

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, June 10, 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 6:00 p.m. by Chair Muladore.

B. Roll Call

Chair: Jennifer Muladore

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

Members Absent: None

Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Chair Muladore announced the public hearing for the conditional rezoning of 800 State Street had been removed from the agenda as the applicant had withdrawn the rezoning application. Member Chamberlain asked to add an item to discuss the area requirements for commercial mixed use.

Motion by Member Radke, seconded by Member Boehmer to approve the agenda as presented with the addition of an item to discuss the area requirements for commercial mixed use.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of Planning Commission Minutes May 13, 2024

Motion by Member Felter to approve the minutes as presented.

Member Radke stated she had two corrections, item G., first page, last paragraph reads *northeast* corner of the block when in fact it should read *northwest* corner of the block and Item 2, Page 2 instead of Vinny Klooster, 1010 St. James Place, voiced *his* concerns the minutes should read, voiced *her* concerns.

Motion by Member Felter, seconded by Member Chamberlain to amend the motion to approve the minutes of the May 13, 2024, Planning Commission Meeting as corrected.

Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

Paul Silva of Hotel Earl, 120 Michigan Avenue, stated he came to the meeting to ask if the Commission would consider revising the rooftop noise ordinance. Mr. Silva stated they have a neighbor that is weaponizing the way the ordinance is written, and it currently doesn't allow amplified music on rooftops in downtown Charlevoix, regardless of the decibel level. Mr. Silva stated they have one neighbor that has called the police several times. The hotel shuts down the

music at 10:30 p.m. and closes the rooftop at 11:00 p.m. Mr. Silva asked the Commission to consider amending the ordinance to add a certain decibel level rather than no amplified music. Director Scheel stated that this issue could be revisited.

G. Public Hearings

1. Public Hearing for Mixed Use Overlay District

Chair Muladore opened the public hearing at 6:09 p.m.

Director Scheel referenced the meeting on May 13 where the Planning Commission held a public hearing about Commercial and Mixed-Use Regulations supported by Standards and a Commercial/Residential Mixed Use Overlay Map. Public response showed concerns about the lack of notification and concerns about commercial uses allowed in residential neighborhoods. The Planning Commission tabled the public hearing and directed staff to contact the City Attorney to request information to ensure that the public notification was noticed correctly. The City Attorney's response supported the fact that the notification process was done correctly by Director Scheel.

Director Scheel stated that because of the overwhelming public concern about commercial use being allowed in residential neighborhoods, he recommended changes to the overlay map. The revised maps now show mixed use regulations only on the US 31 corridor along Bridge Street and Petoskey Avenue. The ordinance amendments create a commercial mixed-use corridor along Bridge Street from the Central Business District South to the Airport. All of these properties already allow commercial uses on the properties. The new ordinance will promote second floor housing, walkability, outdoor dining experiences and architecture appropriate for the city. Also proposed is residential mixed use language that allows small scale two-story buildings in areas along Petoskey Avenue from Nichols Street north to the city limits.

Shirley Gibson thanked the Commission for revising the Overlay Map and protecting the residential neighborhoods.

The public hearing was closed at 6:17 p.m.

A couple of weeks ago, Member Radke contacted Chair Muladore and Director Scheel regarding questions about the Mixed-Used Regulations. Director Scheel responded to Member Radke in a document that was included in the agenda packet and those responses were discussed.

Chair Muladore began a review of the proposed Mixed-Use Regulations and after discussion the following changes were recommended:

- Consistent language throughout the document referencing Commercial Mixed Use vs. Corridor Mixed Use Low
- After discussion, change second hand and pawn shops to second hand and consignment stores. The location of pawn shops will come back at a different meeting to be included in the industrial zoned area.
- After discussion, height limitations were left as proposed in the document

Chair Muladore stated the end of the document included the deletion of the North Side Professional Office Overlay District which covers Petoskey Avenue. Director Scheel stated that right now there is the Professional Office Overlay District and the new Residential Mixed Use Overlay District follows almost lot for lot, other than the larger developable land that is very unlikely to change, such as the church and the golf course. The district would allow the offices that are presently there and allow some additional office type uses, and may require a second story for residential, which is for major redevelopment.

Director Scheel stated he would bring the regulations back next month with the few minor changes the Commission has requested. The changes will be red-lined and will be on the next agenda as old business.

2. WITHDRAWN BY APPLICANT Public Hearing for Conditional Rezone of 800 State Street to Commercial Mixed Use with office use only

H. New Business

1. Planning Commission Annual Report

Motion by Member Boehmer, seconded by Member Felter to approve the Annual Report as presented and submit it to City Council.

Motion passed by unanimous voice vote.

2. Area Requirements for Commercial Mixed Use (added during approval of the agenda)

Member Chamberlain stated that in reviewing the proposal for the Commercial Mixed Use rezone he took a look at the requirement of 9,000 sq. ft., then he went to the Zoning Map and determined that 85% of the City's lots do not comply with the 9,000 sq. ft. minimum requirement. Member Chamberlain stated that the Commission should take a hard look at reducing that number. Director Scheel stated that the median size of the commercial mixed use lots is at about 7,200 sq. ft.; there are many lots 6,000 sq. ft. that are commercial mixed-use.

I. Old Business

1. Lighting Ordinance

Commission did not discuss item.

J. Staff Updates

1. Zoning Administrator Report

Director Scheel stated his department is staying very busy and provided the following permit information:

March - 10 permits issued

April - 20 permits issued

May - 18 permits issued

K. Requests For Next Months Agenda or Research Items

Chair Muladore stated for the July meeting they will have commercial mixed use, lighting, minimum area for commercial mixed use, and in the future re-addressing the rooftop ordinance concerns. Director Scheel stated he could provide a report on the rooftop ordinance and

information on what a noise ordinance based on the sound volume would look like vs. amplified noise restriction.

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

Chair Muladore adjourned the meeting at 8:08 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair