

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, October 10, 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

Agenda approved as presented.

E. Approval of September 12, 2016 Minutes

Motion by Member Waddell, second by Member Clock to approve the September 12, 2016 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

None.

G. New Business

1. Public Hearing for Short Term Rentals in the City of Charlevoix

a. Review of September 28 Planning Commission Sub-Committee Public Meeting

Chair Chamberlain stated that the City was in the process of updating its Master Plan and Zoning Ordinance during which the discussion began about short-term rentals. He stated that this past year it seemed to be very prevalent. He recalled the discussion that weekly rentals have a tendency to change the identity of the community, impact affordable housing for year-round residents and seasonal workers, and impact businesses. Chair Chamberlain read aloud the intent of the R-1 and R-2 zoning districts as listed in the City's Zoning Ordinance. He stated that bed and breakfasts were allowed under a special use permit, and transient housing is permitted and defined as "apartments, condominiums, single-family homes or similar dwellings rented out to individuals or groups". He referenced Section 5.78 of the zoning regulations for specific standards which he read aloud. He also read the definition of boarding houses which are allowed in R-1 and R-2 zones. Chair Chamberlain stated that they appointed a Sub-Committee consisting of Members Golding, Roth, and Waddell to look into this issue further and take public comments.

Member Waddell summarized the September 28th Sub-Committee meeting and indicated that there were about 20 attendees including people who rent their properties, agents who oversee rentals, neighbors who live next to rental properties, and Chamber representatives. He stated that they listed the advantages and disadvantages of short-term rentals. There was discussion regarding possible regulations, inspections, license fees, and how such a policy would be enforced.

b. Call for Public Comments

Julie Bruce, Hurlbut Street, stated that they purchased their home earlier this year and prior to purchasing they were told by the City that there were no rental restrictions. She noted that she rented to families with no more than five people. She stated had she known that rentals were going to be an issue they would not have purchased the home.

John Hess, Charlevoix Township, stated that he does not rent his house, but felt that this idea was something that was going in the wrong direction for growth in Charlevoix, and he did not want to see more regulation. He also questioned how such regulations would be enforced. He stated that there was not a problem right now, and he felt that the issue should be tabled.

Hans Van Der Weijden, 300 Park Avenue, stated that most of the residences along his street are short-term or longer-term rentals and he did not see a problem with these rentals. He felt there was no need for more regulations or enforcement, and he had no complaints with the short-term rentals.

Amanda Wilkin, Charlevoix Convention & Visitors Bureau, stated that she agreed that a new hotel presence was needed. She stated there were 400 short-term rentals in the Charlevoix area and the hotels/motels were having a hard time filling their rooms. She felt that they need to do their due diligence so that Charlevoix does not become a full short-term rental community.

Kerrie Mulane, 400 Park Avenue, stated that they purchased their home two years ago and noted that they were doing some work on the house. They rented the home in July and August and they had no problems with their renters. She stated that she also rented her home in New Jersey and they were licensed through the city with an inspection sticker that said "they were regulated", but basically all it meant was that someone could call them if there was a problem with one of their renters. She felt they needed to be very careful with regulating short-term property.

Faith Miller, 104 Auld Avenue, stated that she sent an email to the Sub-Committee with additional points, but stated that her neighbors on both sides know how to reach her if there are problems with renters. She commented that she depends on local contractors, housekeeper, irrigation & lawn services, etc. from the area to help with the home. She noted that she had renters who signed rental agreements and paid deposits for 2017 so if there were any changes made to short-term rentals it would impact anyone who reserves their property well in advance.

Hans Van Der Weijden felt that a lot of the homeowners are from out of state and they pay 35% extra in property taxes and those who live here just in the summer use minimal City services.

c. Planning Commission Discussion

Member Roth stated that the Sub-Committee scheduled November 14th at 10:00 a.m. for more discussion as there were safety concerns as well as drafting some language. Member Golding summarized that there were two sides to the rental market – one with finer homes where there are no issues and the neighbors are agreeable and another side that may have physical (repair) issues. He stated that they all were going to have different needs and he felt that the Planning Commission was not "the only resolve to that". Member Waddell noted that the State of Michigan defined short-term rentals as shorter than 30 days. Member Roth felt it was important to look at the definitions of short-term rentals from surrounding communities. She stated that one of the references from the last meeting was from Kettering, Ohio and Interim Planner Panoff responded that it was a property maintenance code that did not really have anything to do with rentals. She also questioned if the short-term rentals were required to have a business license. Chair Chamberlain stated that he knew that there were people who formed LLC's that rent out their properties. He indicated that the issue would be turned back to the Sub-Committee for further discussion.

H. Old Business

1. Public Hearing for the 2016 Master Plan Update

a. Planning Commission Review/Discussion

Interim Planner Panoff gave a quick synopsis of the proposed changes in the 2016 Master Plan update including: the new Zoning Ordinance was adopted in 2011 so the zones were updated and expanded, existing and future land use maps were updated, major update to the Goals section, and the funding mechanisms in Chapter 4.

Chair Chamberlain stated that the Charlevoix County Planning Commission made a statement with regards to addressing Beaver Island's relationship to Charlevoix which he felt was an excellent idea. He stated also that Charlevoix County Schools have discussed doing a Facilities Update Study which relates back to the Beaver Island Boat Company parking most of their vehicles at the Charlevoix Middle School. Therefore, he felt it was necessary to look at how to provide adequate parking for the Beaver Island Boat Company. He also felt that the City should be more involved in the School's Facilities Study Committee, and that the Commission should take a look at these items as part of the Master Plan update.

Discussion followed regarding the two parcels on the County's Future Land Use Map that are owned by Charlevoix County but marked as single-family residential.

b. Call for Public Comments

None.

c. Review of Draft Resolution of Adoption for the 2016 Master Plan

Chair Chamberlain stated that the draft resolution will be reviewed at next month's meeting while they do the final review of the 2016 Master Plan.

d. Motion

Motion by Member Eveleigh, second by Member Waddell to table this item to the November Planning Commission meeting. Motion passed by unanimous voice vote.

I. Staff Updates

Interim Planner Panoff noted that there was a Charlevoix County Planners Forum on Wednesday, November 9th, from 4:30 to 9:00 p.m. at the Library, and asked that anyone interested in attending let him know so he could register them.

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

Chair Chamberlain asked Interim Planner Panoff to find out the distribution of students in the Charlevoix County Public School System.

Member Eveleigh questioned whether a meeting was scheduled by the Zoning Board of Appeals for clarification of front lots and side lot setbacks on corner lots, and Interim Planner Panoff replied that the meeting was Wednesday, November 2nd, at 6:00 p.m.

Member Eveleigh referenced the Charlevoix Pointe Condominiums (115 Pine River Lane) and stated that she wanted to see the plans once they were submitted to the City. Chair Chamberlain stated that they had processed this as a site condominium and Interim Planner Panoff stated that the appropriate documents were filed as a Master Deed for a site condominium on October 3, 2014. Chair Chamberlain explained his reasons for feeling that this project should have been processed as a "common wall condominium".

K. Adjournment

Motion by Member Eveleigh, second by Member Roth to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 7:53 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair