



Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, August 12, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance**
- B. Roll Call**
- C. Inquiry into Potential Conflicts of Interest**
- D. Approval of Agenda**
- E. Approval of the Minutes**
 - 1. Minutes of July 8, 2024
- F. Call for Public Comment Not Related to Agenda Items**
- G. Public Hearings**
 - 1. Rezone of 115 Hurlbut from Commercial Mixed Use to Central Business District
- H. New Business**
 - 1. Site Plan Approval 800 State Street Encounter Charlevoix
 - 2. Conditional Rezone 743 Petoskey Ave preliminary meeting
 - 3. Commercial Mixed Use minimum lot size discussion
- I. Old Business**
- J. Staff Updates**
 - 1. Zoning Administrators Report
- K. Requests For Next Months Agenda or Research Items**
 - 1. Public Hearing for Lighting Ordinance
- L. Adjournment by 8:00 p.m. unless extended by a motion**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Clerk's Office at 231-547-3250 or by email clerk@charlevoixmi.gov. A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, July 8, 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 followed by the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore

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

Members Absent: Toni Felter

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 Boehmer to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. June 10, 2024 Minutes

Motion by Member Radke, seconded by Member Chamberlain to approve the minutes of June 10, 2024 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Commercial and Residential Mixed-Use Corridor Zoning Ordinance Amendments

Director Scheel stated last month the Commission requested minor changes to the regulations which were reflected in the standards presented. Mr. Scheel reviewed other minor changes, corrections to the formatting of the document, and maps showing the Mixed Use Overlay.

Member Beatty stated he continued to be concerned about building height, and he thought the Commission had agreed that three (3) stories were appropriate, but he dissented and stated that three-story buildings would not maintain the character of Charlevoix. Member Beatty stated he opposed the ordinance because of the ability to place three-story buildings at the overlook at the north end of this district.

Motion by Member Boehmer, seconded by Member Chamberlain to forward the proposed ordinance changes to the City Attorney for review and then to the City Council.

Yeas: Boehmer, Chamberlain, Kurtz, Muladore, Radke

Nays: Beatty

Absent: Felter

Motion carried.

H. New Business

I. Old Business

1. Lighting Ordinance

Director Scheel stated this was the third version of the lighting ordinance. The ordinance focuses on fully shielded fixtures. Mr. Scheel stated that once this ordinance was adopted, anything that exists today would be legal non-conforming. Director Scheel stated the ordinance focuses on commercial areas and addressing mass light that impacts neighborhoods.

Director Scheel responded to questions regarding multiple sections of the proposed ordinance including florescent lights, holiday lighting, exemptions, nonconforming lights, spotlights, downward facing lighting, and other details of the ordinance. Member Kurtz stated that the worst source of the lighting problem comes from Charlevoix Township and that the City needs to be working with the Township in a coordinated effort to address lighting issues. Director Scheel stated at the last meeting with the Township, the Supervisor showed willingness to work together on the corridor and their next meeting is in the near future. Mr. Scheel stated that once the Commission approves the draft lighting ordinance, then staff would give the ordinance to the Township for consideration. Mr. Scheel stated his recommendation would be a phased-in police power ordinance giving business owners a time frame to get the businesses to adhere to the new lighting standards.

Motion by Member Boehmer, seconded by Member Beatty to set a public hearing for the August Planning Commission meeting for the new lighting ordinance.

Motion carried by unanimous voice vote.

J. Staff Updates

1. Zoning Administrator Report

Member Chamberlain questioned if Director Scheel had received a copy of the future land use map for Charlevoix Township and Director Scheel stated he had not received it yet. Member Chamberlain also stated that he was at a meeting for Marion Township where it was stated that a copy of their Master Plan and Land Use Map had been sent to Charlevoix, but Director Scheel had not received it, and he would request it again.

Director Scheel stated there was a lot of rehabilitation going on with home interiors in the City. Mr. Scheel answered questions about the house that was torn down on Grant Street across from the library.

K. Requests For Next Months Agenda or Research Items

Director Scheel and Member Chamberlain will work together on gathering data regarding changing the lot size in the mixed-use district. The current average lot size is slightly over 6,000 sq. ft., and only about a half a dozen lots meet the minimum lot size out of a total of 37 lots.

Director Scheel provided an update on the status of the lot at 800 State Street and a site plan review for the property may be on the August Planning Commission agenda.

Member Boehmer questioned the enforcement of the new outdoor storage ordinance and Director Scheel stated that the City Council approved the ordinance with some minor changes with an effective date of August 8, 2024. Mr. Scheel shared his plan for education and enforcement of the new ordinance with the Commission.

Discussion followed regarding possible residential uses in industrial zoning districts as a future agenda topic.

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

Chair Muladore adjourned the meeting at 7:27 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair

Charlevoix Planning Commission

Public Hearings

Title: Rezone of 115 Hurlbut from Commercial Mixed Use to Central Business District

Date: August 12, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

This is a request for the rezone of a Commercial Mixed Use (CM) lot located at 115 Hurlbut W. Street to Central Business District (CBD). The subject lot is 27,846 +- square feet. There is an existing building (former school) on the lot. It is non-conforming and sits on the western property line and the front property line (zero lot line). This property is in the middle of the southern half of the block. The two adjacent parcels to the east and west are both zoned CM. The parcel to the north has a substantial grade change (dropping 12 +- feet) and is zoned CBD. The parcel to the south is zoned residential.

Recommendation:

Review application per Section 153.006 of the City of Charlevoix Zoning Ordinance. Approve, deny or table using the Finding of Facts to direct you.

Attachments:

1. rezone hurlbut



**CITY OF
CHARLEVOIX**

Office of Planning and Zoning
210 State Street, Charlevoix, MI 49720

planner@charlevoixmi.gov
Phone: (231)547-3265
Cell: (231)550-2401
Fax: (231)237-0329

NOTICE OF PUBLIC MEETINGS
Charlevoix City Hall – Council Chambers 2nd
Floor
210 State Street
Charlevoix, MI 49720

July 18, 2024

City Planning Commission

August 12, 2024, 6:00PM

CASE NUMBER: RZ 2024-02
APPLICANT: John Paul Silva
SUBJECT PROPERTY: 115 W Hurlbut Ave.
PROPERTY TAX NO.: 15-052-361-002-00

Dear Property Owner/Tenant:

You are receiving this notice because you are located within 300 feet of the above identified property for which a Rezoning Hearing will take place before the Planning Commission on the respective date indicated above. The specific request is to **Rezone a Commercial Mixed Use Parcel (CM) to Central Business District (CBD)**. You are not required to respond to this notice.

The City of Charlevoix Planning Commission will hold a public meeting on **Monday August 12, 2024, at 6:00 p.m.** in the Charlevoix City Hall Council Chambers to evaluate the Rezoning application submitted by Mr. Silva. The Planning Commission may approve the Rezone, deny the Rezone or table action on the Rezone. The Planning Commission then recommends their action to the City Council.

Written and oral comments from the public are welcome. Oral comments may be presented at the hearing. Written comments may be mailed, emailed, faxed or hand delivered to the City Planning Department no later than 4:00 PM on the evening of the hearings at the above address. The case file and plans may be viewed at the City Planning Office at City Hall or see the agenda at charlevoixmi.gov after August 7, 2024. Please call or email with any questions or concerns you may have.

Jonathan D. Scheel
Director of Planning and Zoning

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
LPET0133034
Order Status:
Submitted
Classification:
Govt Public Notices
Package:
General Package
Total payment:
96.64
Payment Type:
Account Billed
User ID:
L0039358
External User ID:
544867

ACCOUNT INFORMATION

City Of Charlevoix
210 State Street
CHARLEVOIX, MI 49720
231-547-3260
clerk@charlevoixmi.gov
City Of Charlevoix
Contract ID:

TRANSACTION REPORT

Date
July 22, 2024 9:47:43 AM EDT
Amount:
96.64

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LPET01330340**PREVIEW FOR AD NUMBER LPET01330340**

NOTICE OF PUBLIC MEETINGS
Charlevoix City Hall – Council Chambers 2nd Floor
210 State Street
Charlevoix, MI 49720
City Planning Commission
August 12, 2024, 6:00PM

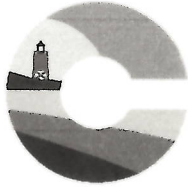
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Jonathan D. Scheel
Director of Planning and Zoning
planner@charlevoixmi.gov
Phone: (231)547-3265
Publication Dates
L00000000

[<< Click here to print a printer friendly version >>](#)



CITY OF CHARLEVOIX

Date Rec'd: _____ Case #: RZ 2024-02
Fee Rec'd: _____ Receipt #: 1675/45

REZONING APPLICATION

John Paul Silva
Applicant

115 Hurlbut
Address of subject property

123 Lake Shore Rd
Address (City/State/Zip)

Grosse Pointe Farms MI 48236

115 W. Hurlbut LLC
Property Owner Name (If different than applicant)

123 Lake Shore Road Grosse Pointe Farms MI 48236
Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone (248) 705-5969 Email Paul @ Spmlivry.com

Agent Phone _____ Email _____

Current zoning of subject property: Commercial/Mixed Tax ID: 15-052-361-002-00

Current use of property: vacant

Proposed zoning of property: Central Business District

Dimensions of parcel: 132 x 220 Parcel size: 28,000 .6
Square feet Acres

The following questions are meant to address the standards that will be considered by the Planning Commission in their review of the proposed rezoning.

Will the proposed zoning designation be harmonious and appropriate in appearance with the character of the surrounding area; is it compatible with adjacent land uses and does not essentially alter the character of the area in which it is proposed?

yes the property abuts the current border of the
CBD.

Is the property, or will the property be, adequately served by public services and facilities relevant to the proposed zoning designation? (ex. Streets, police, fire protection, water and sewer, refuse disposal and schools.)

yes already served

Will on-site activities, processes, materials, equipment or operating conditions typically associated with the proposed zoning designation create traffic, noise, smoke, fumes, glare, odors or any other products that would be detrimental to any people, property or the general welfare?

no, similar uses allowed in existing zoning

Will the use be compatible with the natural environment and be designed to encourage conservation of natural resources and energy?

existing developed lot

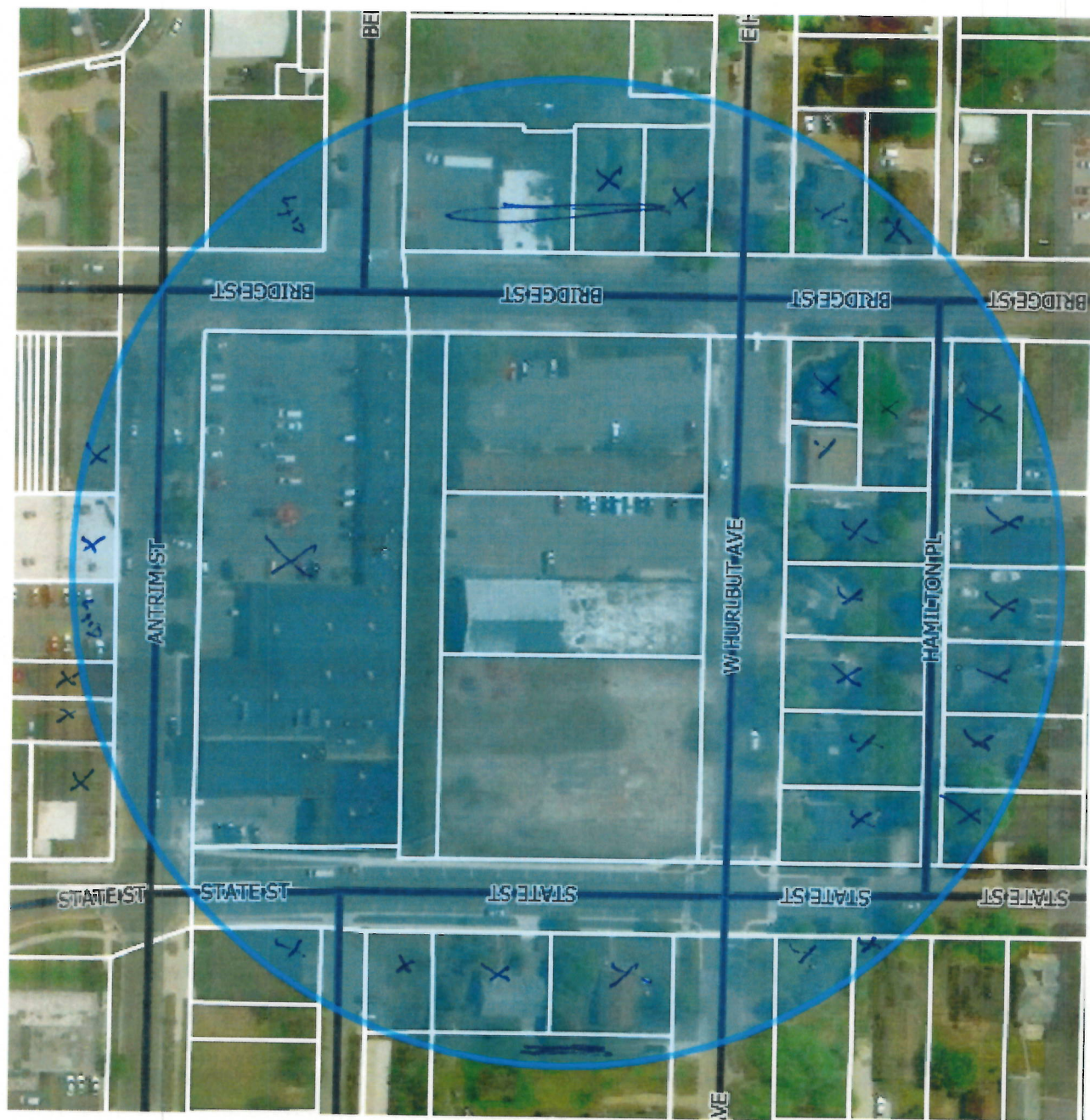
- hundred (200) feet of the subject site.
- A written evaluation to support that the request addresses consistency with the City's master plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area and other similar factors.
- The Planning Commission and/or City Council may require a traffic impact analysis for a rezoning that results in potential uses that would be expected to have fifty (50) or more peak hour directional trips or five hundred (500) or more vehicle trips daily.

AFFIDAVIT

I, the undersigned, do hereby make application to the City of Charlevoix for approval of the proposed rezoning application which has been completed in accordance with the City of Charlevoix Zoning Ordinance. I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her selected agent. I agree the statements made in the above application and associated documents are true, and if found not to be true, the approval of the rezoning may be void. I also agree to comply with the conditions and regulations required by the approved rezoning amendment. Further, I agree that if the rezoning application is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that rezoning amendment (or those individual(s) or organization(s) represented by the applicant) will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. For purposes of site inspection, I also agree to notify the City of Charlevoix Zoning Administrator when locations of lot lines are located and staked on the ground. I also agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that the City may impose conditions of approval and that the conditions must be met by the specific times as defined in the adopted rezoning amendment. Finally, if necessary, I understand that this is a rezoning application, and if approved, construction of any structures cannot be implemented until applicant has applied for and the City has issued a zoning permit or site plan review.

Property Owner Signature or Authorized Agent: _____

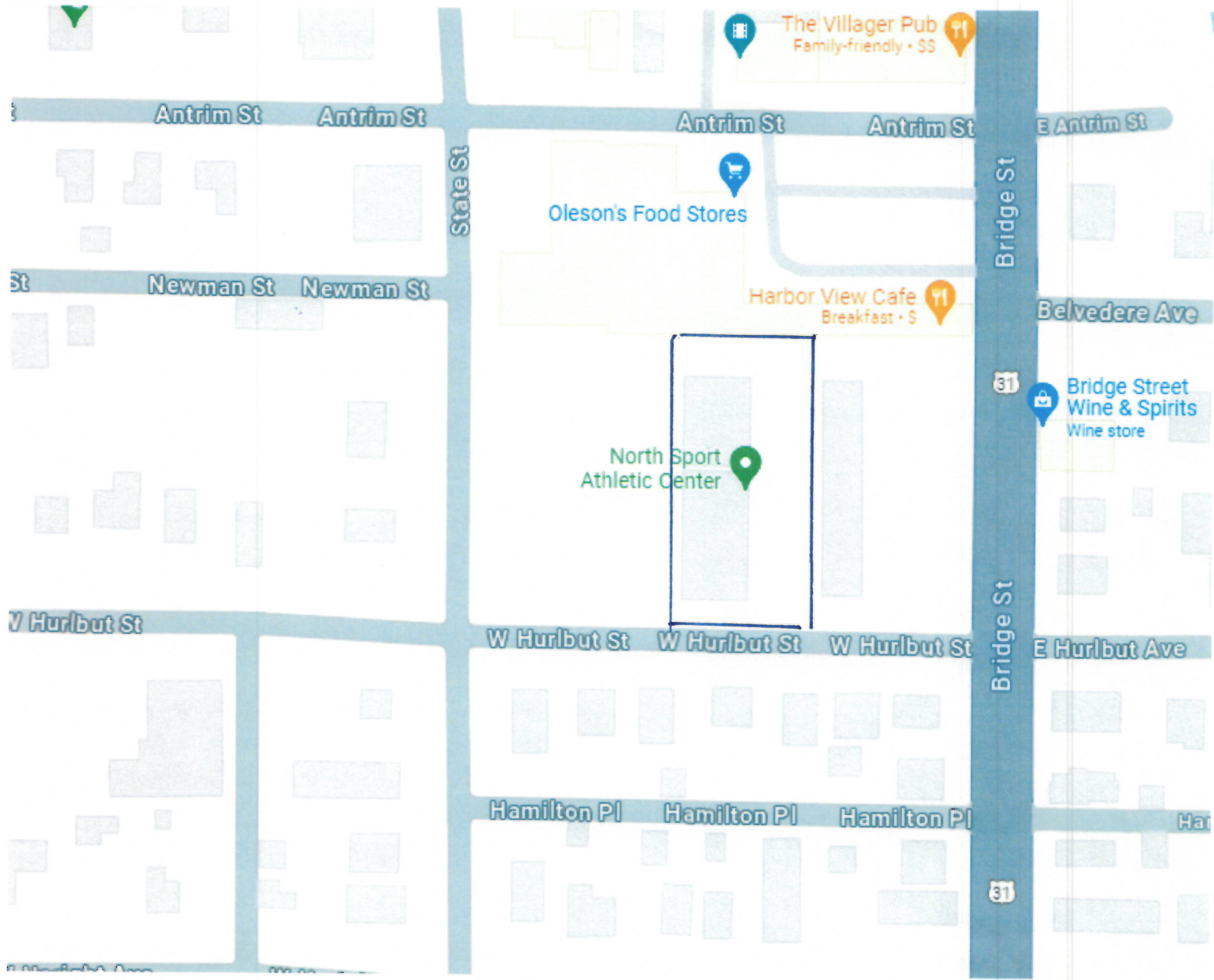
Date: _____



30
letters



lots 1+2 Block 1 Mason's addition
115 Hurlbut Ave West





PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Rezone Application. Project RZ 2024-02 115 Hurlbut Street

HEARING DATE: Monday, August 12, 2024, 6:00 PM

PRESENTED BY: Jonathan Scheel Director Planning and Zoning

ATTACHMENTS:	1. Application from the applicant 2. Project file RZ 2024-02 3. Downtown Charlevoix Futures 4. Master Plan pages 90-94, 104,105, 107
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I: GENERAL INFORMATION:

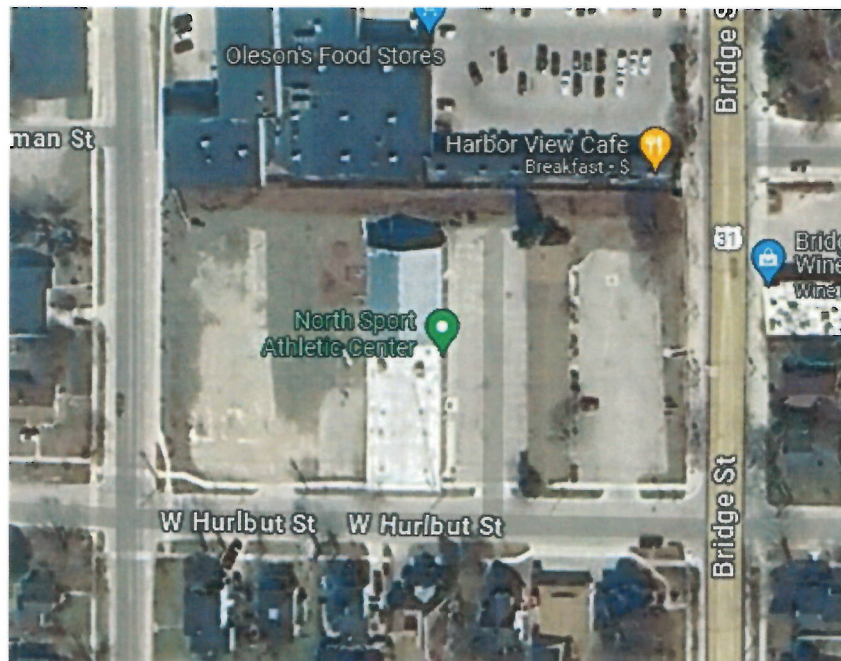
Applicant:	John Paul Silva
Property Owner:	115 W Hurlbut LLC 123 Lake Shore Road Grosse Pointe, MI 48236
Requested Action:	Rezone from Commercial Mixed Use (CM) to Central Business District (CBD)
Current Zoning:	Commercial Mixed Use
Project Location:	115 Hurlbut Ave. W.
Legal Description:	DDA 1984 - LOTS 1 & 2 BLK 1 MASONS ADDITION.
Project Site Size:	27,846 +- Square feet
Existing Land Use:	Indoor Sports
Adjacent Land Uses:	Retail shopping center to the north. Offices and retail complex to the east. Single multi-family residential units to the south. No development to the west.
Adjacent Zoning:	Central Business District to the north. Commercial Mixed-Use to the east and west. Residential Two (R2) to the south.

II. PROJECT DESCRIPTION/LOCATION:

This is a request for the rezone of a commercial mixed-use lot located at 115 Hurlbut W. Street to Central Business District. The subject property is in the CM zone district. The subject lot is 27,846 +/- square feet. There is an existing building (former school) on the lot. It is non-conforming and sits on the western property line and the front property line (zero lot line).



Charlevoix County Advanced Tax Parcel Map 2016.



Google Maps.



Google Maps.

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Section 153.006 of the City of Charlevoix Zoning Ordinance.

III. TIMING AND AUTHORITY:

The Rezone application was submitted on June 19, 2024. The notice for the public hearing was advertised in the Charlevoix Courier on July 26, 2024. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet of the property on July 18, 2024.

IV. ZONING ORDINANCE

§ 153.006 AMENDMENTS.

(A) *Initiation of rezoning and chapter text amendments.* The city may from time to time amend, modify, supplement or delete any provision of this chapter (text amendment) or change the zoning district boundaries shown on the Official Zoning Map (rezoning) pursuant to the provisions of the state's Zoning Enabling Act (Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 to 125.3702).

(1) *Initiation of rezoning.* An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning) may be initiated by the City Council, the Planning Commission, the owner or owners of property or with permission of the owner which is the subject of the proposed amendment.

(B) *Application procedure.* A rezoning or text amendment request, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs and fees for any consultant reviews. Such fees and escrow amounts shall be established from time to time by resolution of the City Council.

(1) *Application for rezoning.* The following information shall accompany the rezoning application form:

- (a) A legal description and street address of the subject property;
- (b) A map identifying the subject property in relation to surrounding properties;
- (c) The name, signature and address of the owner of the subject property; a statement of the applicant's interest in the subject property, if not the owner in fee simple title, and proof of consent from the property owner;
- (d) The existing and proposed zoning district designation of the subject property;
- (e) A site analysis at a scale not less than one inch equals 100 feet or aerial photography illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations and access points on both sides of the streets within 200 feet of the subject site;
- (f) A written evaluation to support that the request addresses consistency with the city's Master Plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area and other similar factors; and
- (g) The Planning Commission and/or City Council may require a traffic impact analysis for a rezoning that results in potential uses that would be expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily.

(C) *Rezoning and chapter amendment procedure.*

(1) *Pre-application conference (optional).* An optional pre-applicant conference with the Zoning Administrator to review the amendments, discuss the level of environmental information, land uses and the need for a traffic study may be requested by the applicant.

(2) *Public hearing.* Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be provided in accordance with the Zoning Act.

(3) *Planning Commission review and recommendation.* Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. In the case of a rezoning request, the Planning Commission shall consider the criteria in making its findings and recommendation.

(4) *City Council review and action.* Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment.

(a) In the case of a rezoning request, the City Council shall approve or deny the request, which may be based on the consideration of the criteria for amendment of the Official Zoning Map (rezoning).

(5) *Notice of adoption.* Following adoption of a zoning map amendment (rezoning) or text amendment by the City Council, a notice will be published in accordance with the provisions of the Zoning Act and the city.

(6) *Resubmittal.* A petition for a rezoning or zoning ordinance text amendment that has been denied by the City Council shall not be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(Prior Code, § 5.192)

(D) *Criteria for amendment of the official zoning map (rezoning).*

(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;

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

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

(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;

(e) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city;

(f) The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need; and

(g) Other factors as determined by the Planning Commission and the City Council.

(2) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another or by amending the list of permitted or special land uses within a district.

(Prior Code, § 5.193)

(E) *Amendments required to conform to court decree.* An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published without necessity of a public hearing or a referral to any other commission or agency.

V. 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;

Page 93-94 of the Master Plan and page 104, the Future Land Use Map shows this area as the start of the Charlevoix Corridor. The Charlevoix Corridor is a 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. (Downtown Charlevoix Futures page 20-22) The current zoning ordinance describes the CBD as: Central Business District. This zone regulates land within the area traditionally considered to be Downtown Charlevoix. Its purpose is to support the central activity area of the city by accommodating a mix of retail, office, service, entertainment and residential uses in a walkable, pedestrian-friendly environment. Business uses which are inconsistent with this purpose or which detract from the convenience of this district are not permitted. The vast majority of the permitted uses allowed in the current Mixed Use designation of the property align with permitted uses in the requested Central Business District. The proximity to downtown makes this an appropriate area for higher density housing, restaurants and shops similar to the existing Central Business District and currently allowed in the zoning district Mixed Use.

(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 described above, both the existing zone district and the requested zone district have most of the same allowed uses. Some additional uses allowed in the CBD and not the MC District are; parking lots/garages, recreation and meeting facilities accessory to a hotel, indoor recreational facility, tavern and theater.

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

This parcel sits approximately 18 feet higher in elevation than the current downtown. The elevation change may hinder the walkability you would expect for a "downtown" business (Downtown Charlevoix Futures page 20-22).

(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;

As described in (b), the existing zone district and the proposed district have mainly similar allowed uses. When comparing what is allowed, the proposed zone district allowed uses would have similar impacts to the neighborhood as those allowed presently. The main differences would be the setbacks and heights of structures. Current MU District has 15' front, 20' rear and 10 interior side yard setbacks with a maximum height of 35' for structures. The CBD has zero-lot line setbacks and a maximum structure height of 40 feet. Those differences, mainly the zero-lot line, may impact the residential neighborhood to the south.

(e) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city;

This parcel has all city infrastructure and facilities available nearby. Many have been upgraded in the last few years

(f) The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need;

Developable parcels for many of the uses allowed in the CBD, near, or downtown are nonexistent. Existing parcels are small and couldn't be built to the scale necessary to make sense to redevelop. The need for additional retail, entertainment, multifamily housing and parking is already here with little land availability to develop those uses.

(g) Other factors as determined by the Planning Commission and the City Council.

(2) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another or by amending the list of permitted or special land uses within a district.

VI. PLANNING COMMISSION OPTIONS:

The City of Charlevoix Planning Commission has the following options for Rezone RZ 2024-02

1. Deny Rezone 2024-02 RZ based on specific findings of fact that the application does not meet the review criteria in Section 153.006
2. Approve Rezone 2024-02 RZ based on specific findings of fact that the application does meet the review criteria in Section 153.006 and send to City Council with recommended approval.

115 W Hurlbut Rezoning

Michael Ochs <preacherboy73@yahoo.com>

Mon 7/22/2024 9:04 AM

To:Jonathan Scheel <jonathans@charlevoixmi.gov>

Dear Mr. Scheel,

Thank you for the information on the intended use of the 115 W Hurlbut property. I fully support Mr. Silva's ability to use it for an indoor soccer facility, as well as off site parking. I believe both uses are appropriate for the property in its current form. However, I am against rezoning it to commercial business district.

The intent of commercial mixed use is to provide a transition between central business district and residential on the north side, and CBD and general commercial toward the south end of town. Looking at the zoning map, the south side transition is exclusively on Bridge Street, save for the properties overlooking the Oleson's plaza. I believe that the north side intent should reasonably apply off Bridge Street to the south, though it is not stated in the city planning documents (at least not that I could find).

The south side of the 100 block of W Hurlbut is residential west of the food pantry. When the food pantry is open, on street parking is often very full from their clients- which does not bother me beyond being a minor inconvenience on occasion. They provide a valuable service to our city, and I support what they do.

My primary concerns about the property stem from potential future use. The building requirements for CBD require no setback. The existing buildings on the north side of the 100 block are non conforming as CM, but don't grossly affect the character of the small neighborhood due to the open spaces of their parking lots.

I mean no insult to Mr. Silva, but I question the viability of a dedicated indoor soccer facility in out town. Should it not be viable, the property is a prime location for development due to its location next to downtown and it's view of Round Lake. CM provides moderate and reasonable limitations on how that could come to be with building height and setback. Those limitations in turn limit the potential impact to the neighborhood, in particular by limiting the building size and the required parking for a potential business there. While current zoning requires a certain amount of parking depending on the business type, there are businesses in town that rely on overflow, on street parking. That's a significant concern on our block, especially during festivals when our block is used as a detour while downtown Bridge Street is closed to automobile traffic. Were the property rezoned to CBD, the potential impacts look to be much greater.

I believe that another solution to Mr. Silva's desired use is possible, though I'm not educated enough on current processes to know what that is. I would prefer to see, if possible, either a special use permit or variance with the limitation that it is for Mr. Silva while he owns the property and he does not develop it for a different use.

Sincerely,

Michael Ochs

Sent from Yahoo Mail for iPad

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Charlevoix Planning Commission

New Business

Title: Site Plan Approval 800 State Street Encounter Charlevoix

Date: August 12, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

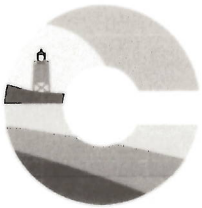
The applicant is proposing a 3,232 sq ft building for worship, small group meetings, and community engagement through the Encounter Ministry program at 800 State Street. This building will provide additional religious support for the congregation and public that already exists with the adjoining Catholic campus. The building will be two stories tall with a basement. The building will include an assembly space for up to 70 people, classrooms, meeting rooms and offices. Sixteen (16) parking spaces will be provided with a shared parking agreement with the adjacent Catholic Church.

Recommendation:

Review per Site Plan Review Ordinance standards. Approve, approve with conditions, deny or table.

Attachments:

1. 800 app
2. site plan
3. 800 parking
4. Level B Site Plan Review 01-2024



CITY OF CHARLEVOIX

210 State Street Charlevoix, MI 49720
www.charlevoixmi.gov

Permit No.: _____
Date Received: July 29, 2024
Decision Date: _____
\$275.00 # 1676411

Office of Planning and Zoning (231) 547-3265
Planner@Charlevoixmi.gov

Planning Commission Application

☒ Site Plan Review	☐ Rezoning
☐ Special Land Use Permit	☐ Zoning Ordinance Amendment
☐ Planned Unit Development	☐ Other _____

Applicant Name: ENCOUNTER CHARLEVOIX
Street Address: 800 STATE ST
City: CHARLEVOIX State: MI Zip code: 49720
Phone Number(s): 630.508.0510 E-mail: encountercvx@gmail.com
I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.
Signature: [Signature] Date: July 24, 2024

Applicant is the: ☒ Owner ☐ Lessee ☐ Agent ☐ Contractor/Architect

Property Owner's Name (if different from applicant): KERRY KEYSER
Street Address: 219 WHITTIER AVE
City: CHARLEVOIX State: MI Zip code: 49720
Phone Number(s): 630.508.0510 E-mail: encountercvx@gmail.com
Signature: [Signature] Date: July 24, 2024

I hereby grant permission for members of the City of Charlevoix (Planning Commission) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: _____ Date: _____

Project Location or Address: 800 STATE ST. CHARLEVOIX MI 49720
Parcel Number: 15.052.369.001.00

Explanation of Request: see sheet C-101 of site plan

City of Charlevoix
Planning Commission Application
Page 2

Subject Parcel Information:

Project Location or Address: 800 STATE ST. CHARLEVOIX, MI 49720

Parcel Number: 15-052-369-001-00

Zoning District: RZ

Current Use of Property: VACANT

Dimensions of Parcel: 61.1 x 123.75 ft

Parcel Size: 7561 sq ft

Please describe the type of construction proposed: _____

Affidavit

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance.

I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her agent.

I agree the statements made above application and associated documents are true, and if found not to be true, the approval of the site plan and/or any zoning permit that may be issued may be void.

Further, I agree to comply with the conditions and regulations provided with the approved site plan and any permit that may be issued.

Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Charlevoix Zoning Ordinance will be complied with.

Further, I agree to notify the zoning administrator of City of Charlevoix for inspection before the start of construction and when locations of proposed uses are marked on the ground.

Further, I agree to give permission for officials of City of Charlevoix, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.

Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Property Owner or Agent Signature: 

Date: July 24, 2024

Encounter Ministries Charlevoix

Encounter School of Ministry, developed by Father Mathias Thelen and Patrick Reis, teaches, equips and activates disciples to demonstrate the love of God through the power of the Holy Spirit in their spheres of influence.

The Encounter Ministries Charlevoix satellite campus opened at St. Mary of the Assumption Parish. The ministry originated in January 2022 when Father Peter Wigton – a 2021 graduate of the two-year Encounter School of Ministry's Brighton

campus – was sitting at Kerry Keyser's dining table stating his desire to bring this ministry to Northern Michigan.

"No matter how meekly we give our 'yes' to God, he will strengthen and equip us for his calling," Kerry recounts when Father Peter asked her to be the director after discussing the potential fruitfulness of the program and its impact in our area.

"I am incredibly blessed to have Father Peter, Jeff Crane and Steve Tillotson as our leadership team ministering to the 30 adult students from across our Gaylord diocese in our opening year," she says.

"What is especially valuable about Encounter Charlevoix Campus is that we are learning how to be a field hospital. To not only help those in our parishes, but also those in our community in very meaningful ways.

