

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, November 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 at 6:00 p.m. by Chair Jennifer Muladore followed by the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore

Members Present: Scott Beatty, Shelley Boehmer, Sherm Chamberlain, Janet Coltman, Toni Felter, John Kurtz, Mary Millington, Maureen Radke

Members Absent:

Staff Present: 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. October 9, 2023

Motion by Member Boehmer, seconded by Member Felter to approve the minutes of October 9, 2023 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearing

1. Public Hearing for Rezone Zoning Ordinance amendment

Chair Muladore opened the Public Hearing for the rezoning of the church property on Elm Street from R-1, Single Family Residential District to R-2, Single Family Residential.

Jessica LaBlance, 105 Cherry Street, stated she only received her letter five (5) days ago. Ms. LaBlance stated she agreed with growth, but felt it needed to be done in the right area and this area should not be considered because it allows for a use different than the surrounding R-1 zoning and expressed concerns about increased traffic in their neighborhood. Ms. LaBlance referenced language from the City's Master Plan and indicated that she was not in favor of the rezoning.

Curt Thompson, 204 Park Row, questioned who requested the zoning change and Zoning Administrator Scheel stated it came from the Planning Commission. Mr. Thompson stated he considered this to be spot zoning.

Terry Winnell, 102 Cherry Street, stated that she strongly contested the rezoning of this property.

Lori Bennett, 104 Cherry Street, referenced the October meeting minutes and stated that she had spoken to the church pastor and he indicated to her that right now the church has no intention of selling the property, but he did say that the rezoning gives them the possibility to do something more with their land. Ms. Bennett stated she has concerns about spot zoning. Ms. Bennett hoped the Commission was giving consideration to the impact of this rezoning on the surrounding neighborhood.

Karen Joy, 110 Elm Street, stated that the church did not request this rezoning, but were instead asked by the Planning Commission whether or not they would object to the rezoning and as long as the rezoning did not affect their potential to build a recreational center in the future, then the church was okay with the rezoning.

Alicia Doan, 200 Cherry Street, stated she did not support the rezoning.

Judy Flannagan, 106 Cherry Street, stated she would have no objection to using the property for R-1 housing, it's changing the area to R-2 multi-family that is not something she supports.

The public hearing was closed at 6:27 p.m. Zoning Administrator Scheel stated that he sent out 39 letters (including 8 out-of-state owners), had five (5) phone calls (4 in favor, 1 against), and he had included ten or more letters of opposition in the agenda packet. Mr. Scheel explained the statutory requirements for the notice letters to property owners.

2. Public Hearing for multiple zoning changes 153.101 - 153.189

The public hearing opened at 6:31 p.m.

Zoning Administrator Scheel stated that most of the proposed changes were cleaning-up language in the Ordinance and none of the changes had to do with housing; added a permitted use in the Central Business District, removed duplicated language in the Accessory Dwelling portion of the Ordinance; raised front yard fences to 48"; removed contradictory language in the setback language; clarified short-term rental language; and removed parking requirements in the Central Business District.

The public hearing was closed at 6:34 p.m.

H. Old Business

1. Rezone Zoning Ordinance Amendment

Zoning Administrator Scheel referenced items that had been brought up during the public hearing and proceeded to provide more information about the rezoning as he wanted to make sure that the public understood why the Planning Commission was recommending the rezoning. Mr. Scheel referenced the Future Land Use Map (pg. 104 of the City's Master Plan) regarding the property in question and explained the intent and the type of housing that fits into that neighborhood. Mr. Scheel explained the differences between R-1 and R-2 zoning.

Member Radke stated that if this rezoning was approved there would be an additional 2-3 units allowed from R-1 to R-2 and Zoning Administrator Scheel agreed that was correct.

Member Millington stated that on page 83 of the Master Plan it is clear the Plan references about reaching consensus in each neighborhood and clearly they don't have that with the amount of public comment.

Motion by Member Millington, seconded by Member Beatty that due to the outpouring of opposition to the rezoning, the rezoning of the church property be denied.

Member Beatty stated that he did not want to change the character of the neighborhood and the residents did not support this change. Member Chamberlain discussed the value of the existing housing stock in the neighborhood and stated currently the church could build five (5) homes on the property and each home could have an accessory dwelling unit. Member Boehmer requested an explanation of why they initiated this rezoning and why the church wrote a letter to the Planning Commission and requested the rezoning. Member Kurtz explained the reasoning behind selecting locations of property in all three wards that met the qualifications for rezoning to allow more density to provide for more residential units. He stated that the church hasn't even considered selling the property and, if it did, any plans for development would have to come back as public hearings before the Planning Commission and City Council.

Yeas: Beatty, Coltman, Felter, Millington, Radke, Muladore

Nays: Boehmer, Chamberlain, Kurtz

Absent: None

Motion carried.

2. Zoning Ordinance changes (Outdoor Storage)

Zoning Administrator Scheel stated the outdoor storage ordinance was amended in 2019 and since that time there has been a substantial increase in the number of boats and rv's in front yards with many travel trailers being used as living spaces throughout the summer months. Mr. Scheel stated the biggest issue for him is enforcement as there seems to be long-term living in these vehicles in the summer months and it was very difficult if not impossible for him to monitor and enforce the 14-day limit.

Zoning Administrator Scheel explained the proposed changes in detail. Discussion followed regarding: the parking and/or storage of recreational equipment and vehicles in excess of 20';

parking in the front yard during the summer; and the seasonal definition which was removed by the City Attorney.

Shirley Gibson questioned if any members of the Planning Commission own a recreational vehicle. Ms. Gibson stated this has been an issue for years and she felt that it really had an affect on the looks of the neighborhood and community. Ms. Gibson felt that if someone could afford an RV then they could afford storage for it. Ms. Gibson stated she has neighbors with large RV's that have people living in them and it is a violation of the Zoning Ordinance, and she felt that the language that the Zoning Administrator suggested was good.

Zoning Administrator Scheel stated the Commission needed to review the proposed Definition section and then go line by line through the ordinance language to address each of the issues. At this time, the Commission moved on to the remaining agenda items and would discuss this item further if time allowed.

After finishing the remaining agenda items, Chair Muladore stated that she would like to see more proposed language on the outdoor storage changes, and the language needs to be enforceable. Zoning Administrator Scheel would work on that and bring it back to the next meeting.

3. Zoning Ordinance changes (Garfield Overlay District)

Zoning Administrator Scheel summarized and explained the changes that were made since the last Commission meeting.

Motion by Member Felter, seconded by Member Coltman to send the Ordinance regarding the Garfield Overlay District amendments to City Council.

Motion carried by unanimous roll call vote.

4. Zoning Ordinance (other changes)

Zoning Administrator Scheel stated the Commission reviewed this proposed Ordinance specifically at the last meeting and made some minor changes. Discussion followed regarding the placement of garages and the suggested language that would allow the garage to only be a maximum of two feet in front of the home.

Zoning Administrator Scheel stated the current minimum distance between principal structures and accessory buildings is 10 feet and he said since the last meeting someone came in with plans for an addition to a house on a smaller lot and it ended up being approximately five feet away from the standalone garage and he had to deny it. Mr. Scheel found out when checking the Building Code that it used to be 10 feet but is now 5 feet and with that 5 feet firewalls are required. Mr. Scheel asked the Commission to consider changing the minimum distance to 5 feet. Mr. Scheel briefly summarized other changes included in the proposed Ordinance.

Motion by Member Boehmer, seconded by Member Radke to send the proposed ordinance amendments to the legal department and City Council for review and approval.

Motion carried by unanimous roll call vote.

I. New Business

J. Staff Updates

1. Zoning Report

Zoning Administrator Scheel stated that the Commission had his written Zoning Report with the standard stats for the past month. He stated for future Ordinance changes he had looked at the site plan approval language for discussion in the new year.

K. Requests For Next Months Agenda or Research Items

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

The meeting was adjourned at 8:03 p.m. by Chair Muladore.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair