

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, MAY 14, 2018 AT 6:00 PM in the City Council Chambers, 210 State Street,
Charlevoix, MI

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. April 9, 2018 minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Presentation from Lindsey Dotson, Main Street Executive Director, on the history of Historical Districts in Charlevoix
 - 2. Annual Report
- H. Old Business
 - 1. Long Term Rental Discussion
 - 2. Priority List as Ranked by Planning Commission
- I. Staff Updates
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment. The meeting will adjourn by 8:00 PM unless extended by a motion.

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: April 9, 2018 minutes

DATE: May 14, 2018

BACKGROUND

Attached are the April 9, 2018 meeting minutes for your approval.

ATTACHMENTS:

- ▣ April 9, 2018 draft minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, April 9, 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, Brian Gelb, Rick Golding, Dennis Halverson, RJ Waddell

Members Absent: Toni Felter

Staff Present: Jonathan Scheel, Zoning Administrator; Kathy Egan, Community Planner Networks Northwest

C. Inquiry into Potential Conflicts of Interest

Chair Chamberlain disclosed that he was a part-time employee for Ferguson & Chamberlain Associates, but he stated that he was no longer the owner, on the board, or the landlord. He stated that he had a conversation with the architect for this project regarding existing topographical surveys. He also spoke to Performance Engineering who requested a topographical survey; it was conducted by and signed/sealed by Scott Papineau, president of the company.

Brian Gelb disclosed that he lived across the street from the proposed project.

D. Approval of Agenda

Chair Chamberlain explained a change in the order of topics related to Item G.1. Motion by Member Clock, second by Member Golding to approve the agenda as modified. Motion passed by unanimous voice vote.

E. Approval of the February 12, 2018 Minutes

Motion by Member Halverson, second by Member Waddell to approve the minutes of February 12, 2018 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Public Hearing: Level B Site Plan Review: Silva Property Management (The Lodge) 120 Michigan Ave.

a. Introduction by Zoning Administrator

Zoning Administrator Scheel reviewed the Staff Report for the requested Level B Site Plan Approval for Expansion of the Facility (The Lodge) located at 120 Michigan Avenue by applicants, Shoreline Architecture & Design. He stated the applicants were proposing adding an 18 unit third floor, removing two units from the first floor for a net 16 unit increase, with ten additional parking spaces including four disabled parking spaces. Two existing driveways are to remain, changing slightly, and the drive to the dumpster moves to the west slightly. He stated the existing use is non-conforming, not meeting setback requirement on the east, west and south sides.

Chair Chamberlain noted that the City was in the process of changing the definition of a corner lot whereby a property could have two front yards and two side yards and that would probably eliminate the sideline encroachment on this property. Zoning Administrator Scheel was unsure whether the alley that is running along the side is a private road and he was attempting to get more information on public and private alleys.

b. Presentation from Applicants

Mike Pattullo, Shoreline Architecture & Design of Petoskey, introduced Aaron Nordman from Performance Engineers, and Paul Silva, owner/buyer of the property. Mr. Pattullo stated that their assumption on the alley side was a 15' setback and the building sets back 10' on that side. He stated it was explained to them that if that alley serves four or more residences it is treated as a public way rather than a private way. Chair Chamberlain felt that it was private because the City never accepted it into their road system. Mr. Pattullo stated that the fundamental instructions from Mr. Silva were to convert this hotel into a first class destination and to be respectful of the building as an Earl Young designed property. He proceeded to go through the details of the engineered site plan proposal, landscape plan, changes to the existing units, removal and replacement of the existing pool, and the third-floor addition.

Mr. Pattullo and Mr. Nordman responded to questions from the Commission. Member Waddell stated that according to the survey the stone wall depicted on the drawings near the new pool area is 2' over on the neighbor's property. He noted that the architectural drawings describe restoring the wall. He had a problem with approving this much money in renovations knowing that there was a wall 2' on the neighbor's yard. He questioned if the neighbor was consulted regarding the proposed landscaping along the property line. Mr. Silva stated that they did discuss screening and landscaping with the neighbors and anything happening on that end of the property would have the approval of the neighbors on that side. Mr. Nordman stated that there was a recorded easement for the wall. Discussion followed regarding requiring curbing in the parking lot, no parking available for RV's or boats with trailers, proposed pool renovations, reduction of current asphalt, additional landscaping and reducing existing impervious surfacing.

c. Public Comment

Tim Schley, 106 W. Dixon, adjacent property owner, stated that he had an issue with the wall which was 2' onto his property and the 10' easement. He stated that the lilacs referenced on the site plan were on his property. He also had concerns about the balconies on the east side and potential compromises to his privacy. He questioned the HVAC system components and lighting as well. He noted that his biggest issue was the screening along the property line.

