

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, May 13, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:04 p.m. by Chair Muladore.

B. Roll Call

Chair: Jennifer Muladore
Members Present: Scott Beatty, Sherm Chamberlain, Toni Felter, John Kurtz, Maureen Radke
Members Absent: Shelley Boehmer
Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes from April 8, 2024

Motion by Member Chamberlain, seconded by Member Kurtz to approve the minutes of April 8, 2024, as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Public Hearing for Rezone of 800 State Street

Chair Muladore opened the public hearing and briefly described the public hearing process. Director Scheel presented the application, showing the public notice, the application, and maps of the area. Mr. Scheel presented the Commission the Future Land Use Map and page 93 of the Master Plan which showed that the applicant's property was shown as Commercial Mixed Use and that this was a transitional zone that would permit small businesses, offices and higher density housing. Mr. Scheel then stated that the property is a 7,480 square foot residential lot located on the northeast- west corner of the block zoned Residential 2. The rest of the block is the Catholic Church campus, which includes the church, school, rectory and parking and is zoned Public Facilities. The applicant's property is surrounded by the church parking lot on two sides, single family housing across Garfield St. and a women's shelter across State St. The rest of the neighborhood is zoned Residential 2.

The applicant's representative, Aaron Nordman, then presented the application. Mr. Nordman spoke of how the applicant's plan for an office and meeting space with ties to the church would be a good addition to the church campus and fit in with the neighborhood.

Chair Muladore opened the meeting up for public comment.

Laurie Engstrom-Gaudio, 805 State St., voiced her concerns.

Shirley Gibson voiced her concerns.

Al Pertner, 903 State St., voiced his concerns.

Chair Muladore closed the public comment portion of the public hearing and brought the discussion back to the Commission. There was much discussion of the public's concerns. The discussion centered on all of the possible uses allowed, that many would not be appropriate for the lot in question. There was also the opinion that a single-family home would be the most appropriate use for that particular lot. Chair Muladore then went through the Findings of Fact.

- (1) In considering a rezoning application, the Planning Commission and the City Council shall consider the following criteria in making their findings, recommendations and decisions:
 - (a) Consistency with the goals, policies and future land use map of the Charlevoix Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, then consistency with recent development trends in the area shall be evaluated;

The Master Plan Future Land Use Map shows this area as the Charlevoix Corridor. The Charlevoix Corridor is transitional zone that permits a mix of commercial, professional and medical offices, residential, and civic, and transitional or temporary spaces that can be used as business incubators. Office uses make compatible neighbors as they tend to keep quiet daytime hours and generate minimal traffic. The proximity to downtown makes this an appropriate area for higher density housing with similar height restrictions as the central business district so it would not be too imposing on the adjacent residential uses.

The Planning Commission concurs.

- (b) Whether development under current zoning is impractical or less reasonable than the requested or desired zoning district given factors such as development trends;

As the only single family home on the entire block (not including the church owned home), other uses similar to the church facilities may be reasonable.

The Planning Commission concurs.

- (c) Capability of the site's physical, geological, hydrological and other environmental features to accommodate the potential uses allowed in the proposed zoning district;

Not applicable. Standard city lot with all city infrastructure and facilities.

The Planning Commission concurs.

(d) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning and potential influence on property values;

Many uses in the Commercial Mixed Use Zone District are not compatible with this neighborhood. At this time a single-family home is most reasonable in the Residential 2 Zone District.

Motion by Member Beatty, seconded by Member Radke to deny the rezone based on failure of (D) in the findings of fact.

Yeas: Beatty, Kurtz, Radke, Muladore

Nays: Felter, Chamberlain

Absent: Boehmer

Motion carried.

2. Public Hearing for Mixed Use District Ordinance

Chair Muladore opened the public hearing. Director Scheel presented excerpts of the ordinance language and the maps of the areas affected. Chair Muladore opened up for public comment. Multiple residents complained of not being properly noticed. Other comments included that businesses should not be allowed in residential neighborhoods.

Rick Brandi, 1008 St. James Place, voiced his concerns.

Jim Berlage, 1009 St. James Place, voiced his concerns.

Dennis Halverson, Overlook Drive, voiced his concerns.

Vinny Klooster, 1010 St. James Place, voiced his- her concerns.

Chair Muladore closed the public comment section. The Planning Commission then discussed the amount of public notice necessary to be transparent to the citizens of Charlevoix. The Director stated he met the State law requirements by posting the public hearing in the Charlevoix Courier more than the 15-day requirement. The Commission suggested there should be a better way since no one reads the newspaper. The Director reminded the Commissioners that all hearing notices are also posted on the City's website and also are available at the same time as the Commissioners. The Commissioners then requested the Director contact the City Attorney for an opinion as to whether the Director followed State law in his posting and if they could notify above and beyond the state requirements.

Motion by Member Beatty, seconded by Member Chamberlain table this public hearing item to next month, June 10, 2024. Motion carried by unanimous voice vote.

H. New Business

I. Old Business

1. 2024 Priorities and Activities

Chair Muladore presented the updated Matrix to the Commission. Director Scheel asked if the numbering of the items represented the prioritization. Chair Muladore stated that the items were prioritized under each subheading. Chair Muladore also stated that the Director should have the opportunity to bring any item in front of the Commission when appropriate.

2. Lighting Ordinance

Discussion was held regarding the proposed second version of the light ordinance. A consensus of the Commission stated they liked the simpler version. Director Scheel stated he will fine tune the ordinance language and bring it back next month.

J. Staff Updates

1. Zoning Administrator's Report

The Director stated that the first meeting was held between Charlevoix Township and the City with the Housing Readiness Grant. The meeting was very successful, with the City and Township showing a willingness to work together on lighting, US 31 corridor and general infrastructure and zoning issues.

K. Requests For Next Months Agenda or Research Items

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

Chair Muladore adjourned the meeting at 8:04 p.m.

Sarah J. Dvoracek/js City Clerk

Jennifer Muladore Chair