

**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 By-Laws

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 7<sup>th</sup> 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.