



PROPOSED AGENDA
REGULAR MEETING OF THE CHARLOTTE PLANNING COMMISSION
7:00 P.M. Tuesday, March 2, 2021

PER PA 254 OF 2020 AND THE MICHIGAN OPEN MEETINGS ACT,
THIS MEETING WILL BE HELD ELECTRONICALLY

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes**
 - a. Approval of February 2, 2021 – 7:00pm meeting minutes
5. **Approval of Agenda**
6. **Early Public Comment** - Limit presentation to five (5) minutes
7. **Old Business**
 - a. Revised 2021 Meeting Schedule
 - b. Lot Split – 3498 Daryl's Way
8. **New Business**
 - a. TNT Fireworks Temporary Use Request
9. **Reports, Comments and Correspondence**
10. **Public Comment**
11. **Adjourn**

~Pearl Tidwell, City Clerk

ADDRESSING THE PLANNING COMMISSION

1. *Comments shall be made only during times set aside for that purpose.*
2. *Each citizen may speak for up to 5 minutes during each public hearing and comments period.*
3. *Comments made during public hearings shall be relevant to the subject of the public hearing.*
4. *Speakers shall begin by stating their name and address.*
5. *Speakers shall refrain from using vulgarity, hate speech or "fighting words."*

Website: [https://us02web.zoom.us/j/ 82701103980](https://us02web.zoom.us/j/82701103980)
Meeting ID: 827 0110 3980 Or Call in by telephone:
Phone number: (312) 626-6799 Webinar ID: 827 0110 3980

PLANNING COMMISSION MINUTES

Regular Meeting

February 2, 2021

CALL TO ORDER: The meeting was called to order by Chairman Brummette at 7:00 P.M.

PRESENT: Chairman Brummette, Commissioners Clarke, Duweck, McRae, Gonzales-Pennington, Snyder; Also present: Community Development Director Myrkle, City Manager LaPere, Mayor Armitage, City Clerk Tidwell,

ABSENT: Commissioners Bly, Snyder, Hoy

Commissioners cited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion by Commissioner Duweck, second by Gonzales-Pennington to approve the minutes of December 1, 2020 as presented. Carried. 5 Yes. 0 No

APPROVAL OF AGENDA:

Motion by Commissioner Clarke, second by McRae to approve the agenda with the addition of Election of Officers. Motion carried. 5 Yes. 0 No.

Commissioner Snyder joined the meeting.

ELECTION OF OFFICERS:

Motion by McRae, support by Duweck to nominate Commissioner Brummette as the Chairperson for the Planning Commission. Motion carried. 5 Yes. 0 No.

Motion by McRae to appoint Commissioner Gonzales-Pennington to Vice Chairperson. Gonzales-Pennington declined the nomination.

Motion by Brummette to appoint Commissioner McRae as Vice

Chairperson, support by Duweck. Motion carried. 6 Yes. 0 No.

Motion by Brummette to appoint Gonzales-Pennington to Secretary. Motion carried. 6 Yes. 0 No.

EARLY PUBLIC COMMENT:

No public comment.

NEW BUSINESS:

APPROVE 2021 PLANNING COMMISSION MEETING DATES:

Motion by Snyder, support by Gonzales-Pennington to approve the 2021 Planning Commission Meeting schedule as presented. Motion carried. 6 Yes. 0 No.

LOT SPLIT – 3498 DARYL’S WAY:

Myrkle explained the lot split application. Myrkle stated that he received notification from three residents concerned that the split would encroach on a common area that is used to access the area.

Gonzalez-Pennington notified the board that she lives in Sandstone Estates and sits on the property association board and confirmed she has no financial interest in the property.

McRae inquired who owns the lake and what rules govern the lake and if the water level changed in the fall would it create a new strip of land owned by Crandall Enterprises.

Myrkle stated that waterfront deeds change as the water level changes.

Gonzales-Pennington stated that there are pumps present to control the lake level.

Corinna Weigel, of 3526 East Daryl’s Way, stated that when she bought her house she was told that the property at the end of the lake was common property and would never be for sale.

Myrkle stated that it appeared misinformation was distributed to additional homeowners in the area when their houses were purchased.

The Commissioners discussed.

Motion by McRae to table the lot split request, support by Brummette.

Commissioners continued to discuss.

