

**CITY OF CHARLEVOIX**  
**PLANNING COMMISSION MEETING MINUTES**  
**Monday, April 11, 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, Mary Eveleigh, Rick Golding, Dave Novotny, Julee Roth, RJ Waddell  
Members Absent: John Elzinga, Toni Felter  
Interim City Planner: Zach Panoff

Chair Chamberlain asked Member Golding to introduce himself as the newest member of the Commission. Member Golding stated that he was the Manager of the Chicago Club, resident of the Charlevoix area for the past six years, and that he was happy to be part of the process.

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

Member Roth said that she may have a conflict on the retaining wall issue as she had such a wall on her property. Chair Chamberlain responded that this was not a conflict. Chair Chamberlain stated that Carol Amick was a client of his and therefore he would be recusing himself from the discussion on the Division Street property. Member Novotny stated he was also recusing himself because he owned property adjacent to the Division Street property.

**D. Approval of Agenda**

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

**E. Approval of March 14, 2016 Minutes**

Chair Chamberlain stated that staff could not distinguish who seconded the motion regarding the bike racks at the last meeting. The Commission agreed that it was Member Felter. Motion by Member Roth, second by Member Eveleigh to approve the March 14, 2016 minutes as corrected. Motion passed by unanimous voice vote.

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

None.

**G. Old Business**

1. 2<sup>nd</sup> Public Hearing on Proposed PUD Rezoning for Property on Division Street (Project 2016-02 PUD)  
Chair Chamberlain and Member Novotny moved to sit in the audience during this agenda item.

- a. Staff Introduction

Interim Planner Panoff stated that the goal today was to have another applicant presentation and public hearing and then the Commission would need to make a decision.

- b. Application Presentation (if requested)

Jim Malewitz, Performance Engineers, reviewed where the project started and what changes were requested including four 12-unit apartment buildings. He stated that the density of this plan was 11 units per acre and the Master Plan referenced 13 units per acre. He discussed the *Charlevoix County Target Market Analysis Summary* and the potential market demand for multi-family units. Mr. Malewitz stated that LSB Ventures, Ltd was Lewis S. Beck who owns a summer home in Charlevoix as well as the buildings where Asian Fusion and The Villager restaurants are located.

Member Eveleigh referenced the site plan which indicated drainage swales and she asked if those were natural. Mr. Malewitz responded that swales work better than putting in one big retention pond. He read aloud the summary provided as part of the staff report for this project.

Member Roth questioned if the owner was open to working with the community on the elevation. Mr. Malewitz provided Member Roth with drawings of various options and responded to questions about the project.

c. Call for Public Comments

Brian Warren, 630 Division, stated that he owned several rental properties in the area and monthly rent of \$700 - \$1,000 would make it be difficult to fill these units. He spoke in opposition of the project.

Laurie-Maureen LaBlance stated that she lived on Carson Avenue for 50 years. She felt that putting 48 families on less than five acres was not fair to the neighborhood.

Al Holmes, Carson, spoke in opposition to the project due to the potential for increased crime in the neighborhood and he felt that R-1 zoning was perfect for the property.

John Goldstick, 819 Carson, spoke in opposition to the project due to not many people being able to afford the rent. He felt it was wrong to rezone one parcel of land that would be detrimental to the whole community.

Kenneth Storm, 304 Meech, felt that several people would live in one unit at the proposed rents, therefore there would be more than one car per unit and traffic would increase substantially.

John Hess, 326 Meech, referenced the intent of the PUD regulations to promote a "higher quality of development that can be achieved from conventional zoning requirements in furtherance of the vision and goals of the adopted Master Plan of Charlevoix". He questioned why they were talking about this project without discussing a change to the Master Plan first. Mr. Hess stated that there were three different things happening: 1) Change to less than five acres; 2) Rezoning; and 3) Site Plan approval and they should all be voted separately. He questioned various aspects of the site plan, that all residents within 300' were not notified, and recommended that the lowering of the five acre requirement come first.