Rik Lobenherz stated that he did not live in the City but did own a couple of properties very close to The Lodge and he felt that anyone willing to invest in the City at this level deserves support. He also felt that the positives outweigh the negatives when it comes to what this project means to downtown.

d. Zoning Administrator – Present Findings of Fact

Zoning Administrator Scheel and Chair Chamberlain read aloud the recommended Findings of Fact contained in the staff report. The following sections were discussed at length and changed as follows:

- Screening – after discussion, the Commission chose to add the requirement “to minimize the visual impact to the neighboring property on the east side” by placing a mixture of heights, age and species of deciduous and non-deciduous trees on the east side of the property.
- Emergency Access – Zoning Administrator Scheel stated that the Fire Chief asked to enlarge the inner parking lot driveway from 18' to 20'.
- Sign – added the word “new” to the sentence to read as follows: “The Planning Commission finds that there is no new signage being proposed for the property nor is none necessary on the property or on the building.”

e. Planning Commission Discussion

Member Fletcher questioned the location of the heating/cooling units for each room. After discussion, it was noted that every effort should be made to minimize noise from the heating/cooling units.

Zoning Administrator Scheel stated that he would like to see the landscape issue on the east side of the property include a condition of approval that “The applicant will work with the Zoning Administrator to mitigate visual impact and noise on the east side by planting a combination of deciduous and non-deciduous trees in a variety of sizes.”

f. Decision Options

Motion by Member Golding, second by Member Halverson to approve Project 2018-8 SP with conditions (the landscape issue previously discussed and that the driveway to the inner parking lot be widened from 18' to 20'), based on specific findings of fact that prove the project does meet the review standards in Section 5.120. Motion passed by a 7 to 1 vote with Member Gelb abstaining because he was “the R-1 to the north”.

After a 5-minute break, the meeting reconvened.

2. Update the ByLaws

Planner Egan stated the update to the By-Laws includes changing the meeting start time from 7:00 p.m. to 6:00 p.m. in Section 5.1 and one change to correct a typo in Section 5.5. Member Clock questioned if they could add that the meetings will be held generally the second Monday of every month at 6:00 p.m. and the Commission concurred. Member Eveleigh stated that in Section 2.6, a, (1) it indicates “or if the case involves land adjacent to the members property” and she felt it should be within 300' which was in line with what the Zoning Board of Appeals had in their By-Laws. Planner Egan stated that State law

requires that properties within 300' be notified, but she had never seen a conflict of interest go that far. After discussion, no further change was made to the By-Laws.

Motion by Member Halverson, second by Member Waddell to approve the two minor changes to the By-Laws as discussed. Motion passed by unanimous voice vote.

3. Prioritizing Exercise

Planner Egan led the Commission members through an exercise to prioritize their to-do list by category. After discussion, the items were placed into one of four quadrants:

- Low Impact/High Effort
 - Site Plan Review
 - Home Businesses
- Low Impact/Low Effort
 - B&B/Transient
 - Wind Energy
 - Nonconformities
- High Impact/High Effort
 - Long Term Rentals
 - RRC/Parcels Plan
 - Parking Flexibility
 - Residential District
- High Impact/Low Effort
 - Joint Meeting
 - Landscaping

H. **Old Business**

I. **Staff Updates**

Planner Egan mentioned that Members Clock and Eveleigh requested to attend the Citizen Planner Advanced Academy training in Lansing on Thursday, June 7th and she questioned if anyone else was interested in the training.

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

Planner Egan stated that it was time for their Annual Report for review prior to forwarding it to City Council. Lindsey Dotson will present a briefing on the Historic District, and information/discussion regarding a Historic Overlay.

Member Halverson questioned why there was no site plan review for the renovations to the existing McDonald's and Zoning Administrator Scheel will research the matter further and report back.

