

**CITY OF CHARLEVOIX**  
**PLANNING COMMISSION MEETING MINUTES**  
**Monday, September 12, 2016 - 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, Rick Golding, Julee Roth, RJ Waddell

Members Absent: None

City Staff: Interim Planner Zach Panoff

**C. Inquiry Into Potential Conflicts of Interest**

None.

**D. Approval of Agenda**

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

**E. Approval of August 8, 2016 Minutes**

Motion by Member Waddell, second by Member Eveleigh to approve the August 9, 2016 minutes as presented. Motion passed by unanimous voice vote.

**F. Call for Public Comment not Related to Agenda Items**

Madelyn Renauld, 2<sup>nd</sup> Ward, indicated that her brother Al Wojan was speaking on her behalf. Mr. Wojan felt the garage [at 203 Sheridan] was built without following the Zoning Ordinance. He stated that no building permits were issued, but a zoning permit was issued. He questioned whether there was a procedure for giving notice to adjacent property owners so someone who wanted to object could go before the Zoning Board of Appeals (ZBA). Chair Chamberlain responded that in R1 and R2 districts there was no notification process required by the Zoning Ordinance.

Mr. Wojan reviewed the particulars of how the situation occurred; Ms. Renauld distributed handouts regarding the garage and setback requirements. Mr. Wojan stated that the setbacks and traditional front entrance were determined without following the Ordinance and he proceeded to read various statements from the Zoning Ordinance. He stated that in this case Hurlbut Street was used to determine the front yard thereby giving the side yard an 8 yd. setback, but there are no doors or entrance on that side.

Mr. Wojan stated that his sister "feels that she has been crowded in and justifiably so". He stated that her neighbor has a shed that is now in the front yard. Mr. Wojan said that they couldn't go before the ZBA because 30 days had passed. Interim Planner Panoff stated that the ZBA could accept their appeal. Mr. Wojan questioned if the Planning Commission would ask the ZBA for an interpretation of what the front entrance means. Chair Chamberlain said they could do that or the Planning Commission could define it themselves. He stated that the quickest remedy would be for Ms. Renauld to take her case before the ZBA. Member Eveleigh read a portion of the Zoning Ordinance that allowed the Planning Commission to ask the ZBA for an interpretation on Ms. Renauld's behalf.

Ms. Renauld felt that it was important in this situation for City Hall to know what was going on. She recalled that Interim Planner Panoff admitted to her that he made mistakes; she stated that Staff should "do a whole job, not just half a job".

Motion by Member Eveleigh, second by Member Golding under Section 9.2 of the Commission's By-Laws to request that the ZBA interpret particular sections of the Zoning Ordinance for clarification with regard to the traditional front entrance on corner lots. Motion passed by unanimous voice vote.

Judith Lozo, 607 State Street, stated that she lived in her home for 23 years. She was concerned that 605 State Street, VRBO.com listing number 826158, is a single family residence advertised as a multi-family home that sleeps 18. She stated that on August 1<sup>st</sup> she emailed Interim Planner Panoff asking what zoning regulations were in place for this type of property and he responded that this is was an issue that has come up recently to the Planning Commission and they will be

looking at ways of overseeing the property use in the near future. Chair Chamberlain stated that pros and cons of seasonal rentals would be discussed later in the agenda.

## G. **New Business**

### 1. Site Plan Review for Project 2016-09SP – Charlevoix Pointe Condominiums (115 Pine River Lane)

#### a. Staff Presentation

Chair Chamberlain stated that this project came before the Planning Commission twice in the past and the first two approvals have expired. Interim Planner Panoff stated that this project is the same project as in 2013 and 2014 and consisted of seven townhome style condominiums in three buildings along Pine River Lane. Each unit has 3 stories, 2,700 sq. ft., 3 bedrooms/3 baths, 2-car garage and an elevator. He stated that in 2013 part of the conditions of approval were that the developer had to pay for their portion of upgrading the 4" water line running down Pine River Lane to an 8" line, as well as a performance guarantee to ensure that such a highly visible site could be restored to its original state if the developer stopped the project prior to completion.

Chair Chamberlain questioned Interim Planner Panoff whether signed and sealed plans were submitted to his office, which they were not, and he asked Interim Planner Panoff to contact Mr. Mansfield. He stated to his knowledge Mr. Mansfield was a consultant, he was not an architect, surveyor or engineer. He stated that in the past Mr. Mansfield has had engineers on his staff. Chair Chamberlain stated that a condition was needed that signed and sealed plans be provided before the project moved forward to City Council.

#### b. Applicant Presentation

Mr. Tim Burden, Midtown Development, Inc., stated that Doug Mansfield, Mansfield Land Use Consultants, is a licensed engineer and Chip Ironside, Progressive Associates, Inc. of Petoskey, was an architect. He indicated that the plans were in process and would be sealed for construction. He stated that they tried to launch this project a couple of times and needed two purchase commitments prior to starting construction. He stated that they were working with Coldwell Banker Schmidt to market the property. He indicated that they would like to break ground this fall or Spring 2017.

Chair Chamberlain questioned if the owners of the units would be able to rent out the units. Mr. Burden stated that the condominium documents did not allow rentals less than 30 days and his potential client would use the townhome as their summer home. He stated that these would be site condominiums and the condominium documents were recorded with the County about 14 months ago. Mr. Burden indicated that a year ago they had the property under contract, but since then they have closed on the property and are the owners.

Mr. Burden and Interim Planner Panoff responded to questions from members of the Commission.

#### c. Call for Public Comment

Christine Jones, 113 Pine River Lane, stated that she objected to the fact that there was no grass between the sidewalk and the driveways of the units. She encouraged the Planning Commission to work with Mr. Burden to seek the best possible plans. She referenced the special surety bond to make sure that the property is developed as planned. She questioned what would happen if the first building was built and the other buildings were not built.

#### d. Planning Commission Determination of Findings of Fact

Chair Chamberlain proceeded to read aloud each of the proposed Findings of Fact and Conditions of Approval as presented in the Staff report.

#### e. Motion

Motion by Member Eveleigh, second by Member Roth to approve Project 2016-09SP with conditions, based on specific findings of fact that prove the project does meet the review standards in Section 5.120. Member Waddell questioned if this would be for a one year time period and Interim Planner Panoff responded affirmatively and stated that the applicant could come before the Commission for a one year extension as well. Motion passed by unanimous voice vote.

After a brief break, the meeting reconvened.

### 2. Consideration of Sub-Committee to Investigate Short Term Rental Regulations

a. Planning Commission Discussion

Chair Chamberlain invited Judith Lozo to finish her comments. Ms. Lozo stated that the property next to her was purchased to be used as a rental property. It was rented this past year from mid-June to September on a weekly basis. She stated that there have been as many as 24 people in the home during the holidays and that the driveway for the property was on her side of the home. She stated that there have been at times two cars in the garage, four cars in the driveway and six cars parked in the street. She felt she lived in a quiet residential neighborhood and the property was being rented as a commercial business.

Joe Dixon stated that he lived across the street from Ms. Lozo, and he questioned whether the house was zoned commercial. Interim Planner Panoff responded that it was zoned R2, single family residential. Chair Chamberlain stated that Interim Planner Panoff will need to do more research to determine when does a single family residence "cross the line" into a purely commercial operation.

Interim Planner Panoff stated that if the Commission wanted to move forward they would need to formally establish a sub-committee and designate members willing to participate in the group. Member Roth volunteered to be a member of the sub-committee, Members Golding and Waddell also expressed interest in serving. Chair Chamberlain stated that the purpose of the sub-committee was to examine and investigate short-term rental regulations, what level of regulations are needed and are such regulations necessary. He suggested setting a general public hearing for next month to allow for public comment regarding seasonal rentals.

b. Motion

Motion by Member Roth, second by Member Eveleigh to create a sub-committee to investigate short term rental regulations. Motion passed by unanimous voice vote.

Motion by Member Roth, second by Member Waddell to set a public hearing for October 10<sup>th</sup> on the topic of short term rentals. Motion passed by unanimous voice vote.

**H. Old Business**

1. Review of Zoning Ordinance Amendments

a. Review Language for Potential Updates

Interim Planner Panoff stated that based on the Commission's discussion at the last meeting, he provided language in the agenda packet regarding upland dredging on Round Lake, retaining walls, fences and walls, and site plan review for waterfront parcels. Based on the Commission's direction, he will forward the proposed language to the City Attorney for review.

**I. Staff Updates**

Interim Planner Panoff introduced Janet Jones as the new Code Enforcement Officer for the City.

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

Interim Planner Panoff stated that next month's meeting will also include the public hearing for the Master Plan.

**K. Adjournment**

Motion by Member Clock, second by Member Eveleigh to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:57 p.m.

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Joyce M. Golding/fgm

City Clerk

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Sherm Chamberlain

Chair