Sue Herzog, 8542 McSauba, felt that this type of a complex was too big for the property size. She commented that apartments usually included at least two adults with two cars.

Leilani Durbin, 1210 State, stated that she owned several properties in the 1<sup>st</sup> Ward and she questioned who was going to live in the proposed units. She felt that they need housing that works for their community.

Pam Carr, 314 Meech, discussed the zoning changes in the area. She expressed concern regarding air quality as a result of increased traffic and privacy.

Phyllis Hess, 326 Meech, encouraged the Members to walk the site, to see the surrounding homes, and what these three-story buildings will do to the neighborhood.

Lorene Sakamoto, 324 Meech, stated that their neighborhood was quiet when she first purchased her home. She felt that building this type of affordable housing was not right.

John Murray, 887 Mercer, stated he was working with the individual who was trying to buy the property. He recalled that every study done by the City Planner "says that we need more apartments and affordable housing in Charlevoix". Mr. Murray shared local rent prices in the area and said he gets at least 10 calls a week from prospective renters. He stated that the developer would be happy to work with the Commission on aesthetics, possibly phasing in the buildings, and he wanted to make sure that they have on-site management.

Monica Mayhew Mailloux, 520 Division, stated that she complained about traffic resulting in a police officer patrolling in the area. She felt that the 3-story height was too high.

Laura Bottomley-Brown, 13709 Division, stated that she would not want her daughter playing outside with the increased traffic. She felt that property values would hit rock bottom and there was no industry in Charlevoix that would accommodate the amount of people needed to fill the units.

Don Voisin, 502 Michigan, felt that this project does not meet the 5-acre requirement. He stated that he walks down Dixon because the traffic on Division is excessive after parents drop their children off at school.

Resident (no name given), recalled that when the American House site was developed in the 1990's, Council and the Planning Commission said that "we will guarantee you that nothing more than a single family development will go in there." He felt the proposed buildings were 37'-38' high with the roof pitch, 18'-20' higher than the average house.

Mr. Hess stated that the addition of 48 units and associated vehicles will be unbearable and this was not good planning. He said they could handle 24 units in R-2 zoning. He stated that he reviewed all of Interim Planner Panoff's work on the project and disagreed with everything proposed.

Mr. Malewitz stated it was difficult listening to all the public comments. He said the project was not spot zoning and the property was not selling as R-1 or R-2 zoning. He felt that it was more affordable to rent than to build a new house. He stated that they put a lot of effort into this project and there were a lot of things taken into consideration. He indicated that they could bring the number of units down to 32 and two stories, and they could come up "with a better look".

Becky Voisin, 502 Michigan, felt that this property was not large enough to be re-zoned for a PUD. Interim Planner Panoff clarified that the minimum size for a PUD is ½-acre, not five acres.

Maureen LaBlance stated that she strongly encouraged the Commission to keep the zoning at R-1/R-2 zoning.

d. Planning Commission Determination of Findings of Fact

Interim Planner Panoff stated that two other measurable items were misquoted. He explained that it was a two-step process: 1) this was a rezoning and the Commission will make its recommendation to City Council, and 2) after City Council action the applicant will come back to the Planning Commission for site plan review with more substantial drawings. The applicant meets the requirement for drawings at this step in the rezoning process. He provided examples in the staff report for each of the findings of fact and it was up to the Commission to agree with them, disagree or change them as they feel warranted.

Vice Chair Clock began a review and discussion among the Commission members regarding the findings of fact:

- (1) The PUD will promote the intent and purpose of this Article.
  - 3<sup>rd</sup> line, remove "design"
  - 3<sup>rd</sup> line, delete "achieves economy and efficiency in the use of the land"
  - 5<sup>th</sup> line, delete "minimizes adverse traffic impacts"
  - 7<sup>th</sup> line, delete "the surrounding area"
- (2) The PUD will comply with standards, conditions and requirements of this Article.
- (3) The proposed project will be compatible with the adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the proposed project.
- (4) The proposed project will be consistent with the public health, safety and welfare needs of the City.
  - Safety issues were raised with this project due to traffic considerations.
- (5) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community which would not otherwise be feasible or achievable under the conventional zoning districts.