Member Golding recalled that they agreed to a two-hour meeting only extended by motion and he would like to see that listed on the agenda. He also stated that City Council approved the short-term rental ordinance and that it was now up to the Planning Commission to enact it. The item would be added to the next meeting agenda as well.

Member Waddell stated that he did not believe that the Solid Waste sub-committee was disbanded, and he felt that City Council had already "made moves on that". Motion by Member Waddell, seconded by Member Eveleigh to disband the Solid Waste Ordinance Ad-Hoc Committee. Motion passed by unanimous voice vote.

K. **Adjournment**

Motion by Member Halverson, second by Member Clock to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 8:37 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Annual Report

DATE: May 14, 2018

BACKGROUND

Annual Reports are to be written and presented annually to the City Council (as per requirements of the Michigan Planning Enabling Act). They serve an informational and historical purpose, and are a way of highlighting your work to the council.

Attached is a draft Annual Report for 2017-2018. This document, after your review and changes, may be adopted and forwarded on to the City Council.

ATTACHMENTS:

▣ Draft 2018 Annual Report



CITY OF CHARLEVOIX

Charlevoix Planning Commission Annual Report 2018

Each year the Planning Commission reports to the City Council and to the public on the activities they undertook the previous 12 months, and the priorities they have for the next twelve months. The Commission met twelve times over the past year (May 2017-April 2018). Here is their report:

Updates to the Zoning Ordinance

A Zoning Ordinance is never done. That's a fact. It is constantly being reviewed and updated to meet the current needs and the goals stated in the City's Master Plan. This past year two amendments were adopted and incorporated into the Zoning Ordinance:

- Regulations for short term rental operations were adopted in October. Annual registration and adherence to a set of standards was added as a new section to the Zoning ordinance.
- The topic of signs was on the agenda for ten of the twelve months this past year. After months of examining the language, rewriting it and tweaking it yet again, a public hearing was held over the course of a few months (it was postponed while waiting for a legal review). Finally the work was done and the amendment to the Zoning Ordinance was forwarded to the City Council who adopted it in March 2018.
- A text amendment to the Zoning Ordinance of a few miscellaneous topics was worked through and forwarded on to the ultimate adoption by the City Council in March. The amendment dealt with updating dredging and boathouses, fences and retaining walls, and some associated definitions.

Public Hearings

The Planning Commission conducted six public hearings this past year, covering a variety of topics and applications of the Zoning Ordinance. In addition to updates the Zoning Ordinance they held public hearings on the following proposals:

- In June the Commission reviewed the development plans for Sutton Aviation Hangar at the municipal airport. They recommended approval with conditions.
- November was the timing for a public hearing for special use permit for a Boarding/Rooming House submitted by Harriman/Marvin. The site plan, with conditions, was forwarded to the City Council for their review.
- December's public hearing was a consideration of a commercial plan from Wojan Aluminum Products Corporation to construct a 10,800 square foot addition to their existing site on Stover Road. The addition will be used for storage. The site plan was forwarded on to the City Council.
- And in April a public hearing was held on the request from Silva Property Management to implement overall site improvements and add a third story to The Lodge motel on Michigan Avenue. The Commission recommended the City Council approve the site plan with two conditions.

The Year in Review...

Members of the Planning Commission sat on several city committees to offer their expertise and perspective. Two members (R.J. Waddell, ___??_____) sat on the Short Term Rental Committee and kept the Commission up to date on the work of the committee. An ordinance was adopted in October and goes into effect for 2018.

Two members of the Commission (Judy Clock, Nelson Fletcher) sat on the Solid Waste Committee and worked on an all-encompassing update to the city ordinance which was adopted in March.

A preliminary site condo development plan review was conducted for a 21 unit single family residential site. The plan, along with five issues that the Commission felt needed more information, was forwarded on to the City Council.

The Commission updated their own Bylaws; it is good practice to periodically review your procedures.

Because of a turnover in planning services to the city, the Commission was asked to discuss their own priorities several times throughout the year. The good news is that the list seems to be consistent, and the Commission is focused and ready to get things checked off the list in 2018/2019.

And Looking Forward...

