over their long lives in Charlevoix.

The Planning Commission will need "to affirmatively find the donation in keeping with the City's Master Plan and Parks and Recreation Master Plan where applicable." A copy of the City's Donation Policy was included in the Commission's packet and the Members referred to the document throughout their discussion.

Diane Boss-Priest, representing the Boss family, stated that they were told by the City Council that they do not allow any artwork in the greenspace of East Park. She said that they didn't know if the Planning Commission would give suggestions for placement or if the Commission wanted to hear from the family. Linda Boss stated suggested locations included: near where the bike rack is located in East Park, near the trout pond nestled under the trees out of the greenspace, along the channel near Hoffman Park, or down by the parking lot where the hammocks are located.

Chair Waddell stated that he did attend the City Council meeting where the group presented their plan for the donation and it was mentioned that the 2022 Parks and Recreation Master Plan does not include a provision for art or memorials. He stated the Council expressed concern about setting a precedent by allowing someone to place artwork/memorial in a public park.

Discussion followed regarding the City's Donation Policy and the Parks Master Plan, the parking lot on the channel as a potential location, the overwhelming contributions of the Boss family in the past, and the potential at Mt. McSauba in conjunction with future improvement projects.

Lisa Cur stated that she has known the Boss family most of her life and did not want to make any kind of disparaging remarks against the memory of Dale and Marilyn Boss, but this is a memorial that they are proposing and she believed memorials already had a place in the community, Brookside & St. Mary's, and she did not feel that a memorial in a public park/property was appropriate and it would set a precedent if allowed.

Motion by Member Chamberlain, seconded by Member Conway to recommend that the Council accept the donation of the sailboat to be placed in the "Palmer Parking lot" area behind the fish hatchery.

Motion carried by unanimous voice vote.

2. Site Plan Review of DTE Energy Gate Valve Enclosure

Zoning Administrator Koch stated that DTE Energy is requesting a gate valve enclosure be installed on property id number 052-250-018-10. The property is located on the northside of Mason Street, east of the Charlevoix Public Library near the Marina parking lot. She stated that the fence height maximum is 6' high, DTE's preferred height is 7.5', but that would require a variance through the ZBA.

Chris Hackbarth, Regional Manager for DTE Northern Michigan, and Greg Smith, Burns McDonald (engineering company for DTE), explained the project as part of improving the reliability of their natural gas system. Mr. Hackbarth responded to questions from the Commission Members. Chair Waddell and Commission Members expressed concern about

the aesthetics of the project. There were no public comments. Chair Waddell reviewed each Findings of Fact (153.235, *Standards for Site Plan Approval*). There were no changes.

Motion by Member Chamberlain, seconded by Member Felter to approve the site plan for the gate valve easement under three (3) conditions: that the walls be 6' in height, slats will be placed upon the entranceway, and the block/brick coloring will be compatible with the library exterior.

Motion carried by unanimous voice vote.

3. Revised ADU Architectural Standards

Community Planner Neal stated that per the direction she received from the City Attorney, revisions to the ADU Standards draft ordinance amendment were provided for review. She reviewed in detail the legal comments pertaining to architectural standards and the revised ordinance.

Discussion followed ensuring that ADUs are not being held to a higher aesthetic standard than other accessory buildings, design standards, garage door sizes, and setting a threshold for an accessory building as opposed to an ADU for architectural standards. Community Planner Neal stated Section 153.117 (7) was still under legal review by the City Attorney.

Motion by Member Conway, seconded by Member Millington to table (postpone) the accessory dwelling standards draft ordinance until the Planner receives more information from the City Attorney.

Motion carried by unanimous voice vote.

4. Building Height Review and Discussion

Chair Waddell stated that the Zoning Board of Appeals (ZBA) had a problem with inconsistency in the ordinance language regarding building height. Zoning Administrator Koch stated that there had been enough changes to the Zoning Ordinance that they have ended up with a complicated distribution of height requirements throughout the Zoning Ordinance.

She stated that there was two (2) letters that had been included in the agenda packet: 1.) Letter from Mr. Rodman describing his situation specifically regarding 205 Bridge Street; and 2.) Letter from Richard Hodgson, ZBA Chair, with one recommendation to take care of the issue which leads to a broader question of what was the real intent of the Planning Commission.

Discussion followed regarding allowing 6' beyond the 40' height in the Central Business District for rooftop equipment; and the needed height for an elevator to a rooftop deck.

Rodney Rodman stated he purchased the Gull building at 207-209 Bridge Street, which is currently a two-story building. It was their hope to add a third floor and create two condos in the basement, retain the retail on the first floor, a single residential unit on the second floor, and a fourth residential unit on the third floor with a rooftop patio that would be split between the second and third floor units. He stated that they wanted to make the complete building ADA compliant and to meet the Fire Code standards which requires two stairwells to access each floor, including the rooftop patio for a fire escape. Mr. Rodman stated they designed their building to be 37', but they would need up to 10' for the stairwell above the floor level and for the elevator, which is typically serviced above the top floor level, and would

need 13' to 13.5' above the floor level. His letter suggested allowing a nominal 10' above the floor level for a stairwell and 15' above the floor level for an elevator. He stated that the ZBA limited them to 6' above the 40' maximum for the building height.

Chair Waddell stated it was the ZBA's determination that this was a self-created issue because the owners could keep the building at two stories with the mechanical and elevator equipment above the second story, which would keep the overall height below the 40' maximum. Member Chamberlain felt it would be beneficial to review what was done for the Hotel Earl project, which is a three-story building, and Chair Waddell stated the language for rooftop decks was changed after the Hotel Earl Project.

Chair Waddell stated they needed clarity on the Zoning Ordinance regarding any overlapping language on building heights. Discussion followed regarding height restriction language from other northern cities. Zoning Administrator Koch stated that she could work on draft language to revise the height restrictions for consideration at the next meeting. The Commission concurred to postpone this item to the August meeting.

5. Sign Ordinance Review and Discussion

Motion by Member Felter, seconded by Member Chamberlain to extend the meeting until 8:10 p.m.

Motion carried by unanimous voice vote.

Zoning Administrator Koch asked the Planning Commission to consider visibility concerns for tenants located on Bridge Park Drive. She stated there was a new business going in next to the BIBCO office, JBird Provisions, and the owners had provided three (3) possible sign designs for their business which would most likely cause a need for an amendment to the Zoning Ordinance. After discussion, no action was taken. Zoning Administrator Koch will bring back suggested language to change the ordinance for the Commission's consideration.

H. Old Business

I. Staff Updates

1. Zoning Administrators Report

Zoning Administrator Koch referenced the summary of her efforts for the month of June.

J. Requests For Next Months Agenda or Research Items

Chair Waddell stated that next month's agenda would include: building height, signs, and ADUs again. Community Planner Neal stated that there would also be an update on the Watershed Plan.

K. Adjournment by 8:00 p.m. unless extended by a motion

The meeting adjourned at 8:11 p.m.

Sarah J. Dvoracek/fgm City Clerk

RJ Waddell

Chair