This is evangelization at its best," says John Keyser, a first-year Encounter student in Charlevoix.

"The discovery of Encounter Ministries has been life-changing for me and my ministry," adds Father Peter. "It has also begun to shift mindsets and culture in the parish."

The program is rooted in Catholic teaching and the curriculum is reviewed by



The Encounter students share an impatation at the last class of year one. Abby Kalkman is receiving the impatation from her spiritual peers.

Catholic theologians to ensure an authentically Catholic perspective. The program is available online or in person, and participants deeply explore their identity in Christ, praying for healing, hearing and understanding God's voice, and releasing God's presence in their respective spheres of influence.

The Encounter School has set the Charlevoix students' hearts on fire. First-year student Marcee Kargol, of Petoskey, shares: "Encounter Ministries has taken me to a deeper relationship with Jesus and is making me a better person. I have learned to evangelize and share God's love with others through his son, Jesus Christ."

Student Jamie Kalkman, of Petoskey, adds: "Encounter School of Ministry has been powerful in my journey to grow in faith, to know my identity as a child of God, to follow the promptings of the Holy Spirit in my daily life and to become an instrument of God's healing power. In the name of Jesus, I'm learning

to bring healing, peace, freedom, love and joy beyond imagination to myself and others."

Peggy LeBlanc, of Alanson, concludes, "I've been deeply touched to realize the power of the Holy Spirit, to know the incredible love and to bring that to others, sharing hope and healing.

Are you hungry to experience "more of God" and the power of the Holy Spirit so the love of God may flow through you in an ever greater way? Learn more about Encounter Ministries at www.EncounterSchool.org/Charlevoix. A new two-year Charlevoix Encounter Ministries cohort will commence in September.

To discern if the two-year school is for you, the Charlevoix campus is offering a four-evening Summer Intensive experience, providing an overview of the first year, July 15-18, from 6-9 pm at St. Mary in Charlevoix. For more information, visit www.EncounterSchool.org/Charlevoix †

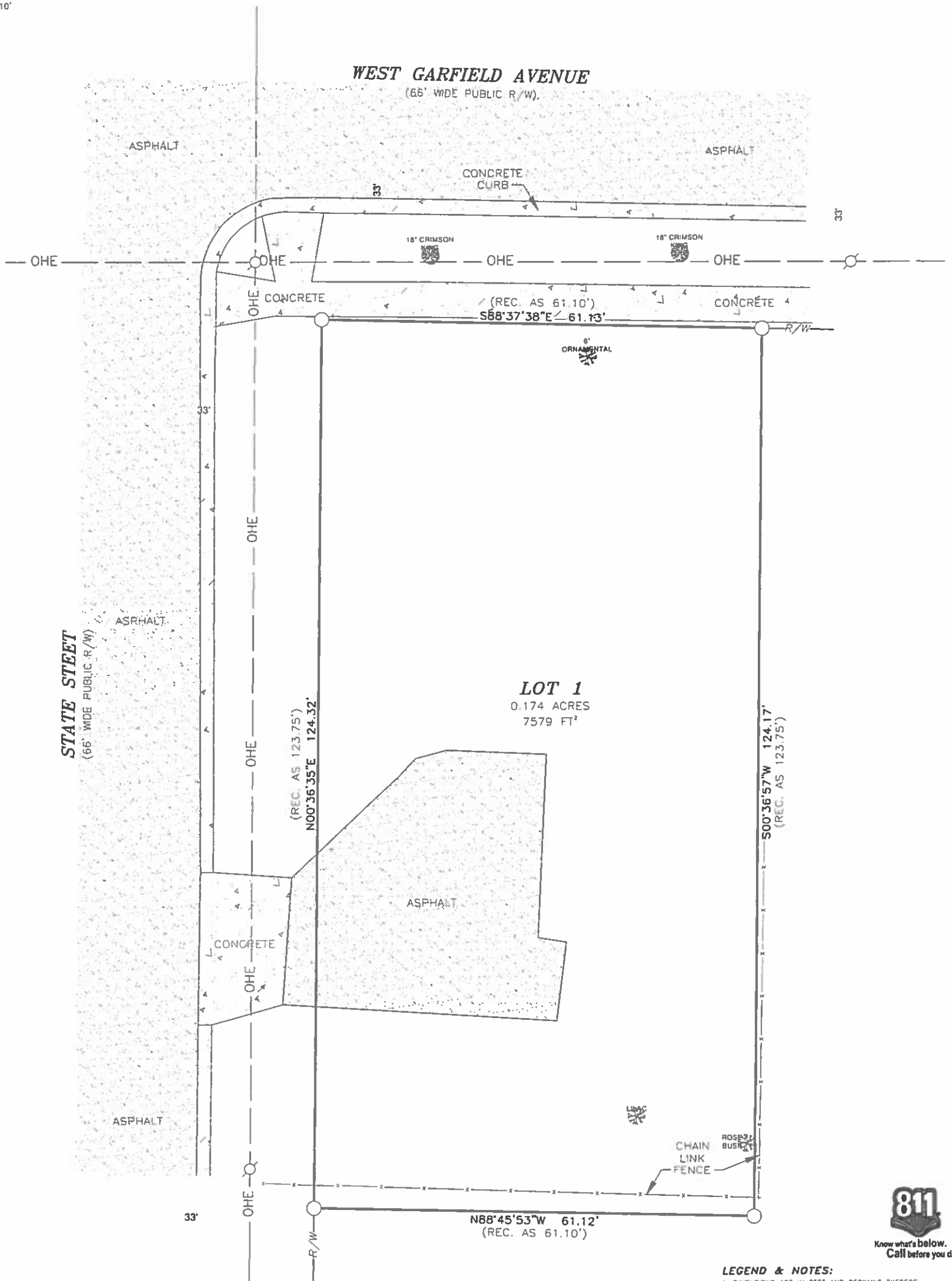
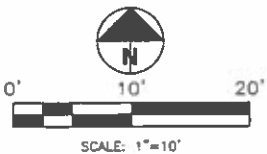
Father Peter Wigton opened a Charlevoix campus of the Encounter School of Ministry at St. Mary of the Assumption with the assistance of Kerry Keyser, Jeff Crane and Steve Tillotson so the faithful could experience more of God and the power of the Holy Spirit.

EXISTING SITE PLAN
LOT 1
MASON'S 2ND ADDITION TO THE VILLAGE OF CHARLEVOIX
CITY OF CHARLEVOIX,
CHARLEVOIX COUNTY, MICHIGAN

CERTIFIED TO:
PERFORMANCE ENGINEERS, INC
% AARON NORDMAN
406 PETOSKEY AVENUE
CHARLEVOIX, MI 49720

PARCEL OWNER:
ENCOUNTER CHARLEVOIX
800 STATE STREET
CHARLEVOIX, MI 49720

TAX ID#: 15-052-369-001-00



- LEGEND & NOTES:**
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. BEARINGS ARE BASED ON SURVEYS OF RECORD.
 3. "●" INDICATES FOUND SURVEY IRON/ROD IN PLACE.
 4. 1/2" x 24" STEEL RODS WITH I.D. CAPS HAVE BEEN SET AT ALL POINTS MARKED WITH "O".
 5. "⊙" INDICATES CONCRETE MONUMENT FOUND IN PLACE FROM PRIOR SURVEY.
 6. "⊠" INDICATES A SET STAKE.

This survey plot was prepared for the exclusive use of the person, persons, or entity named in the certification hereon. Said certificate does not extend to any unnamed third person without an express recertification by the surveyor naming said third person.

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
(231) 547-6882 — FAX (231) 547-0021
EMAIL: info@fcasurveying.com

SCOTT A. PAPINEAU P.S. NO. 4001050448

I HEREBY CERTIFY that I have surveyed and mapped the parcel's hereon described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

FIELD: 07/12/2024 STAKED: SB DRAWN: CWB
JOB: SB-29822C-24 DATE: 07/24/2024

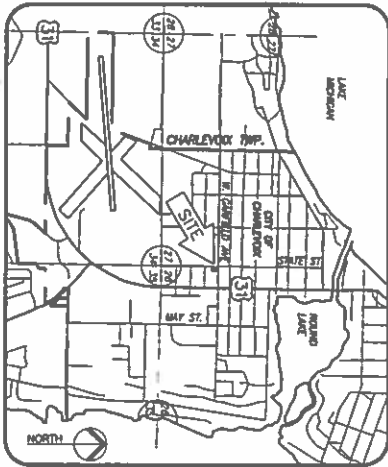
NOTE: IT IS THE RESPONSIBILITY OF THE OWNER/OWNERS AGENT TO VERIFY ALL ZONING SETBACKS AND REQUIREMENTS PRIOR TO ANY CONSTRUCTION OR ALTERATIONS ON THE LOT.



Know what's below.
Call before you dig.

VICINITY MAP

SCALE: 1"=2000'



LEGEND	
DESCRIPTION	PROPOSED
BUILDING	ST
STORM SEWER	SN
SEWER	SN
WATER	W
NATURAL GAS	C
UNDERGROUND ELEC.	U/E
OVERHEAD ELEC.	E
UNDERGROUND TEL.	U/T
MANHOLE	M
CATCH BASIN	CB
FIRE HYDRANT	FH
WATER VALVE	WV
DEODOROUS TREE	DT
COUNTERSINK TREE	CT
BUSH	B
TREELINE	TL
ELEVATION	EL
CONTAINER	CO
PROPERTY LINE	PL
FENCE	F
ABBREVIATIONS	
ASPH - ASPHALT	PVC - POLYVINYL CHLORIDE
B/C - BACK OF CURB	R - RADIUS
B/D - BUILDING	RCP - REINFORCED CONCRETE
B/L - BRANCH LINE	PRE - PRELIMINARY
BLK - BLOCK	STL - STEEL
CONC - CONCRETE	STN - STATION
FOUND - FOUNDATION	TIC - TOP OF CURB
FEE - FINISH FLOOR ELEVATION	T/W - TOP OF WALK
F.G. - FINISH GRADE	T/E - TOP OF ELEVATION
FIN - FINISH	TYP - TYPICAL
UT - UNDERGROUND	

ZONING INFORMATION

PROPERTY DESCRIPTION:

Lot 1 of Mary's Second Addition to the Village of Charlevoix, according to the recorded plat appearing therein

ZONING DISTRICT

STANDARD	REQUIREMENT	PROMOTED
MAXIMUM BUILDING HEIGHT:	28 FEET	28 FEET
MINIMUM BUILDING WIDTH:	20 FEET	20 FEET
MINIMUM FRONT YARD:	15 FEET	15 FEET
MINIMUM SIDE YARD:	15 FEET	15 FEET
MINIMUM REAR YARD:	15 FEET	15 FEET
MINIMUM LOT WIDTH:	25 FEET	25 FEET
MINIMUM LOT AREA:	6,000 SQ. FT.	6,000 SQ. FT.
MINIMUM LOT COVERAGE:	40% / 10% **	40%

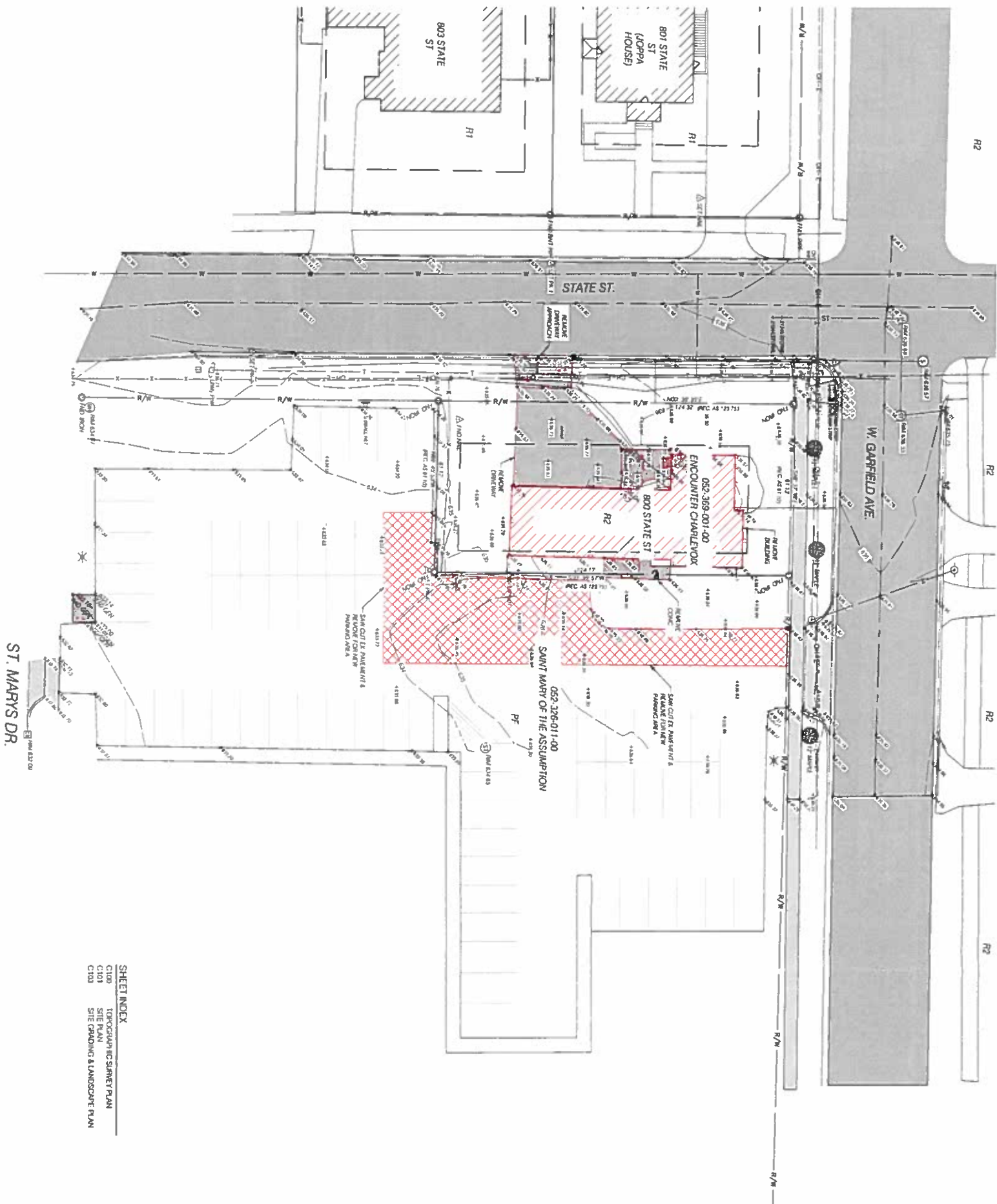
**BUILDING HEIGHT LIMITATION NOT APPLICABLE TO CHURCH USE

**LOT COVERAGE INCREASE TO 60% ALLOWED WITH LANDSCAPING REQUIREMENTS

NOTES

1. BOUNDARY SURVEY PROMOTED BY PETOSKEY & CHAMBERLAIN ASSOC.
2. ENCROACHMENTS DETECTED BASED ON SURVEY DATA, NOT VERIFIED BY PEI.
3. SURVEY REFERENCE BASE IS THE STATE PLANE COORDINATE SYSTEM, NAD83.
4. UTILITIES MARKED BASED ON VISUAL EVIDENCE. PETI MAKES NO WARRANTY OR OPINION AS TO ACCURACY. ALL EXCAVATION WORK MUST CALL THE 811 MASS DIRT SYSTEM TO LOCATE UTILITIES, AS REQUIRED BY LAW.
5. TRASH SHALL BE MANAGED THROUGH HUMANITARIAN SERVICE NOTE.
6. LOT COVERAGE CALCULATED AS FOLLOWS:
TOTAL IMPERVIOUS = 3,282 SF (BLDG) + 384 SF (SIDEWALK) = 3,666 SF
COVERAGE = 3,666 SF (IMPERVIOUS) / 7,561 SF (SITE) = 48%

ENCOUNTER CHARLEVOIX
800 STATE STREET



SHEET INDEX	
C100	TOPOGRAPHIC SURVEY PLAN
C101	SITE GRADING & LANDSCAPE PLAN

EXISTING SITE



Performance Engineers, Inc.

Civil / Structural Engineering

406 Petoskey Avenue
Charlevoix, Michigan 49720

Phone: (231) 547-2121
Fax: (231) 547-0084
www.performanceeng.com

ENCOUNTER CHARLEVOIX

ST MARY CAMPUS
CHARLEVOIX, MICHIGAN

OWNER
ENCOUNTER CHARLEVOIX
800 STATE ST CHARLEVOIX, MI 49720

MARK	DATE	DESCRIPTION
0	11-3-2023	ORIGINAL ISSUE
1	05-20-2024	REZONING SUBMITTAL
2	07-30-2024	SITE PLAN SUBMITTAL

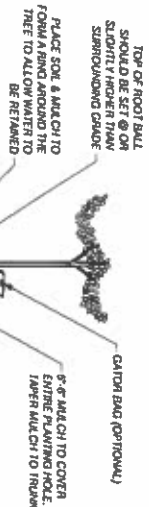
PROJECT NO.	2024-01
CD/DWG FILE	CD01.DWG
DRAWN BY	GBS
DESIGNED BY	
CHECKED BY	AKH

CONSULTANTS

SHEET

TOPOGRAPHIC SURVEY
PLAN

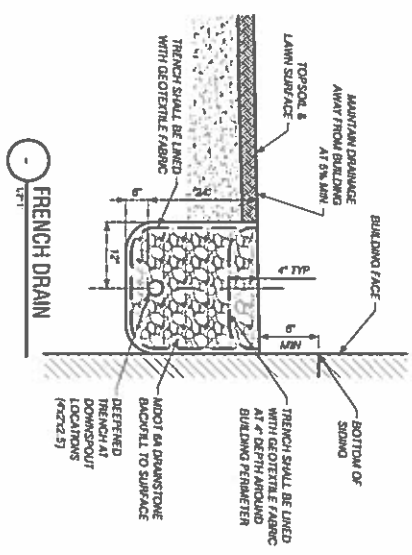
C-100



PLANTING SCHEDULE

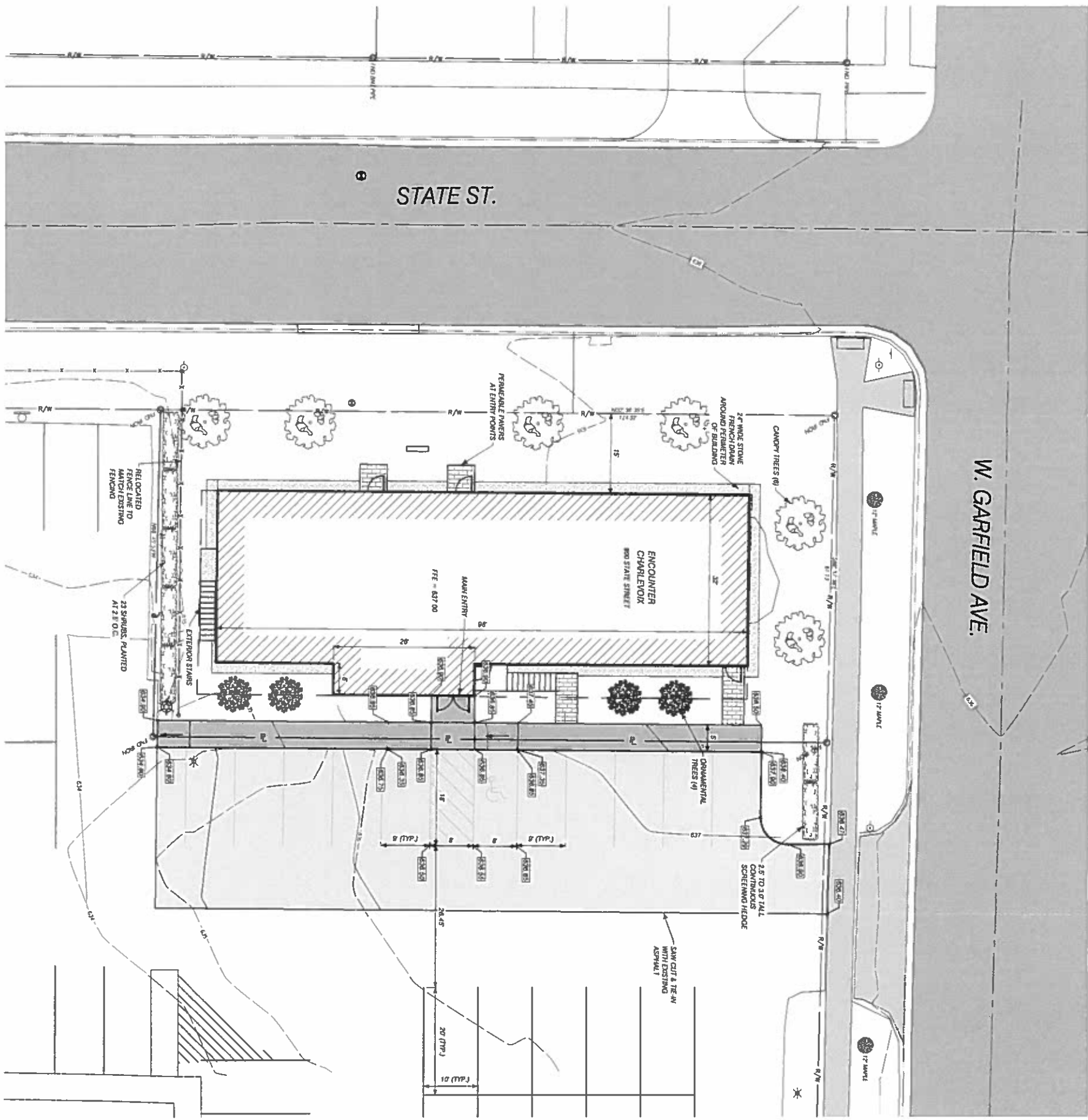
- (M) CANOPY TREES - RED MAPLES, 2.5'
- (H) CANOPY TREES - RED MAPLES, 2.5'
- (O) ORNAMENTAL TREES - BLOODEDOOD
- (C) CANOPY TREES - COGNAC MAPLE, 1.75'
- (W) WHITEGREEN BIRCHWOOD, 2.5-3' TALL
- (S) SPACED APPROX. 2' O.C. FOR 20'
- (S) SCREENING HEDGEROW
- (B) DIVERSE BURNING BUSH SHRUBS

TREE PLANTING DETAIL



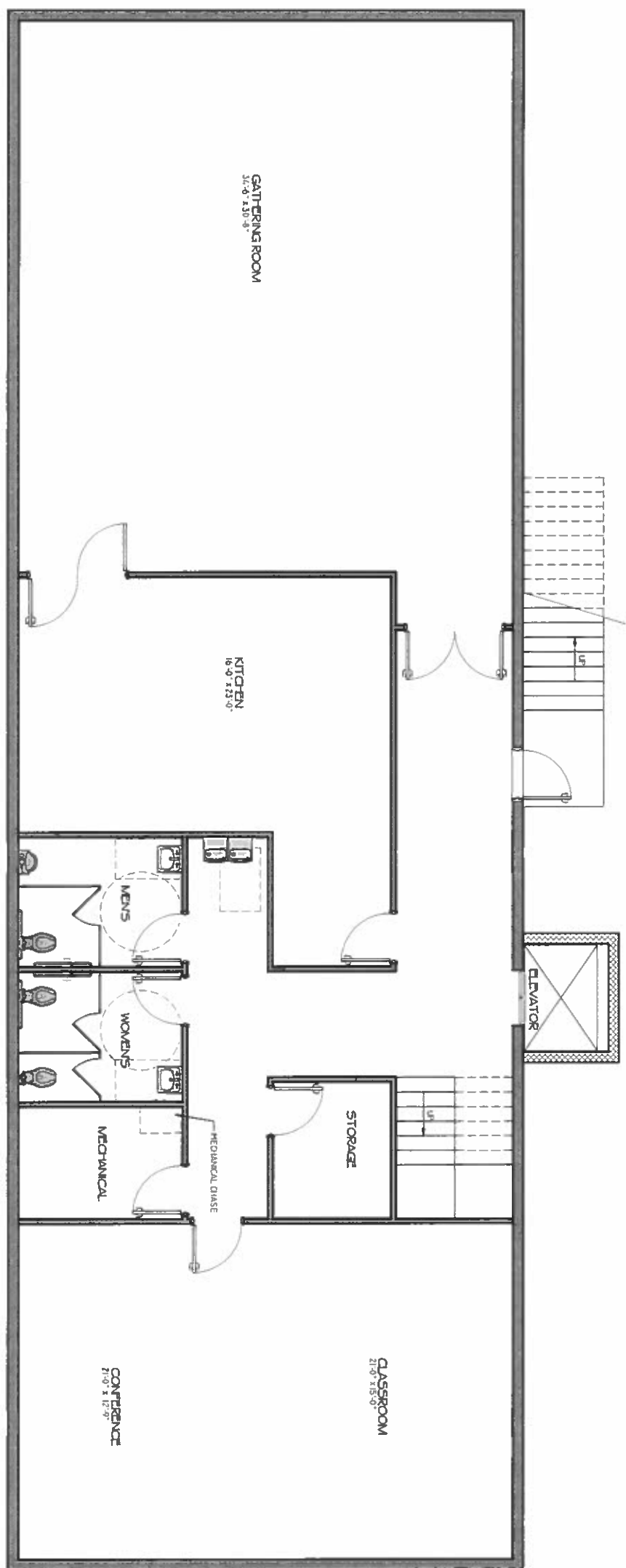
NOTES

1. THE LANDSCAPING REQUIREMENTS PROPOSED ARE BASED ON THE REQUIREMENTS FOR LANDSCAPING PROPOSED IN THE SITE PLAN. THE REQUIREMENTS FOR CANOPY TREES AND EITHER (M) OR (H) ORNAMENTAL TREES.
2. ADDITIONALLY, A 2.5 TO 3' SCREENING HEDGE HAS BEEN PROVIDED FOR THE NEW PARKING AREA FRONTING ALONG QUAYFIELD STREET.
3. THERE IS A PERIMETER FRENCH DRAIN PROPOSED AROUND THE BUILDING THAT WILL COLLECT RUNOFF FROM ROOF DRAINS AND PROVIDE INFILTRATION AREA BACK TO THE PARKING LOT DRAINAGE SYSTEM.
4. THE PARKING LOT REPAIR AND EXPANSION WILL DRAIN INTO THE EXISTING ST. MARY PARKING LOT DRAINAGE SYSTEM.



SHEET 3 OF 3	C-102	SITE GRADING & LANDSCAPE PLAN	ENCOUNTER CHARLEVOIX ST. MARY CAMPUS CHARLEVOIX, MICHIGAN OWNER ENCOUNTER CHARLEVOIX 800 STATE ST. CHARLEVOIX MI 49720	CONSULTANTS	Performance Engineers, Inc. Civil / Structural Engineering 406 Petoskey Avenue Charlevoix, Michigan 49720 Phone: (231) 547-2121 Fax: (231) 547-0084 www.performanceeng.com

W GARFIELD AVE.



STATE ST



Lower Floor Plan

[illegible]

ARCHITECT:
BRADFORD W. POTTER

PROJECT MANAGER:
BURTON CARDWELL

PROJECT NO.

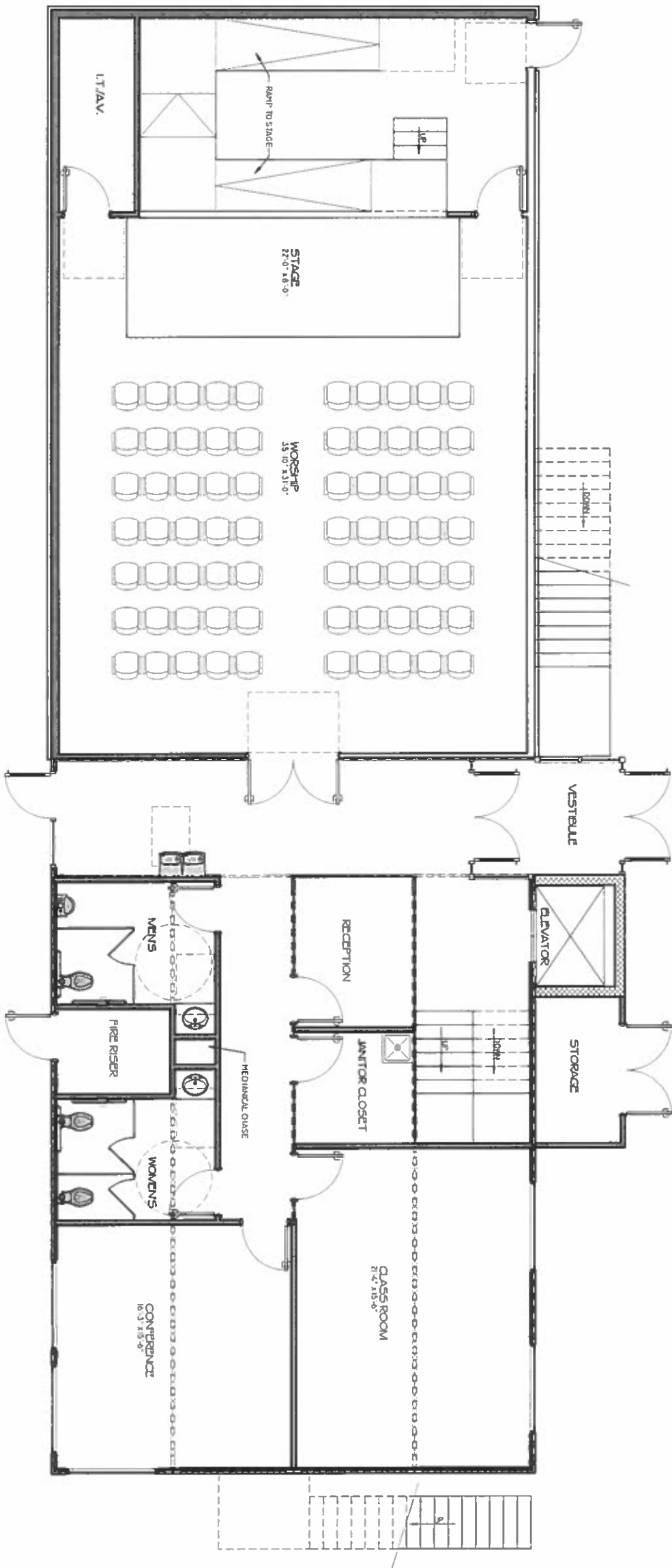
SEAL



blox
GolBlox.com

4131 Roger B Chaffee
Memorial Blvd. SE
Grand Rapids, MI 49548
(616) 493-9360 tel.
(616) 493-9364 fax

W GARFIELD AVE.

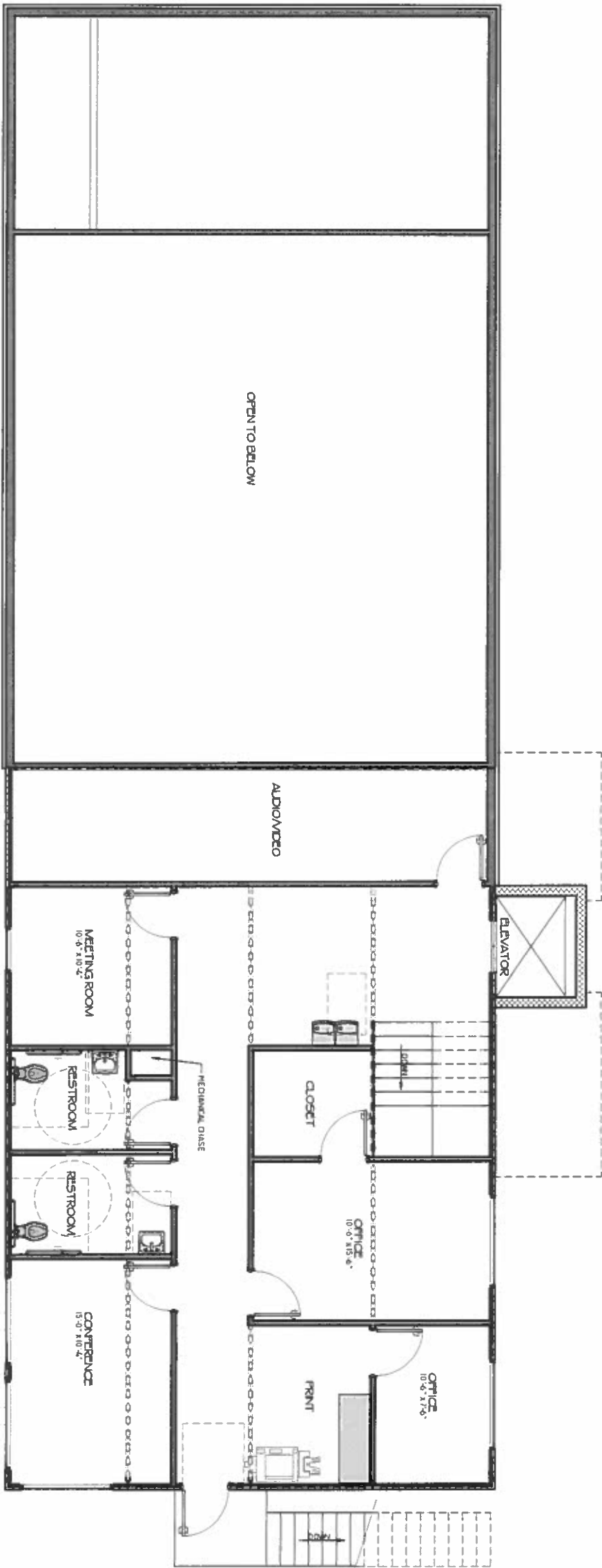


STATE ST

First Floor Plan
SCALE 1/4" = 1'-0"

SHEET NO. A-1.1	PROJECT NAME: ENCOUNTER CHARLEVOIX 800 STATE ST, CHARLEVOIX MI 49720				ARCHITECT BRADFORD W. POTTER	SEAL																									
	SHEET TITLE: First Floor Plan and Notes				PROJECT MANAGER: BURTON CARDWELL																										
				PROJECT NO.:																											
<table><tr><td>7/17/24</td><td>OWNER REVIEW</td><td></td><td></td><td></td></tr><tr><td>6/17/24</td><td>OWNER REVIEW</td><td></td><td></td><td></td></tr><tr><td>10/17/23</td><td>OWNER REVIEW</td><td></td><td></td><td></td></tr><tr><td>10/10/23</td><td>OWNER REVIEW</td><td></td><td></td><td></td></tr><tr><td>#</td><td>DATE</td><td>ISSUED FOR</td><td>#</td><td>DATE</td><td>ISSUED FOR</td></tr></table>		7/17/24	OWNER REVIEW				6/17/24	OWNER REVIEW				10/17/23	OWNER REVIEW				10/10/23	OWNER REVIEW				#	DATE	ISSUED FOR	#	DATE	ISSUED FOR				
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#	DATE	ISSUED FOR	#	DATE	ISSUED FOR																										
					 blox Go!Blox.com 4131 Roger & Charlee Memorial Blvd. SE Grand Rapids, MI 49543 (616) 493-9360 Tel. (616) 493-9364 Fax																										

W GARFIELD AVE.



