

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, November 14, 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.

Chair Chamberlain introduced Nelson Fletcher as the newest member to the Planning Commission and Member Fletcher briefly described his background.

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Judy Clock, Mary Eveleigh, Toni Felter, Nelson Fletcher, Julee Roth, RJ Waddell
Members Absent: John Elizinga, Rick Golding
City Staff: Interim Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

E. Approval of October 10, 2016 Minutes

Motion by Member Waddell, second by Member Roth to approve the October 10, 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. Discussion on Addressing Summer Worker Housing

a. Staff Introduction

Interim Planner Panoff reported that the Michigan Main Street Economic Restructuring Committee discussed the difficulty local businesses have in attracting summer workers to the area. One of the major issues has been finding affordable housing for potential employees, i.e., college students.

b. Presentation by Dan Barron, Downtown Development Authority (DDA) Chairman

Dan Barron stated that the lack of housing for seasonal workers has had an acute impact on the restaurants and shops in the downtown area. He noted that there were 64 unfilled job positions in Charlevoix last summer. He stated that there are plenty of college students who would like to come to Charlevoix for the summer, but they could not find affordable housing on a short-term basis. Mr. Barron indicated that the Sub-Committee and DDA recommended altering the definition for bed and breakfasts to allow, as a use by right, one or two individual rooms to be rented out in a house before it is considered as such. He stated that the bed and breakfast provision in the Zoning Ordinance as a special use is not practical to facilitate. The DDA requested that the Planning Commission change the Zoning Ordinance to allow this type of temporary housing for seasonal workers.

Member Roth questioned Mr. Barron's definition of affordable housing, and Mr. Barron explained housing which is affordable to the workforce. Member Roth questioned what rents they were trying to allow as it was relevant to the discussion the Planning Commission was having on short-term rentals. Mr. Barron stated based on wages for seasonal summer workers he was thinking monthly rents of \$300-\$400. Member Roth commented that Kelsey B's Restaurant had 12 rooms available for summer workers that were never used. She stated that zoning was not keeping people from renting rooms in their homes. Mr. Barron replied that some room rentals may not be in compliance with the Zoning Ordinance. He stated that if this type of housing was going to be promoted on a widespread basis they would need to be sure it was in keeping with the Zoning Ordinance.

Chair Chamberlain stated that the City allows boarding and rooming houses as a special use. Mr. Barron stated that there were plenty of residents in town that have multiple bedrooms and this type of workforce housing was un-tapped

and underutilized. He noted Main Street initiatives were to promote the vitality and attractiveness of Charlevoix to younger generations and felt there was no better way to let the young people experience the town.

Member Eveleigh questioned why this type of housing was considered a special use and Member Roth replied “that’s transient housing”. Interim Planner Panoff stated that transient covers all rentals. Chair Chamberlain read aloud Section 5.78, *Renting of Residential Properties* of the Zoning Ordinance. Chair Chamberlain stated that this would be an opportunity to look at the housing definitions in the Zoning Ordinance and the possibility of seasonal worker housing. Mr. Barron stated that renting out a room in a residence was currently allowed under the bed and breakfast provision and there were technical requirements that render that language and special use process impractical for seasonal workforce housing. Member Fletcher stated that he saw this as a totally different category than bed and breakfasts or typical rentals. Member Roth felt that the Commission should not be limiting themselves to one category. She felt there was a lot of housing already available that has not been used. She also felt that they had a bigger problem of affordable housing and have short-term rental issues which take up that housing because they can still rent a room or rent their house using an online service. Chair Chamberlain stated that this was a whole separate category to bring in seasonal workers. Member Roth felt this issue should not be singled out separate from what they were doing with short-term rentals. Mr. Barron stated that “you may have a much larger issue, but I think it’s extremely short-sighted to say we’re going to tie our hands and not move forward on something that can make a big difference and there is a very immediate need in the downtown and it’s not just catering to college kids, it’s creating economic concerns and distress within our local economy.”

Mr. Barron reiterated that the DDA had endorsed that the Planning Commission review the situation and establish an ordinance that would allow the ability to rent a bedroom or two for workforce housing with appropriate standards. Member Eveleigh stated that they were looking for a “use by right” and Mr. Barron agreed. Chair Chamberlain felt that it could be addressed by amending the definitions and adding a definition for “seasonal housing” in the Zoning Ordinance.

- c. Public Comments
None.

- d. Planning Commission Discussion

Chair Chamberlain stated that this was a needed item. Member Roth used the example of AirB&B and if someone wanted to rent out their room there has been “no enforcement in this town” until this year. She felt that the senior community needed affordable housing also. Chair Chamberlain stated that 180 days or less was considered short-term. Member Roth stated the Sub-Committee discussed topics that need attention including a definition for short-term housing.

Discussion followed regarding affordable housing, seasonal housing, and short-term rental issues. Member Fletcher questioned what were they trying to police and Member Roth replied that some of the issues that came up with the short-term rentals were noise, parking, enforcement, occupancy numbers, and trash. She felt that short-term rentals should pay an assessment to promote Charlevoix.

Chair Chamberlain summarized that the Commission wanted to work on this issue in a deliberative manner to look at affordable housing and housing definitions in the Zoning Ordinance.

H. Old Business

- 1. 2016 Master Plan Update

- a. Staff Presentation

Interim Planner Panoff stated that he had made the changes and additions to the Land Use Master Plan that were brought up at the last meeting. The sections that were updated with references to the Beaver Island Boat Company and the Charlevoix Schools were included on pages 16, 26 and 32 of the packet.

- b. Call for Public Comments
None.

- c. Planning Commission Review/Discussion
None.

- d. Review of Draft Resolution of Adoption for the 2016 Master Plan
No changes.

CITY OF CHARLEVOIX
RESOLUTION NO. 2016-12-XX
RESOLUTION ADOPTING THE 2016 CITY OF CHARLEVOIX MASTER PLAN

- WHEREAS,** Resolution 2004-09-01 established that City Council reserved the authority to grant final approval to any proposed Master Plan; and
- WHEREAS,** the City of Charlevoix Planning Commission, under the provisions of MCL 125.3807 of PA 33 of 2008 of the State of Michigan may adopt a Master Plan; and
- WHEREAS,** MCL 125.3845[45]2 of PA 33 of 2008 requires the Planning Commission to review and, if necessary, revise or amend the Plan at least once every five years and the current *Waterfront Areas Management and City Master Plan* was adopted in 1982; and
- WHEREAS,** the City of Charlevoix Planning Commission recognized the need to revise and adopt a Master Plan, including establishment and support of visions, goals, actions, implementations, and the Future Land Use Plan as described within the document; and
- WHEREAS,** the Master Plan is a living document intended to be amended and updated with changing conditions and has been prepared for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development of the City of Charlevoix; and
- WHEREAS,** the Planning Commission forwarded copies of the Draft Master Plan to all neighboring townships and jurisdictions pursuant to the Michigan Planning Enabling Act (PA 33 of 2008), the Master Plan has been reviewed by all neighboring townships and jurisdictions, various businesses, local organizations and institutions, and all utilities operating within the City; and
- WHEREAS,** after the preparation of the Draft Master Plan, the Planning Commission gave notice of the time and place of Public Hearing by giving notice in a newspaper of general circulation in the City, on the City's website, and through regular mail; and
- WHEREAS,** the Planning Commission held the required public hearing on the Draft Master Plan on July 11, 2016, and an additional public hearing on October 10, 2016; and
- WHEREAS,** the Planning Commission finalized amendments to the Master Plan, and unanimously recommended approval the 2016 City of Charlevoix Master Plan on October 10, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City of Charlevoix hereby adopts the 2016 City of Charlevoix Master Plan, pursuant to MCL 125.3843 of PA 33 of 2008. The Master Plan consists of the following:

- a. The publication entitled the *City of Charlevoix Master Plan*, dated 2016; and
- b. The Existing Land Use maps, Infill Development maps, and the Future Land Use maps contained therein; and
- c. All documents contained in appendices A-I of the Master Plan.

RESOLVED this XXst day of December, 2016 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas:
Nays:
Absent:

e. Motion

Motion by Member Waddell, second by Member Roth to forward the Resolution adopting the 2016 Land Use Master Plan to the City Council for final approval. Motion passed by unanimous voice vote.

2. Update on Short-Term Rental Subcommittee

a. Summary of November 14th Meeting

Member Waddell stated that they had a meeting earlier in the day that was not as well attended, where they discussed whether this was necessary and how any regulations would be enforced. The Sub-Committee discussed proposed definitions which would then drive the actual plan. Member Roth referenced definitions from South Haven and Hayes Township. Chair Chamberlain stated that there was a lot of information online. Member Roth stated that if a property was a motel, hotel or condominium, or property owner with more than 10 properties, the owners are assessed a fee to promote Charlevoix. Chair Chamberlain felt that a large number of property owners were renting their homes to help pay the additional 18 mils in property taxes as a non-resident owner.

b. Planning Commission Discussion

Member Roth reviewed each of the proposed definitions. Member Fletcher stated that many of the terms identified were defined in the Michigan Residential Codes and the County Building Official is responsible for enforcement. However, the City has not adopted the Property Maintenance Code, without such the Building Official could not “go down a block and pick out every other house for an inspection”. He explained that the Code effective for the building was the Code that was in place when the home was constructed. Member Fletcher indicated that areas needing inspection would be those changed items which required a building permit. He questioned who was going to inspect the properties and Member Roth felt that would be the City’s Code Enforcement Officer’s job. Member Fletcher commented that they would be putting a burden on the County with only one field inspector. Member Roth questioned why the City’s Code Enforcement Officer could not do the short-term rental inspections, and Interim Planner Panoff replied that role would most likely fall to the Zoning Administrator. Member Fletcher felt that this was no small task.

Chair Chamberlain asked if they reviewed any sample rental agreements used by property owners in town and the Sub-Committee had not. Member Roth felt that “there are slum landlords in this town who would not follow the rules or give out any guidelines to their tenants”. Chair Chamberlain stated that there were several ordinances in place that address many of the issues and it was a matter of incorporating those ordinances into a document that is easily understood by the renters “to be a good neighbor”. After discussion about the short-term rental issues in general, Chair Chamberlain stated that when the Sub-Committee had a draft proposal completed, it would be beneficial to have a joint meeting with City Council on this issue.

3. ZBA Request for Interpretation Update (Case: 2016-13 ZBA)

a. Staff Update

Interim Planner Panoff stated that the Zoning Board of Appeals (ZBA) met on November 2nd to address the Planning Commission’s request for interpretation to determine front yards on corner lots. He stated that the ZBA recommended that the definition of lot lines in Section 5.11, *Definitions L – M*, be revised to remove the language which read: “For a corner lot, the front lot line shall be the shortest of the two lot lines tangent to the street right-of-way or road easement.”

b. Planning Commission Discussion

Chair Chamberlain stated that in looking at the photographs included in the packet the primary entrance was not necessarily the front of the house, but it is to the side or rear. Member Eveleigh noted that they need to have a good vision line for traffic coming from the other direction so there could be a building that’s too close to the corner to call them both side yards. Interim Planner Panoff stated that the ZBA recommended eliminating the rear yard.

Chair Chamberlain questioned with regard to Evelyn Loy’s property, what were the ZBA’s general feelings. Interim Planner Panoff replied that was not part of the specific appeal. Member Waddell stated that the two sides of the property that do not abut a street would be side yards and the front would be on either street.

Chair Chamberlain encouraged everyone to look at corner lots and really see how they are utilized. Member Eveleigh asked how other communities handle corner lots and Chair Chamberlain stated that they were consistently inconsistent. Discussion followed regarding where front doors faced on corner lots and whether the direction they face is then the front yard, side setbacks, and whether corner lots have a rear lot line. Chair Chamberlain asked Interim Planner Panoff to come up with some suggested language for different options.

Madeline Renauld, 2nd Ward, stated that she had been “rail-roaded” through this whole issue and that the Zoning Ordinance had conflicting language. She noted that Interim Planner Panoff’s presentation never showed a photo of Ms. Loy’s corner lot which indicates how her traditional front entrance is on Sheridan. She said they turned the lot around for side yard setbacks so that Hurlbut Street would be her front yard. She recalled that ZBA member Ann Gorney said that it is not fair for people to switch the lots around, get what they want and then go back to Sheridan as her address. Ms. Renauld stated there was language in the Zoning Ordinance with regard to a fence being partially torn down, that it shall be re-constructed according to the new Zoning Ordinance. She recalled that Ms. Loy’s fence was partially on City property and three years ago she couldn’t get it re-done, but now she has a new fence in the same location. Ms. Renauld stated that Ms. Loy’s shed was in the front yard and that 20 years ago the shed was supposed to be removed. Ms. Renauld reiterated all the ways that Ms. Loy had changed the dynamic of the front yard to face West Hurlbut. She stated that if the shed was moved it would resolve a number of her problems. Chair Chamberlain stated that there were conflicts in the Zoning Ordinance.

I. Staff Updates

None.

Member Roth reiterated issues she felt were important related to the short-term rental issues that were discussed previously in the meeting.

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

Member Waddell recalled that the Commission asked Interim Planner Panoff to get the distribution of students. Chair Chamberlain stated that there 10-12 less students in the school system.

Member Waddell stated that he, and Members Eveleigh and Roth were at the planning training the previous week and they divided up among sessions so that they covered everything. He commented that the Supreme Court had determined that cities could not regulate the content of signs.

Interim Planner Panoff stated that he would like to propose language for the temporary seasonal housing issue at the next meeting.

K. Adjournment

Motion by Member Roth, second by Member Eveleigh to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 9:13 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair