City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, March 13, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order by Chair Muladore at 6:00 p.m.

B. Roll Call

Chair:	Jennifer Muladore
Members Present:	Scott Beatty, Sherm Chamberlain, John Kurtz, Mary Millington, RJ Waddell
Members Absent:	Toni Felter, Maureen Radke
Staff Present:	Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Chamberlain, seconded by Member Millington to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes of February 13, 2023

   Motion by Member Waddell, seconded by Member Chamberlain to approve the minutes of February 13, 2023 as presented. Member Kurtz abstained from voting as he was not present at the February meeting.

   Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

Chair Muladore stated the Planning Commission will not be discussing the proposed hotel plans on Hurlbut Street at this meeting.

Bob Adams, resident of Charlevoix, stated that if additional rooms are actually needed in Charlevoix then potential guests would frequent a new hotel whether it is located in the proposed location or elsewhere in the vicinity. Mr. Adams stated the proposed hotel in the location at the top of the hill would destroy the quaint character of the town.

G. New Business

1. Lake Charlevoix Shoreline Protection Presentation

   Barry Hicks, Community Planner from the Land Information Access Association (LIAA), Jennifer McKay, Policy Director for the Tip of the Mitt Watershed Council, and Tom Darnton, President of the Lake Charlevoix Association, gave a presentation over Zoom on the Lake Charlevoix Shoreline Protection Program. Mr. Hicks and Ms. McKay gave the Zoom presentation and Mr.

Darnton was present at the meeting location. The representatives reviewed the history of protection efforts for the Lake Charlevoix shoreline, the project timeline for the final report and specific recommendations for the City of Charlevoix and responded to questions from the Commission Members.

2. 120 Michigan Review: expansion of outdoor rooftop at Hotel Earl

   Planner Neal stated this was a second hearing on this issue whereby the applicant, Shoreline Architecture, was proposing to expand the rooftop deck at 120 Michigan Avenue, the Hotel Earl, by 1,070 sq. ft. which would require additional parking spaces per ordinance. Ms. Neal stated the updated staff report includes communication reports from the Police and Fire Departments, and the Charlevoix County Building Department about final approvals for construction. Ms. Neal stated that the main issue was the requirement for additional parking for the expansion and the applicant had requested a waiver for the parking.

   Paul Silva, owner of Hotel Earl, stated that their request was to add another platform to the roof facing Round Lake and widen the walkway that leads to that area. He stated that the rooftop generated four (4) jobs and with the additional space would add three (3) more jobs. He stated that the parking along Michigan and Dixon appears to be adequate parking.

   Chair Muladore stated that the hotel originally had 33 parking spaces onsite, which was one (1) more than required, then when the rooftop deck was approved, the parking requirement for 10 spaces (9 actual given the one extra) was waived, and the expansion of the deck would require 12 new parking spaces. Member Waddell questioned if there was going to be any need to reinforce the roof. Mr. Silva responded the rooftop deck was part of the original plans for the hotel, so they intentionally changed the initial plans for the renovations from a snow load to a live load for the rooftop, so structurally, the building is sufficient. Member Waddell addressed the Fire Department's concerns regarding parking along East Dixon and the need for fire lanes. Mr. Silva stated that there were some parking spaces removed to allow the garbage trucks to access their dumpsters and that they had created two additional parking spaces on the north side by making the parking spaces deeper.

   Member Chamberlain expressed concerns about getting 134 people off the rooftop deck in the event of an emergency and Mr. Silva stated that they have two stairwells and an elevator and they meet the building requirements. Member Millington expressed concerns about parking on Dixon Avenue and the impact on the residents. Member Beatty agreed with Member Millington and stated that he did not see a need to further waive or allow the parking requirements to be violated. Member Waddell expressed concerns about the difficulty of the hotel being located adjacent to R-1 zoning and the parking issues. Member Kurtz questioned if there was the possibility of renting space for the hotel's employees to park during peak season and Mr. Silva stated that could be an option, but they do not have any other nearby businesses that would make it convenient for the employees.

   Chair Muladore asked if Zoning Administrator Scheel had any input regarding the parking situation, and Zoning Administrator Scheel stated that during his time with the City in the past there were parking issues on Dixon and they were both caused by the Hotel guests and potentially staff, but there were also some R-1 owners down the street that caused additional problems with taking up as much space as possible with boats and parking vehicles for over 72 hours. He stated that he had met with the Police Chief and City Manager about parking issues and the Police Chief assured him that the sporadic enforcement is no longer there, that numerous tickets had been issued in recent weeks and she had informed all her staff to be consistent in that enforcement.

Zoning Administrator Scheel stated that one of the things he suggested for parking only if the Commission was leaning toward not approving the expansion request, was as a condition of approval and options that the City may consider would be permit parking or metered parking on Dixon and both could be advantageous to both the applicant and the R-1 residents, but it would be up to the applicant to go forward with that request to the City Manager. Mr. Scheel stated that he was fairly confident in the Fire Department's approval that his plan meets the regulatory needs for fire protection.

Chair Muladore opened the meeting for public comments.

Sarah VanHorn, Charlevoix Chamber of Commerce, encouraged the Commission to look at the factors that make Hotel Earl a little bit different from Zoning Ordinances currently in effect, given that it is a block away from businesses that don't have to require staff to park in those common areas often shared with other businesses and additionally the adjacent neighborhood that includes a lot of seasonal or short-term rentals that might not have consistent residential needs for their parking. Ms. VanHorn stated the rooftop deck has become very popular and often the guests walk to the hotel from other hotels and homes in the downtown area.

Amanda Wilkin, Visit Charlevoix, stated it was important to remember that Hotel Earl was an important employer, they have made a huge difference in the community, and updated the hotel stock significantly so that it increases the number of high quality, high-paying visitors to Charlevoix.

The public hearing was closed.

Motion by Member Beatty, seconded by Member Millington to deny the application. After discussion, the motion and second were withdrawn.

Mr. Silva stated that he had a property outside of town known as the Farm that he could have his employees park in and the hotel has a shuttle that can be used to get the employees to and from the hotel and he can put that in writing.

Motion by Member Chamberlain, seconded by Member Kurtz to approve the project as presented subject to additional parking to be placed on the property owner's Farm and then have staff check with the Fire Marshal that the number of people planned for the rooftop is safe and with an amendment that they receive this in writing and also some type of itinerary on how this will be handled during the busiest season.

Yeas: Chamberlain, Kurtz, Millington, Waddell, Muladore
Nays: Beatty
Absent: Felter, Radke
Motion carried.

3. Bed and Breakfast Parking Ordinance Review
   Planner Neal stated that after consulting with the City Attorney, a minor change has been made

to the recommended ordinance language and a change to Section 153.116 Accessory Buildings and uses has been added. She stated that the Table in Section 153.187 had been changed to also include under Bed and Breakfast: one (1) space per rental room in addition to primary residential dwelling unit parking requirements. Planner Neal advised that these changes would require another public hearing.

Motion by Member Waddell, seconded by Member Beatty to approve the changes to this language to include the whole chapter and the Table and that the Planning Commission would hold a public hearing at the April 2023 meeting.
Motion carried by unanimous voice vote.

4. ADU Ordinance Review
   Planner Neal stated upon further review, Section 153.071, Schedule of Uses and Table 153.071 were excluded from the amendment. This correction has been made as well as a recommendation to include ADUs as a permitted use in the R2A District. This language was recommended to the City Council and the City Council has adopted the ADU language as well as the design standards that were discussed previously. However, in reviewing that language with the Bed and Breakfast language there was an oversight with Table 153.071. She stated she would like to add language to permit ADUs in the R2A District. These language changes would also need to go to a public hearing in April.

   Motion by Member Waddell, seconded by Member Beatty to accept the language changes as presented and schedule a public hearing for their April 2023 meeting.
   Motion carried by unanimous voice vote.

H. Old Business

1. Housing Types Discussion
   Member Millington stated that the housing discussion needed more time and the members discussed scheduling a special meeting to discuss this topic. Member Beatty suggested having a special meeting from 5:00 to 6:00 p.m. before the April regular meeting for the housing types discussion.

   Motion by Member Millington, seconded by Member Chamberlain to extend the meeting by ten (10) minutes.
   Motion carried by unanimous voice vote.

   Chair Muladore asked staff to check for meeting room availability for next month and get back to the Commission members to coordinate a special meeting date and time for the housing discussion. Ms. Muladore asked everyone to review the housing priorities list that was included in the agenda packet because it is a bit different from the previous memo.

I. Staff Updates

Planner Neal mentioned that the Annual Report would need to be included for the April meeting as well.

Planner Neal made a final call for the Citizen Planner course that is being held in person in Boyne City. Chair Muladore stated that she had signed up for the course.

J. Requests For Next Months Agenda or Research Items

Chair Muladore stated for the April meeting they would have the Annual Report, the two public hearings on ordinance changes, and potentially the rooftop expansion for Hotel Earl. Member Waddell stated that he would like to see the downtown building height issue on the April agenda.

Chair Muladore stated that Planner Neal had suggested a summer project such as a housing inventory.

K. Adjournment by 8:00 p.m. unless extended by a motion

Motion by Member Chamberlain, seconded by Member Millington to adjourn the meeting at 8:09 p.m.

Motion carried by unanimous voice vote.

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Sarah Dvoracek/fgm Clerk Jennifer Muladore Chair