- Change the first sentence to reflect that the proposed project does not benefit the community.
- (6) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- Change the second sentence to read: “City staff has reviewed the proposal and determined that existing water and sewer infrastructure will be able to handle the development, but roads would not be able to handle the development.”
- (7) The PUD will be consistent with the City’s Master Plan and the following planning principles as listed.
- The Commission concurred to remove the findings listed under item d
  - Change item f to read: “The Planning Commission finds that the PUD does not provide a greater amount and more diverse supply of housing choices...”
- (8) The PUD will respect or enhance the established or planned character, use and intensity of development within the area of the City where it is located.
- Change the first sentence to read: “The Planning Commission finds that the proposed PUD does not respect the character and use of development within the surrounding area.”
  - Change the last sentence to read: “...the proposed intensity is not in line with existing zoning and projections of the City’s Master Plan”.

Vice Chair Clock read aloud the sections of the staff report related to Conditions of Approval, Performance Guarantee, and the Planning Commission’s Role and Options.

Member Waddell questioned if they tabled the decision, would this ~~would~~ allow the developers to take the time to review the project again and amend the proposal.

e. Motion

Motion by Member Waddell, second by Member Roth to table the decision on Project 2016-02 PUD to give LSB Ventures an opportunity to respond to the community’s needs based on the feedback given tonight and the feedback from the public.

Member Golding stated that his previous position was an Area Manager for the company who manages Lake Harbor and Charlevoix Pine Cove apartments (subsidized housing). He understands the challenges of subsidized housing communities and apartment communities in general. He stated that it doesn’t matter if you have on-site management or a manager from 8:00 to 5:00; there will be the same challenges and problems. He explained that renters can pay up to \$650 a month to live in subsidized housing. He stated that there were a lot of challenges with this project, and he did not see the need for this project.

Member Roth discussed the current R-2 zoning, and the ideas of pocket neighborhoods and placemaking. She stated they were trying to encourage people to live in Charlevoix. She was not in favor of the 4-building concept.

Member Eveleigh recommended denial of the project.

Member Waddell commented that LSB Ventures made an effort to address the Commission’s issues from the first meeting and that this was a much better looking proposal. However, he was startled when it went to 3-story buildings with 48 units. He stated that the buildings were not very unique. He would like LSB Ventures to continue to look at the project at how they have not met the standards of the PUD. The project should not include 48 units and be three stories tall.

Motion passed by unanimous voice vote with the exception of Chair Chamberlain and Member Novotny who abstained.

Chair Chamberlain and Member Novotny rejoined the meeting.

The Commission reconvened the meeting after a ten minute break.

2. Enacting Shoreline Zoning Protection Around Lake Charlevoix Presentation

a. Presentation by Claire Karner of Land Information Access Association (LIAA)

Claire Karner gave a brief presentation regarding the community planning project on Enacting Shoreline Protections around Lake Charlevoix. She stated that the purpose of the project was to help the ten communities surrounding Lake Charlevoix protect the water quality. She proceeded to review the background of the project, current standards, and proposed recommendations for further shoreline protection zoning standards in the City of Charlevoix. Recommendations included:

- That the Zoning Ordinance be amended to define the Ordinary High Water Mark of Lake Charlevoix as 582.35' I.G.I.D.
- Require that all necessary permits be obtained prior to the issuance of a zoning permit
- Require formal Planning Commission site plan review for all waterfront uses
- Shoreline protection structures
- Specifically regulate number of docks allowed
- Specifically regulate or prohibit keyhole/funnel development

**H. New Business**

1. Discussion on Land Use Master Plan Updates

Commission concurred to postpone discussion on this item until the next meeting.

**I. Staff Updates**

None.

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

None.

**K. Adjournment**

Motion by Member Clock, second by Member Roth to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 9:53 p.m.

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Joyce M. Golding/fgm

City Clerk

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Sherm Chamberlain

Chair