Mark Thomas Hughes, co-trustee of Hughes Estate at 3498 Daryl's Way, stated that he too was misinformed that their property was waterfront property. Hughes stated that he was amicable to the request being tabled.

Motion carried. 6 Yes. 0 No.

REPORTS, COMMENTS AND CORRESPONDENCE

Myrkle discussed the Redevelopment Ready Community 2.0 certification process and introduced City Manager, Erin LaPere.

LaPere introduced herself and gave Commissioners her background and experience.

LATE PUBLIC COMMENT:

There was no public comment.

There being no further business, Commissioner Snyder, supported by McRae moved to adjourn at 8:23 p.m.

Pearl Tidwell, City Clerk

Charlotte City Planning Commision Meeting Dates 2021

	1st Tuesday	
CHARLOTTE Planning Commission		COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Tuesday, January 5	Phone: 543-2750
	Tuesday, February 2	7:00 P.M.
	Tuesday, March 2	
	Tuesday, April 6	
	Tuesday, May 4	
	Tuesday, June 1	
	Wednesday, July 7	
	Tuesday, August 3	
	Wednesday, September 8	
	Tuesday, October 5	
	Tuesday, November 2	
	Tuesday, December 7	

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development Director
Date: February 25, 2021
Re: UPDATED – Lot Split – 3498 Daryl's Way

You will no doubt remember that the Planning Commission tabled an issue regarding a proposed boundary adjustment in Sanstone Estates at the February meeting. This was due to objections raised the day of the meeting by nearby neighbors, and a lack of clear information regarding the proposal that could provide confidence in the Planning Commission's decision.

The facts of the matter remain largely the same as last month, however the time between meetings has allowed us to verify the information that we learned that day; and to get clarity regarding the possibilities for the future.

I have included a copy of the final, approved development plat for that phase of Sanstone Estates. As stated at February's meeting, at one time, a preliminary plat designated this undeveloped portion of the property as a common area. However, the final approved plat does not. Now that we have verified this, the question of preserving this area for common use is moot.

We have included a communication received from one of the neighbors, Steve Weigel, regarding this issue. While it is his preference to preserve the 'common area,' rather than expand his property; the fact that this is not truly a common area makes this something the Planning Commission cannot enforce, and should not be taken into consideration when making your decision.

Again, it is very unfortunate that so much misinformation was given to these residents at the time they purchased their lots; but that is not a circumstance that the Planning Commission can remedy.

We have heard from a representative of the owners of the undeveloped property that, if so desired, these neighbors will have an opportunity to expand their lots in a similar way to create waterfront lots. Whether or not they pursue that, it should address any perceived issues related to equity or opportunity.

I have also included a communication from the Realtor, Nicole Giguere, who is involved in this property transaction. Please note that I have emailed with Ms. Giguere following to the receipt of this letter, and let her know that we have the information we need now to proceed.

Aside from these clarifications, I believe the information contained in last month's meeting packet regarding this request remains relevant. At this time, I think it is appropriate for the Planning Commission to complete its review of this matter and make a decision.

As always, if you have any questions about this prior to the meeting, please feel free to call me at (517) 543-8853.

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development Director
Date: November 6, 2020
Re: Lot split request – 3498 E. Daryl's Way

The City of Charlotte has received a request to adjust the boundaries of a platted lot located in Sanstone Estates at 3498 E. Daryl's Way. The purpose of this request is to expand the lot, southwest to the water line, to create a waterfront lot.

The Realtor representing the property told me that it has been for sale for quite some time, but is not selling. It is assumed that it will be more attractive to a buyer if it connects directly to the waterline.

It is a .39 acre parcel (no. 200-079-000-660-00) owned by the Hughes Family Trust. It is proposed to be enlarged through the purchase and attachment of a small part of the adjacent 154.31 acre parcel (no. 200-079-000-660-00) owned by Crandell Enterprises, a large segment of undeveloped property within Sanstone Estates.

I have included an image of the site with the boundaries as they are now, as well as two images supplied by the Realtor showing the dimensions of the proposed expanded lot. A formal boundary survey would be completed and new legal description would be created if this proposal is approved.

As you may remember from other similar actions you have been tasked with reviewing, the Planning Commission's approval is required by the City's zoning code, yet the code does not provide any guidance or standards for evaluation.

However, in order to help facilitate your decision-making, I have evaluated this proposal and did not identify any serious issues that would prohibit or recommend against its approval.

The parcel is undeveloped, so there is not much to evaluate in terms of its conformity to code, other than its size, which is adequate now and would continue to be if it is enlarged. I reviewed the existing development plat, and

this change would not affect any of the established plans for future development. Furthermore, it does not appear that this would have any significant negative effects on neighboring properties.



CHARLOTTE

Date 1-8-2021

2011 LOT SPLIT REQUEST FORM

Applicant Name Nicole GUGLIEMO (REAL ESTATE AGENT)

Applicant Address 2370 Pine Hollow Dr. East Lansing,
MI 48864 (owner of lands home address)

Applicant Telephone 517-242-0619

Property Address 3498 E DARYL'S WAY, CHARLOTTE, MI 48813

State Parcel Identification Description Numbers of all affected properties (may be obtained from the Assessor's Office) 200-079-000-660-00

Legal Description of Property (may be obtained from the Assessor's Office, attach if necessary)

LOT 66, SANSTONE ESTATES NO. 3, PART OF N/4 SEC. 9,
T2N, R4W, CITY OF CHARLOTTE 12-4-2001

Note: If legal description is not provided, the application will be considered incomplete.

Current Zoning RESIDENTIAL Rezoning Needed Yes ☐ No ☒

A survey or drawing showing the dimensions and layout of the proposed split must be attached. The survey/drawing should indicate the distance of all buildings from the lot lines and should show the nearest streets.

What is the reason for the lot split? A common space sits directly behind
the current lot lines blocking the capability to be able
to place a dock in the water for buyers usage. Also, common
space below is not utilized among homeowners association.
Please have all parties involved sign below indicating their approval of the proposed lot split as described in this application:

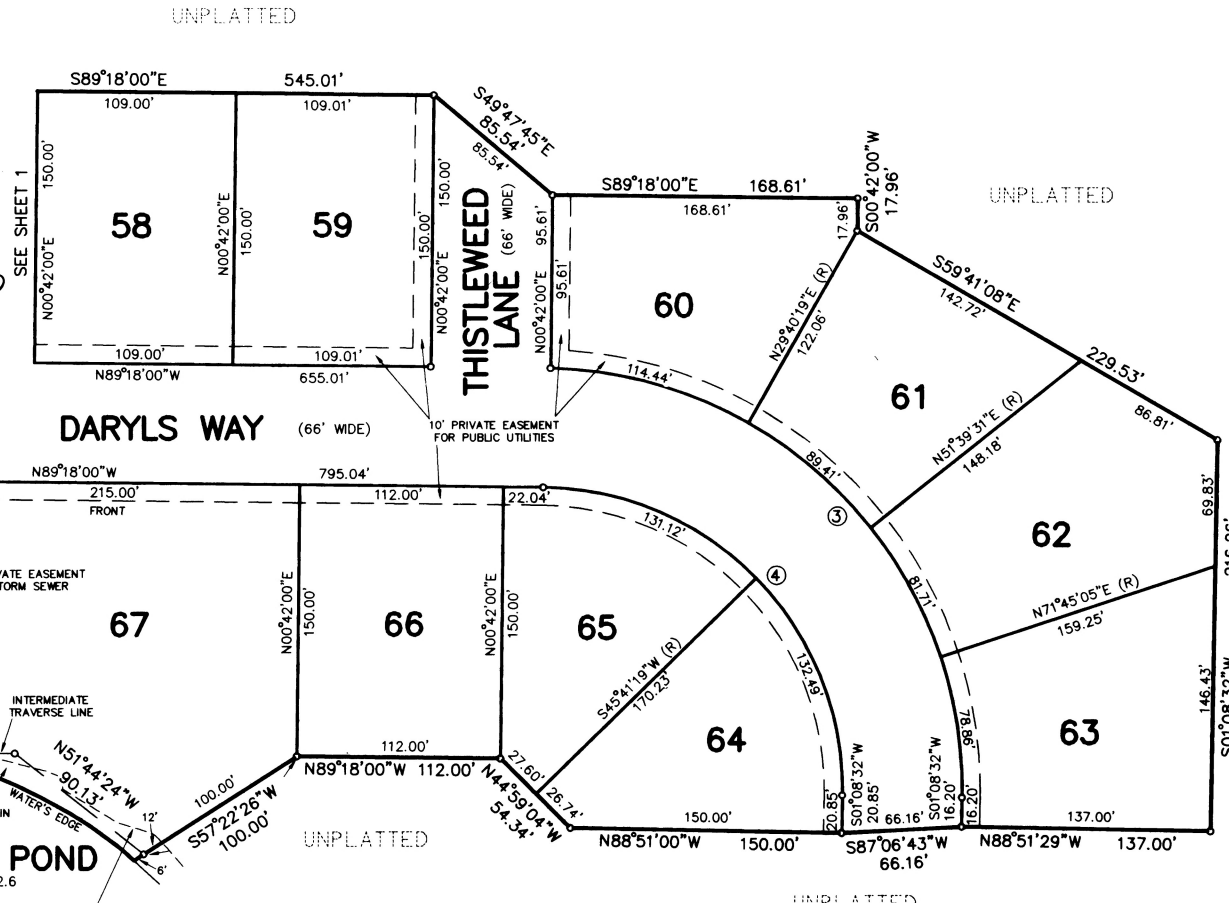
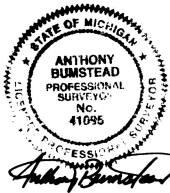
Marked Hughes Julius L. Hughes Troy Jamieson
Trustees - Hughes Family Trust Grandell Enterprises

The Zoning Official will review this application and will then forward it to the Planning Commission for action. Planning Commission meets the first Tuesday of the month at 7:00 pm, unless otherwise noticed.

SANSTONE ESTATES NO. 3

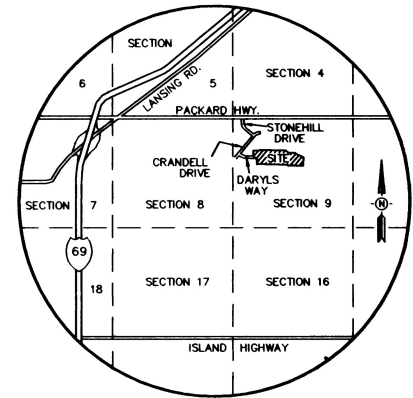
A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 9, T2N, R4W, CITY OF CHARLOTTE, EATON COUNTY, MICHIGAN

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER 1474 PAGE(S) 536-576 OF RECORDS OF THIS COUNTY.

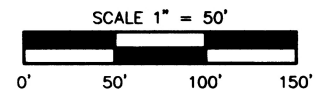
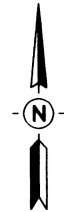


FLOOD PLAIN CONTOUR AS ESTABLISHED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, ELEVATION 884.0, N.G.V. DATUM

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
3	233.00'	364.42'	328.40'	N43°39'51"W	89°36'46"
4	167.00'	263.61'	237.08'	N44°04'44"W	90°26'32"



LOCATION MAP
NO SCALE



UNPLATTED

LEGEND:

- 1.) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2.) STEEL BARS 1/2" IN DIAMETER 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN PLACED AT ALL CORNERS MARKED "C".
- 3.) STEEL BARS 1/2" IN DIAMETER 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN FOUND AT ALL CORNERS MARKED "C".
- 4.) LOT CORNERS HAVE BEEN MARKED WITH STEEL BARS 18" IN LENGTH BY 1/2" IN DIAMETER WITH A PLASTIC CAP MARKED "KEBS 25832 31588 41095".
- 5.) ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS.
- 6.) ALL BEARINGS ARE DERIVED FROM THE NORTH LINE OF SECTION 9 WHICH IS RECORDED TO BEAR S89°50'00"E ON THE PLAT OF SANSTONE ESTATES, AS RECORDED IN LIBER 12 OF PLATS, PAGES 38 & 39, EATON COUNTY RECORDS.
- 7.) "R" INDICATES RADIAL LOT LINE, "NR" INDICATES NON-RADIAL LOT LINE.
- 8.) LOT LINES EXTEND TO THE WATER'S EDGE.

66490

To whom this may concern,

At the Charlotte Planning Commission meeting held on February 2, 2021, the Commissioners were to speak on the matter of property at 3498 E. Daryl's Way, Charlotte, Lot 66 in Phase 3 of Sanstone Estates. The agenda was to review the back two lot lines of phase 3 to be readjusted to the water line edge.

The owners of Lot 66 were under the understanding when purchasing the lot that it had waterfront access. Upon attempting to resell the property a lot survey was conducted, done by Keba Inc, who formally drew Sanstone Estates preliminary and final plat drawings. The drawings concluded that the property did not have the meet and bounds for waterfront access.

The purpose of getting the City of Charlotte planning commissioners involved was due to the fact that the planning commissioners initially approved the Sanstone Estates Phase 3 as is.

The owners of Lot 66 want to enhance their ability to sell or develop the property by gaining waterfront access from the developer, which is described as un-platted on the final development plat plan. A previous preliminary plat plan termed this space below the lot line as a "beach area" in the preliminary plat, confusing the association and current/new homeowners, believing it is "common space."

The developer has not formally approved any further plat sections with the City of Charlotte for Sanstone Estates. All un-platted land is owned by Crandell Enterprises and rightfully so, can privately sell any un-platted section of its private property.

Facts: The owners have rightfully attempted to have the matter reviewed by the Planning Commission to potentially enable a private transaction between the owners and the developer. I, Nicole Giguere (realtor), along with my sellers (Mr. & Mrs. Hughes, submitted this matter and paid the appropriate planning commission application fees required.

Discussion: Several adjacent owners expressed concerned that their rights were being supplanted by the owners of Lot 66 owners who desired waterfront access. These owners had exactly the same rights as the owners of Lot 66 owners to enter into this process AND discussions with the developer. The Lot 66 owners have proposed an addition of land that mirrors both the back lot line size and slants toward the water. This addition in no way impinges on the rights of Lot 65 and 64 owners.

These lot owners have exceptionally small back lot line sizes, but never-the-less have the ability to negotiate with the developer for waterfront access. The Lot 66 owners have stated no intent to buy more than the proposed lot addition in the developer's land.

Should the Planning Commission approve the use of non HOA controlled land, slated for Common Space, but never mentioned in the final approval development plans- for potential sale to the adjacent owners?

The Planning Commission by unanimous vote elected to table the matter until the next meeting pending additional information. ***The Lot 66 owners would like to specifically understand what additional information is required to make the decision on the Matter stated above.***

This is within your jurisdiction (having reviewed and approved the site plans of the development in the past the Matter represents a minor change in condition that was never finalized in the approved site plans).

The Matter:

It is part of a potential private transaction.

It does not encroach on the current rights of others near the property.

It does not affect the City Master Plan.

It does not require any new zoning actions.

A new survey would have to be conducted, no liability or results of the survey should be pertinent to the commissioners. IE if an unknown water pump was to be found (discussed on the 2nd by one of the Commissioners.)

Based on the evidence provided what exact information is needed prior to next month's meeting "that would allow the Commissioners to approve this action".

Best,

Nicole Giguere

From: **Steve Weigel** <sweigel@deltadentalmi.com>
Date: Wed, Feb 3, 2021 at 7:40 AM
Subject: b.Lot Split – 3498 Daryl's Way
To: marmitage@charlottemi.org <marmitage@charlottemi.org>

Good morning,

My name is Steve Weigel and I own lot 65, Sanstone Estates (3526 E Daryl's Way, Charlotte)

We (my wife and I) do **NOT** object to the sale of what has been deemed common property, said sale between Crandell and Hughes LLC, as long as the property sold extends directly to the lake from lot 66 and does not migrate east into the remainder of said "common" or "shared" property

Our one and only concern has been with what happens to the remainder of the property that has always been referred to as "common" or "shared"

We are **NOT** interested in the purchase of any of the remainder of "common" or "shared" property, that land is too low and the pump that maintains lake level is also right in the middle of the remainder of this "common" or "shared" property

We would like the remainder of that property to remain "common" or "shared" for all of the HOA, I understand that it is owned by the Crandells and that you do not technically have jurisdiction on what happens, but I wanted to make my opinion on the matter clear

Thank you

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development Director
Date: February 25, 2021
Re: TNT Fireworks tent at Meijer

On your agenda for this month's meeting is the annual approval needed for the TNT Fireworks sales tent in the parking lot at Meijer later this year. Unlike previous years, TNT is not applying for a similar tent at Wal*Mart. I do not know whether or not another fireworks vendor may request the use of that space later this spring.

As most of you know, TNT has been selling fireworks seasonally in Charlotte for many years now. To date, the City has not encountered any serious or significant issues with the sales in this location.

I have included a Planning Commission Resolution with the necessary findings you must make to approve this Temporary Use.

As usual, I believe a representative from TNT will participate in our meeting if you have any questions or concerns about this.

City of Charlotte
Temporary Use Request

Date 2/8/2021 Per Section _____

Applicant Name: TNT FIREWORKS / NEW HOPE COMMUNITY CHURCH

Address: PO BOX 7, THREE RIVERS, MI 49093

Telephone: Day 517.526.3839 Evening SAME

Owner's Name: AGENT: CHARLES FRIESE

Address and Location of Property: MEIJER

1167 EAST CLINTON TRAIL, CHARLOTTE, MI 48813

Legal Description of Property (attach drawing where appropriate): SEE SITE MAP ATTACHED-
TENT WOULD BE PLACED IN CENTER OF SOUTH SECTION OF PARKING LOT

Proposed Use of Property: TEMP. FIREWORKS TENT SALE/FUNDRAISER - 4TH OF JULY
JUNE 22ND TO JULY 5TH, 2021

Interest in Property (check one):

☐ Owner ☐ Option ☐ Tenant ☒ SEE LETTER

Current Zoning (check one):

☐ R-1 ☐ R-2 ☐ RT ☐ RM-1 ☐ RM-2 ☐ MH
☐ OS-1 ☐ B-1 ☐ B-2 ☐ B-3 ☐ CBD ☐ PD
☐ IRO ☐ I-1 ☐ I-2 ☐ P-1

Current Use (check one):

☐ Residential ☐ Vacant ☐ Office ☐ Industrial ☐ _____
☐ Institutional ☒ Commercial

The Planning Commission meets on the first Tuesday of the Month at 7:00 p.m. in the City Hall Council Chambers. To make a request for a Public Hearing before the Planning Commission, file this application with the City of Charlotte, Attention City Clerk, 111 East Lawrence, Charlotte, MI 48813. This application must be received no later than the date set by the City Clerk, and must include the following:

1. \$100.00 Fee
2. Sketch Plan

Please contact this department concerning the dates for submittal. Any questions concerning these requirements should be directed to Kevin Fullerton or LeRoy Hummel at (517) 543-8830. The applicant or a representative must be present in order for the Commission to consider the request.

 2.8.2021
Signature of Applicant Date



December 3, 2020

To Store Directors:

TNT Fireworks is an approved Vendor for 2021 to conduct Fireworks Tent Sales in the parking lots of the stores listed below. The sales promotion will run 10 to 14 days between the dates of June 18th and July 5th.

The following stores are approved to participate: 19, 20, 21, 22, 25, 26, 29, 30, 32, 33, 34, 36, 41, 42, 45, 47, 48, 53, 56, 57, 67, 68, 69, 71, 119, 122, 123, 127, 128, 132, 137, 140, 145, 149, 153, 158, 161, 167, 171, 174, 175, 177, 180, 184, 187, 191, 193, 194, 196, 203, 205, 210, 213, 216, 220, 221, 227, 232, 233, 248, 254, 258, 279, 288, 293, 298, 300, 302, 316 & 324.

Prior to the opening sales date, a TNT Fireworks Tent & Stand Division Area Manager will contact each store to introduce the company, discuss the event and timeframe, and the placement of the selling unit in the parking lot. TNT will work with each Store Director when placing the tents in Meijer lots. The tents should be placed in the previous location, if possible, due to the fact that local authorities should have inspected and had no objections to that location the prior years.

TNT Fireworks is responsible for obtaining all necessary permits and/or licenses for the parking lot promotion.

If there are any questions please contact the customer service department at TNT Fireworks at 256-767-7142.

Best regards,

Bob Coffin | Merchant | Summer Toys, Golf, Marine
Meijer | 2350 3 Mile Rd. NW | Grand Rapids, MI 49544
P: 616-791-3158
Bob.Coffin@meijer.com

#194 = Charlotte Store

Chuck Friese
TNT Fireworks
Michigan Area Manager
friesec@tntfireworks.com



PO Box 7
Three Rivers, MI 49093
Cell 517.526.3839
Fax 866.496.0838

February 8, 2021

Reference: Temporary Fireworks Sale in Meijer Parking Lot

To whom it may concern:

Below is information on the temporary fireworks tent sale.

1. Our company will be selling Michigan approved fireworks.
2. Our sales period will be no longer than from June 22nd through July 5th, 2021.
3. Hours of operation will be from 9am through 10pm daily.
4. Sales will be conducted from a tent erected by a local tent rental company with a flame sheet provided.
5. Fire extinguishers and 'no smoking' signs will be present.
6. Overnight security will be provided by the group that is operating the tent (2 people present at all times).
7. Our company will make sure the environment will be kept clean and safe.
8. Our company will also provide all necessary insurance.

