

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, September 11, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: Jennifer Muladore

Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain (arrived at 6:08 p.m.), Janet Coltman, Toni Felter, John Kurtz (arrived at 6:07 p.m.), Mary Millington, Maureen Radke

Members Absent: None

Staff Present: Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes from August 14, 2023

Member Boehmer stated that her name was spelled wrong in the August minutes.

Motion by Member Radke, seconded by Member Coltman to approve the minutes of August 14, 2023 as corrected.

Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearing

1. Public Hearing for Approval of Rezoning Multiple City Parcels

Chair Muladore opened the public hearing at 6:03 p.m.

Cynthia Urban, 621 Sheridan Street, stated she had the smallest parcel on Sheridan Street and she did not think her property should be zoned R-2 and she had a septic system and was not connected to City sewer.

Member Kurtz arrived at the meeting at 6:07 p.m, and Member Chamberlain joined the meeting at 6:08 p.m.

Dean Wilhelm, 1030 May Street, stated he was adjacent to a property proposed to be rezoned

and he received the City's letter but no explanation as to why the City was doing the rezoning. Zoning Administrator Scheel explained that the R2-A zone has seven (7) properties throughout the entire City and only two of the properties actually have a duplex on site, with the remainder as single-family residential. Mr. Scheel explained the reasoning for eliminating the R2-A zone and the other proposed rezoning areas.

Mary Pollard, stated she lived in Chez Charlevoix, which is adjacent to the empty lot with the old gas station, and she questioned what guarantee they would have that something would not be built and used as short-term rentals.

Arlene Good, 735 Petoskey Avenue, Unit 10, stated she was also concerned about multi-family units going in the area. Mr. Scheel further explained the reasoning for removing the commercial zoning designation in that area.

Chair Muladore acknowledged several letters including: John Doer, 107 E. Dixon, in favor of the proposed changes; Matt Stuck, Conquest Builders, Inc., owner of 749 Petoskey Avenue, who purchased the property with the intent of constructing a mixed use building with office and residential units on the main level and more residential units on the second level and he was requesting that it be zoned to mixed use instead of R-4. Zoning Administrator Scheel stated that over 300 letters were sent out for notification and only three (3) letters came back undeliverable.

The public hearing was closed at 6:29 p.m.

H. Old Business

1. Rezoning of Multiple City Properties

Chair Muladore addressed the letter from Matt Stuck, Conquest Builders, Inc. regarding the property at 749 Petoskey Avenue and she felt that rezoning that parcel to mixed use made a good buffer to the commercial and residential properties along that stretch. Mr. Scheel agreed that changing the proposed zoning designation to mixed commercial use would require another public hearing.

Chair Muladore stated there were 16 properties moving from R-1 to R-2 zoning designations on Garfield, Sheridan, and Whitley Streets. Ms. Muladore stated they had received input from a couple of neighbors and positive input from the sub-committee members speaking to the residents earlier in the year.

Mr. Scheel addressed the letter from Cynthia Urban of 621 Sheridan Street, and advised that he had spoken to the City Assessor and was assured that the rezoning would not impact property taxes.

Chair Muladore stated the next section was the Petoskey Avenue area, which included removing the 749 Petoskey Avenue property and changing that to mixed commercial use with the remainder of the properties changed to R-4, multi-family. The next area included properties on Dixon, Michigan, and May Streets changing the R-2A lots to R-1 to match the surrounding neighborhood and another area of R-2A's on Crain Street and Stover Road being

moved to R-2 zoning.

Motion by Member Boehmer, seconded by Member Millington to approve {the rezones} and send them to City Council with one exception {excluding} the property at 749 Petoskey Avenue for the proposed rezonings as presented in the packet.

Motion carried by unanimous roll call vote.

Chair Muladore stated the rezoning ordinance would be sent to the City Council for a public hearing and that a public hearing before the Planning Commission for the 749 Petoskey Avenue property would be held in October.

2. Zoning Ordinance Changes-Housing

Chair Muladore stated the proposed zoning ordinance changes were meant to incentivize infill housing, additional density and with duplexes and single-family buildings. Mr. Scheel stated the proposed document takes in everything that the Planning Commission has discussed over the past several months and he further explained the format of the changes and the issues yet to be addressed.

Mr. Scheel stated that staff has an issue with outdoor storage and other things, including the lack of a definition for seasonal, which shows up numerous times in City ordinances, including those addressing outdoor storage of boats and recreational vehicles. Mr. Scheel suggested that seasonal would be defined as June 1 - October 1. Discussion followed regarding the seasonal timeframe and the Commission concurred to define seasonal as May 1 to October 31.

Mr. Scheel stated they had architectural standards approved for accessory dwelling units and for single multi-family buildings, but the Commission has not discussed duplexes. Mr. Scheel stated he wanted to know if the Commission wanted him to draft standards for duplexes to be discussed at a future meeting and the Commission concurred that standards were needed for duplexes. Discussion followed regarding additional requirements in R-4 zoning, the dimensional requirements for clustered housing and multi-family dwellings, and the West Garfield Avenue General Commercial Overlay District.

Motion by Member Radke, seconded by Member Felter to send the ordinance amendments as presented in the agenda packet for a public hearing before the Planning Commission in October.

Motion carried by unanimous voice vote.

I. New Business

1. Zoning Ordinance Changes

Zoning Administrator Scheel stated that in the fall of 2022, the Planning Commission identified and ranked planning and zoning subjects to work on in 2023. The proposed ordinance changes reflect some of the identified subjects and other changes reflect duplicative language, contradictory language, and additional language containing enforcement language.

Mr. Scheel stated while he was not working for the City, the Planning Commission had a site plan approval come through for a dentistry office downtown. Mr. Scheel stated he has received complaints from downtown businesses who stated that the use shouldn't have been approved

for downtown, and that the ordinance was not written in enough detail. Mr. Scheel brought this up for discussion to see if the Commission wanted to discuss this issue further. After discussion, the Commission agreed that the dentist's office with retail in front was appropriate.

Detailed discussion followed regarding staff proposed changes to Section 153.115, *Accessory Buildings and Uses*, Section 153.125, *Other Uses*, Section 153.141, *Building Regulations*, Section 153.144, *Grading*; Section 153.145, *Fences and Walls*; Section 153.149, *Projections into Required Yards*; Section 153.151, *Setback Requirements*; and Section 153.152, *Lot Coverage Requirements*. The Commission concurred to continue discussion on the remaining items at the next meeting.

J. Staff Updates

1. Zoning Report

Mr. Scheel reviewed his August report including the number of permits issued, blight enforcement actions, and that 90+ enforcement letters were sent out to property owners with no visible address on their homes in combination with Fire Prevention Month in October.

K. Requests For Next Months Agenda or Research Items

Chair Muladore stated she and the Zoning Administrator had discussed the Housing Sub-Committee which hasn't met in awhile and perhaps a meeting should be scheduled in the near future. Chair Muladore encouraged Members to also go out and look at garages (in relation to architectural standards), particularly in Meadowlane, before the next meeting.

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

Motion by Member Radke, seconded by Member Chamberlain to adjourn the meeting at 8:00 p.m.

Motion carried by unanimous voice vote.

Sarah J. Dvoracek/fgm

City Clerk

Jennifer Muladore

Chair