STATE ST



Second Floor Plan

SCALE: 1/8" = 1'-0"

A-1.2

SHEET NO.

PROJECT NAME:
ENCOUNTER CHARLEVOIX
800 STATE ST, CHARLEVOIX MI 49720

SHEET TITLE:
Second Floor Plan and Notes

7/1/24	OWNER REVIEW				
6/17/24	OWNER REVIEW				
10/17/23	OWNER REVIEW				
10/10/23	OWNER REVIEW				
#	DATE	ISSUED FOR	#	DATE	ISSUED FOR

ARCHITECT:
BRADFORD W. POTTER

PROJECT MANAGER:
BURTON CARDWELL

PROJECT NO.:
.

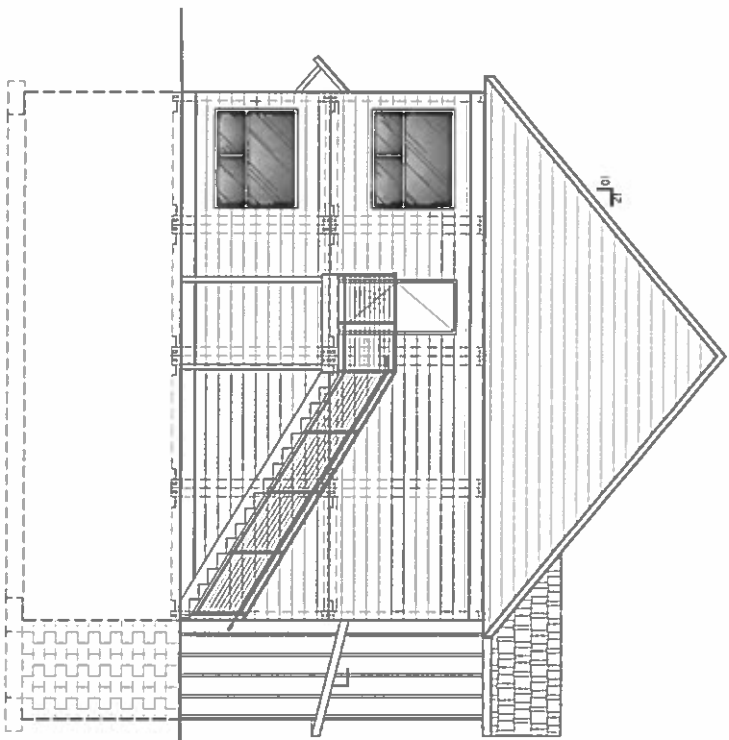
SEAL



blox
GotBlox.com

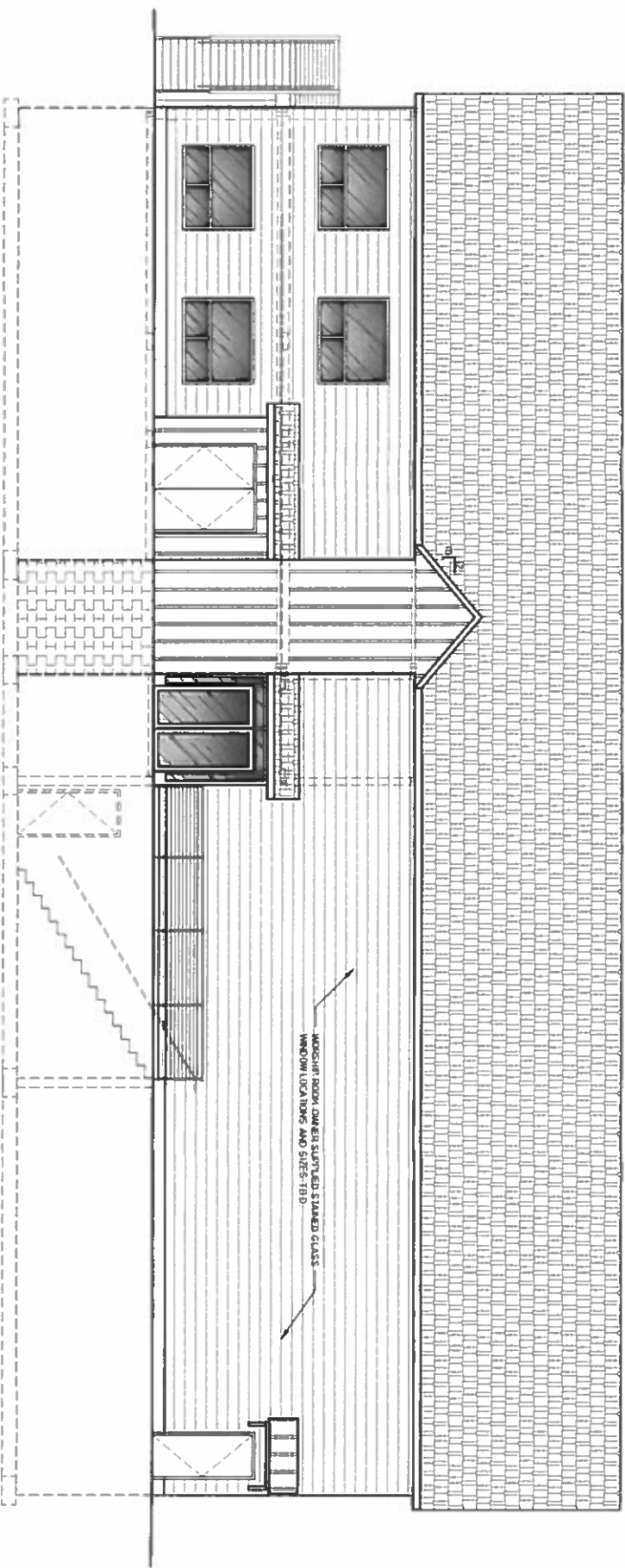
4131 Roger B. Charlee
Memorial Blvd. SE
Grand Rapids, MI 49543
(616) 493-9360 fax
(616) 493-9364 fax

Page 31 of 64



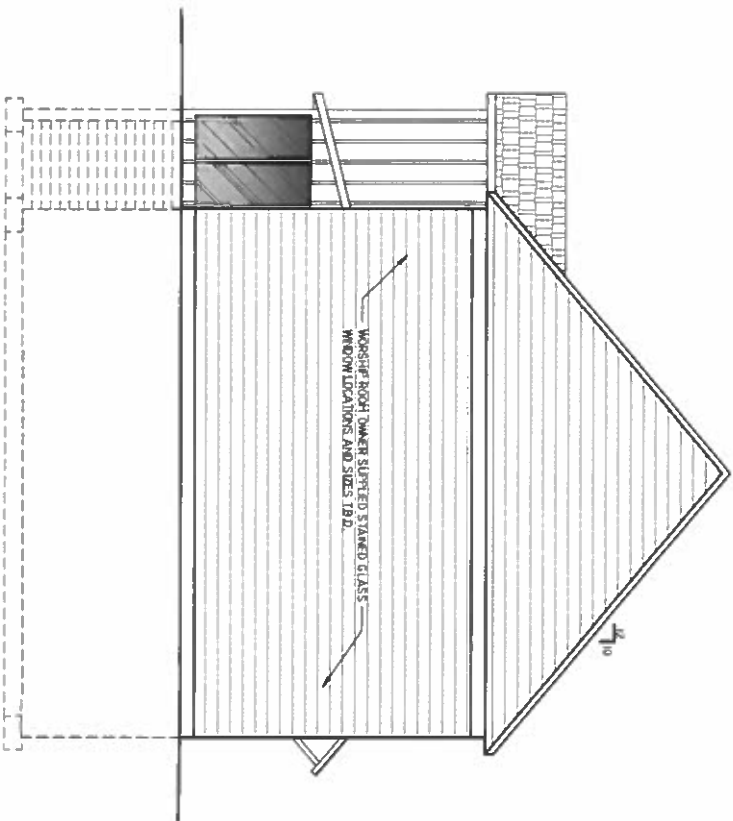
South Elevation

SCALE 3/8" = 1'-0"



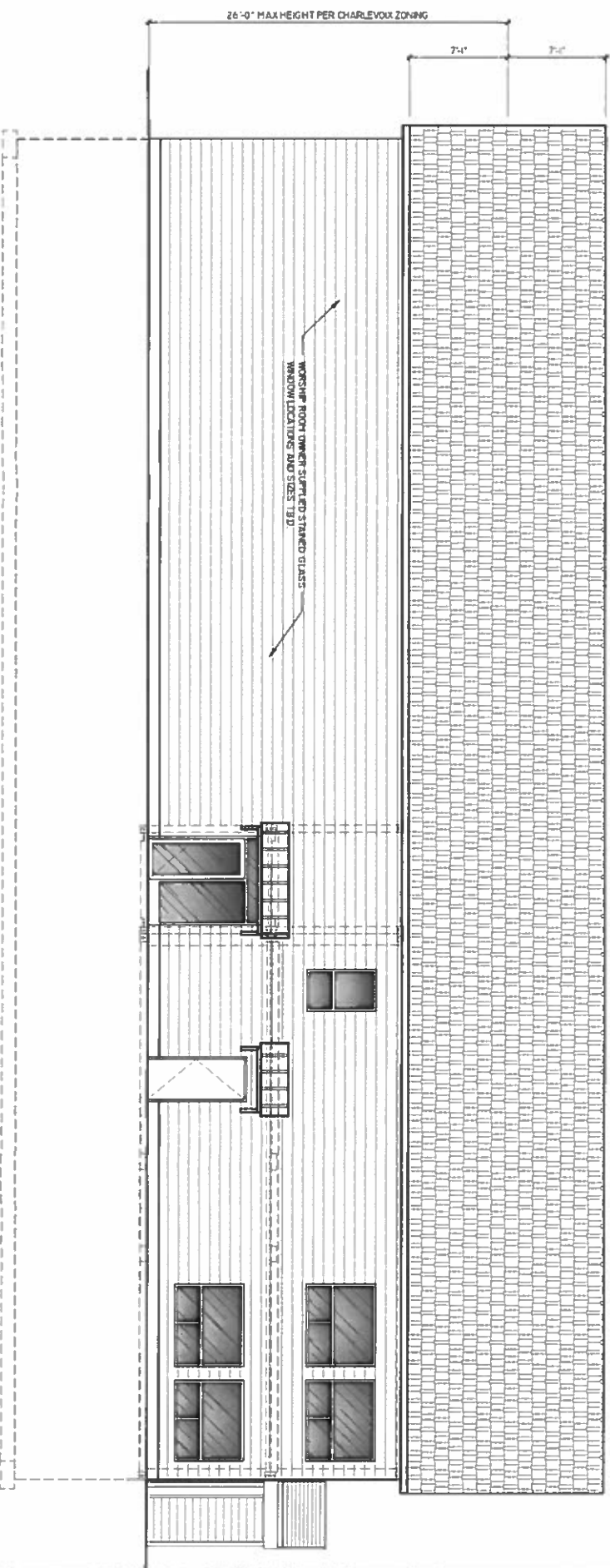
East Elevation

SCALE 3/8" = 1'-0"



North Elevation

SCALE 3/8" = 1'-0"