Attached is also a rough sketch of the location of the tent in the parking lot of Meijer, a permission letter from Meijer and proof of insurance.

Also, please let me know if there are any changes or further requirements that need to be met.

Thank you,

Chuck Friese
TNT Fireworks
Michigan Area Manager

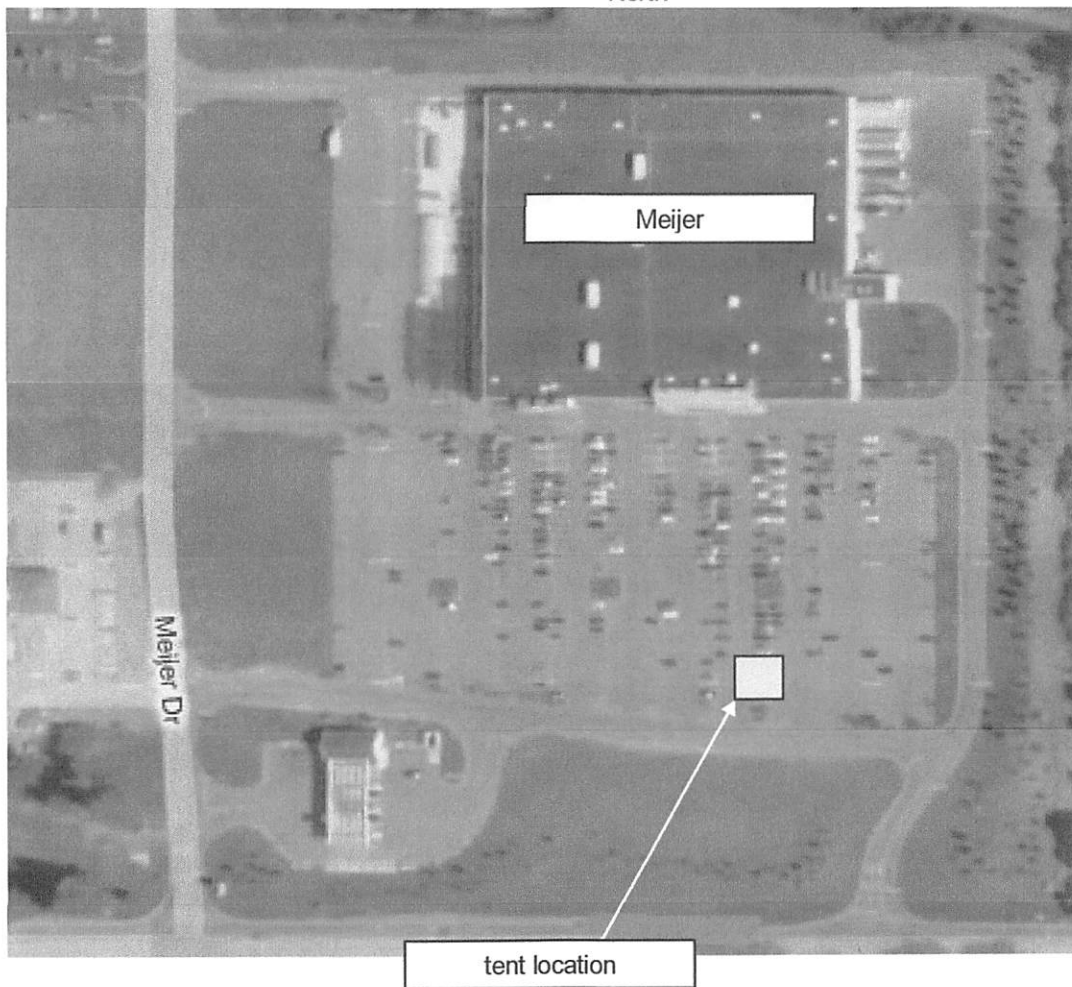


Site Plan Sketch For: **Charlotte Meijer**

1167 E CLINTON TRAIL CHARLOTTE MI 48813

One row East of light pole 'H'

North



The tent will be a 40x40 tent.

It will sit in a parking lane.

** Any generator used would be placed 20 feet away

** Cars will park at least 10 feet away