Employee-owned housing for employees was discussed no less than four times in the previous year and is at the top of the Commission's priority list for the coming year. They recognize the critical need for worker housing in the community and will be looking at ways to allow for more creative adaption and reuse of existing buildings.

An expansion on the topic of employee housing is the critical need for all forms and levels of housing in the community. The Commission plans to study the various residential zoning districts to see if and how the residential uses can be expanded without having a negative impact on the current level of use.

Other upcoming areas of work will include:

- Review of B&B and transient housing definitions and standards
- Changes to the process and procedures of site plan review
- A look at the parking requirements for commercial business – can they be adaptable to the specific use?
- Assisting the city with the Redevelopment Ready Community process as much as possible
- A review of standards for various areas within the Zoning Ordinance such as home businesses, nonconformities, landscaping, and wind energy
- Organizing and hosting a joint meeting with the neighboring townships

Local Economy Support

In an ideal world the local economy is supported and enhanced by having a solid, forward-thinking master plan. And that is the case for Charlevoix even as we enter into the 20th year of the Charlevoix Master Plan first adopted in 2016. It is a well-thought out document that continues to guide the community.

Master Plan Goals

The current Master Plan guides the Commission in everything they do. Their focus and priorities align with the community vision and goals found within the Master Plan.

Respectfully Submitted by the Members of the Planning Commission:

Chair Sherm Chamberlain
Vice Chair Judy Clock

Members: John Elzinga
Mary Eveleigh
Toni Felter
Nelson Fletcher
Brian Gelb
Rick Golding
Dennis Halverson
RJ Waddell

Planning & Zoning Staff:

Planner: Sarah Lucas, Networks Northwest
Elise Crafts, Networks Northwest
Kathy Egan, Networks Northwest

Zoning Administrator: Larry Sullivan, Interim
Jonathan Scheel, Networks Northwest

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Long Term Rental Discussion

DATE: May 14, 2018

BACKGROUND

This agenda item is a continuation of a topic from a few months ago.

Instead of giving you sample ordinances from other cities to consider I want to take a step back and understand why you are considering such an ordinance. What issues are you trying to address?

To help guide this discussion I've provided a listing of the possible areas such an ordinance can focus on. By reviewing those categories your goals will hopefully become clear.

I came across an article that provides an easy to read, visual history of the role that boarding houses have played in America. It gives a Big Picture look at the importance of this type of housing over time and into today. I will try to project it onto the big screen at the meeting.

ATTACHMENTS:

- ▢ Long Term Rental Considerations

City of Charlevoix

Planning Commission

Meeting: May 14, 2018

Topic: Boarding Houses

Background: The topic of boarding houses came up at a recent meeting.
Specific questions were –what are they? and – are they allowed?

Concerns:

- Is this a legitimate residential use? Does it fit into a residential neighborhood?
- Potential for disorderly or disruptive occupants which can disrupt a residential neighborhood.
- Parking requirements
- Community needs for this type of housing will be increasing.

Discussion points:

- Should this be handled as a zoning or police power ordinance?
 - approach from a purely land use concerns, or
 - are there concern for landlord/tenant rights?

Current Zoning Ordinance Language:

***Bed and Breakfast.** Any place of lodging that provides rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner or owner's representative at the time of rental, and in which a morning meal is served to guests.*

***Boarding/Rooming House.** A building, structure, or portion thereof, where individual rooms are rented to separate parties, such as transitional homes, hostels or similar uses.*

***Family.** Either of the following defines a family:*

- (1) An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or*
- (2) A collective number of individuals, domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character, and who cook and live as a single nonprofit housekeeping unit. This does not include a society, club, fraternity, sorority, association, halfway house, lodge, organization, group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, such as a school term, a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.*

Household: A house, apartment, group of rooms or a single room occupied as separate living quarters, that includes a bathroom(s), sleeping quarters, and area to prepare food.

5.46(3) Bed and Breakfast Establishments (Currently allowed in R-1 and R-2 only)
Requirements.

1. The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.
2. The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five (5) rental rooms, however the planning commission may consider additional rooms based on the following criteria:
 - a. The existing single family home has the capacity for more than five (5) rental rooms.
 - b. It is a single family home which has been operated as a bed and breakfast establishment in the past.
 - c. There is sufficient parking on site, or within three hundred (300) feet of the property, to accommodate additional rooms.
 - d. The planning commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.
3. Off-street parking shall include a minimum of five (5) parking spaces. Required parking spaces shall be accessible at all times. Use Requirements PART II: ZONING DISTRICTS Page 42 City of Charlevoix Zoning Ordinance Issue Date: 10/16//2017 7
4. The residence shall have at least two (2) exits to the outdoors.
5. One (1) sign is permitted and shall be limited to four (4) square feet. If the sign is a freestanding sign, it shall not exceed eight (8) feet in height. Lighting of signs is not permitted unless the bed and breakfast is located on Bridge Street. In these cases external lighting shall be allowed meeting all the requirements of Article 11.
6. A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.
7. A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a nonconforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.

Potential Standards:

Sample definition to add:

Rooming House: A single family dwelling where lodging, with or without meals, is furnished for compensation, usually for an extended period of time.

or...

Rooming House: a residential use that provides rental boarding rooms unrelated individuals, for occupancy longer than a 14 day period.

- Mirror the current B&B standards section of the Zoning Ordinance
- Applies only to households of (X) number or more renters who are not related to the owner/operator of the rooming house.
- Ordinance can state a maximum number of people.
- Allow in certain districts with same dimensional standards as other structures.
- Consider allowing in other residential, mixed commercial and multi-family districts.
 - Consider each: R-1, R-2, R-2A, CM, PO, CH.
- Common, but not required, standards to consider:
 - share a kitchen with other residents
 - share a bathroom with other residents
 - at least 80 sft for sleeping per resident; or
 - 60 sft when 2 or more share a room
 - common kitchen only --no individual cooking areas in sleeping rooms
 - kitchen must include sink, stove, oven, space for food storage and a refrigerator
 - are microwaves permitted in either kitchen, common areas, or bedrooms?
 - must provide toilet, wash basin, and a shower or tub for every 8 occupants
- Required parking
 - Current requirement is 1 space per 2 beds and one space for the owner/operator.
 - Other options:
 - One for each bed and 2 for the owner/manager
 - One for each sleeping room

Sample Standards: (Alpena)

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accord with Section ____
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

Definitions:

Household: a *household* includes all the persons who occupy a housing unit.

Family: one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Greene County v. N. Shore Resort, 238 Ga. App. 236, 237 (Ga. Ct. App. 1999)

Family: a group of persons who are connected by blood or by affinity or through law within two or three generations.

Family: a group of individuals who share ties of blood, marriage, or adoption; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Priority List as Ranked by Planning Commission

DATE: May 14, 2018

BACKGROUND

This is for your information. It is the outcome of the ranking exercise conducted last month.

ATTACHMENTS:

- ▣ Priority Ranking 2018
- ▣ Priority Quadrants

**City of Charlevoix
Compiled To-Do List by Category
Post- April 9, 2018 Planning Commission Meeting**

The Planning Commission discussed these priorities at the April meeting. This list is compiled from the High/Low Effort – High/Low Impact quadrant exercise, and is placed in order accordingly.

1. Long term rental ordinance
2. Review Residential Districts
 - Housing flexibility – allow for different housing types where appropriate
 - Accessory building heights
 - Lot sizes
 - Lot coverage standards
 - Review residential uses and dimensional requirements
 - Include state licensed residential facilities
3. Review B&B and other transient housing standards/definitions
4. Site Plan Review article overhaul
 - There are over a dozen items to address, change, or consider for the SPR article.
5. Create opportunities for parking requirements flexibility
6. Prioritize city owned properties for redevelopment (RRC process)
 - Develop vision for each parcel
 - Help create a guide to development that explains city policies, procedures, and steps to approval.
7. Review Home Business levels and standards
8. Review nonconformities
9. Review landscaping standards
10. Joint meeting with other jurisdictions
11. Review Wind Energy Conversion Systems

	Low Impact	High Impact
High Effort	• Site Plan Review overhaul • Review home business levels / standards	• Long term rental ordinance • Review residential districts • Create opportunities for parking flexibility • Vision of select properties / RRC process
Low Effort	• Review B&B and other transient housing • Review nonconformities • Review wind energy conversion sysytems	• Review landscaping standards • Joint meeting with other jurisdictions