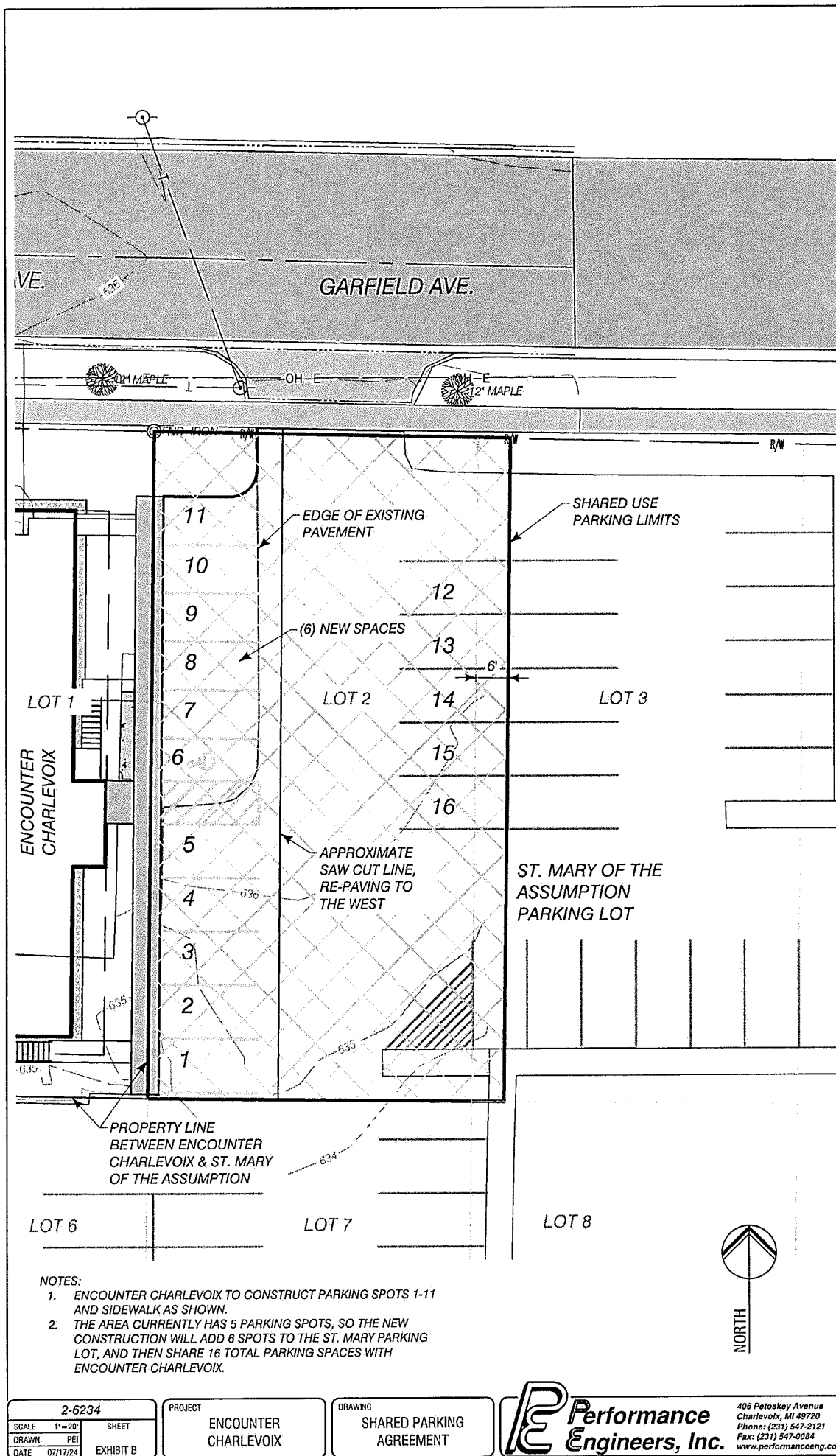
West Elevation

SCALE 3/8" = 1'-0"

SHEET NO. A-2.1	PROJECT NAME ENCOUNTER CHARLEVOIX 800 STATE ST, CHARLEVOIX, MI 49720					ARCHITECT: BRADFORD W. POTTER	SEAL
	SHEET TITLE: Building Elevations, Notes, and Details					PROJECT MANAGER: BURTON CARDWELL	
					PROJECT NO.		
		7/1/24	OWNER REVIEW				
		6/17/24	OWNER REVIEW				
		10/17/23	OWNER REVIEW				
		10/10/23	OWNER REVIEW				
#	DATE	ISSUED FOR	#	DATE	ISSUED FOR		



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4131 Roger & Charlee
Memorial Blvd. SE
Grand Rapids, MI 49548
(616) 493-9360 Tel.
(616) 493-9364 Fax



2-6234	SHEET
SCALE 1"=20'	DATE 07/17/24
DRAWN PEI	EXHIBIT B

PROJECT	ENCOUNTER CHARLEVOIX
---------	----------------------

DRAWING	SHARED PARKING AGREEMENT
---------	--------------------------



406 Petoskey Avenue
 Charlevoix, MI 49720
 Phone: (231) 547-2121
 Fax: (231) 547-0084
 www.performanceeng.com

DRIVEWAY AND PARKING EASEMENT

This agreement (the Agreement) is entered into as of July ___, 2024, between **Encounter Charlevoix, a Michigan Nonprofit Corporation**, of 219 Whittier Avenue, Charlevoix, Michigan 49720 ("Encounter"), and **Saint Mary of the Assumption of Charlevoix, a Michigan Nonprofit Corporation**, of 611 West North Street, Gaylord, Michigan 49735 ("Parish"), on the terms and conditions set forth below.

1. **Property affected.** Encounter is the owner of a parcel of real property (Parcel A), which is described on the attached exhibit A. Parish is the owner of the adjacent property (Parcel B), which is described on the attached exhibit A.
2. **Easement granted.** Parish grants for the use and benefit of the owners and occupiers of Parcel A and its employees, agents, invitees, and customers an irrevocable nonexclusive easement to construct, use and maintain the parking areas, driveways, and access drives and sidewalks located on Parcel B, as shown on the attached exhibit B for parking and driveway use (the "Easement").
3. **Interest in real property.** The Easement stated in this Agreement is to benefit both Parcel A and Parcel B and to burden both Parcel A and Parcel B respectively in the same manner. Each easement shall be deemed to be appurtenant to and run with the land of both Parcel A and Parcel B.
4. **Maintenance.** Encounter shall bear the full cost of construction, repairing and maintaining the parking areas, driveways, access drives, and sidewalks on the Easement. Each party agrees to keep its parking areas, driveways, and access drives in a reasonable state of repair so that normal access to and across the Easement is not impeded.
5. **Restrictions on Use.** Encounter agrees that it will not schedule events during regularly scheduled weekend liturgies of Parish or during special events which are anticipated to require the use of the parking spaces subject to the Parking Easement. In such event, Parish shall notify Encounter of the special event as soon as practicable to eliminate over usage of the shared parking spaces.
6. **Termination.** In the event that the Board of Directors of Encounter discontinues its use of the property as a "Church" as presently defined in City of Charlevoix Zoning Ordinance Section 153.005(B) and authorizes the filing of a Certificate of Dissolution with the Corporations, Securities & Commercial Licensing Bureau of the State of Michigan Department of Licensing and Regulatory Affairs, the Board of Directors shall, after the payment of all outstanding liabilities of the corporation, execute and deliver a quit claim deed to Parcel A to the Parish. The delivery of the Quit Claim Deed shall operate to extinguish all rights and liabilities arising from the Driveway and Parking Easement.

7. **Insurance.** The owner of each parcel shall obtain liability insurance as part of its owner's policy for its parcel to cover any liabilities that arise as a result of the use by the owner of the parcel of the Easement and the owner of the parcel's liability policy shall name the owner of the other parcel as an insured party for the owner of the parcel's use of the Easement.
8. **Indemnification.** Encounter agrees to indemnify and hold the Parish harmless from any and all claims, debts, causes of actions, or judgments for any damage to any property or injury to any person that may arise out of any of the Easement, by themselves, their agents, employees, representatives, and contractors. This provision shall survive the termination of this Agreement.
9. **Jurisdiction and venue.** Any disputes under this conveyance shall be subject to the laws of the state of Michigan and venue for any disputes shall lie in Charlevoix County, Michigan.
10. **Severability.** If any term, covenant, or condition of this Agreement or the application of which to any party or circumstance shall be to any extent invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall be effective, and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.
11. **Notice.** Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission that provides evidence of receipt and shall be either personally served, electronically transmitted, or sent with postage prepaid to the appropriate part at its address as set forth in the introductory paragraph of this Agreement. Either party may change its address by giving notice of the change or a new facsimile transmission number to the other as provided in this section.
12. **Entire agreement.** This Agreement and all exhibits constitute the entire agreement between the parties regarding the subject matter of this Agreement, and all prior negotiations and agreements regarding the Easement between the parties, whether written or oral, shall be of no further force and effect. This Agreement may not be modified except by a written document signed by both parties.
13. **Time is of the essence.** Time shall be of the essence in the performance and actions undertaken under this Agreement.
14. **Exhibits.** Three exhibits are attached to and are a part of this Agreement. They are the following:
 - Exhibit A—Legal descriptions of Parcel A and Parcel B
 - Exhibit B—Drawing and legal description of the easement on Parcels
15. **Effective date.** Encounter and Parish have signed this Agreement, and it shall be effective as of the day and year first above written.

ENCOUNTER

ENCOUNTER CHARLEVOIX, a Michigan
Nonprofit Corporation

By: _____
Kerry Keyser
Its: President

By: _____
Jeff Crane
Its: Secretary

STATE OF MICHIGAN)
COUNTY OF CHARLEVOIX)

Acknowledged before me in Charlevoix County, Michigan, on July ___, 2024 on behalf of
Encounter Charlevoix, a Michigan Nonprofit Corporation by Kerry Keyser, its President.

Jean M. Schneider, Notary Public
Charlevoix County, Michigan
My commission expires: 7-2-2029

STATE OF MICHIGAN)
COUNTY OF CHARLEVOIX)

Acknowledged before me in Charlevoix County, Michigan, on July ___, 2024 on behalf of
Encounter Charlevoix, a Michigan Nonprofit Corporation by Jeff Crane, its Secretary.

Jean M. Schneider, Notary Public
Charlevoix County, Michigan
My commission expires: 7-2-2029

PARISH
SAINT MARY OF THE ASSUMPTION
OF CHARLEVOIX, a Michigan Nonprofit
Corporation

By: _____
Rev. Peter T. Wigton
Its: President

By: _____
Julie Erhardt
Its: Secretary

STATE OF MICHIGAN)
COUNTY OF CHARLEVOIX)

Acknowledged before me in Charlevoix County, Michigan, on July ___, 2024 on behalf of Saint Mary of the Assumption of Charlevoix, a Michigan Nonprofit Corporation by Rev. Peter T. Wigton, its President.

Jean M. Schneider, Notary Public
Charlevoix County, Michigan
My commission expires: 7-2-2029

STATE OF MICHIGAN)
COUNTY OF OTSEGO)

Acknowledged before me in Otsego County, Michigan, on July ___, 2024 on behalf of Saint Mary of the Assumption of Charlevoix, a Michigan Nonprofit Corporation by Julie Erhardt, its Secretary.

Notary Public
Otsego County, Michigan
My commission expires:

DRAFTED BY/RETURN TO:
(without opinion as to title)
Harry K. Golski (P25177)
Harry K. Golski, PLC
203 Mason Street, Charlevoix, MI 49720
(231) 547-0099

EXHIBIT A

ENCOUNTER – PARCEL A

Parcel #052-369-001-00

City of Charlevoix, Charlevoix County, Michigan:

Lot One (1) of Mason's Second Addition to the Village (now City) of Charlevoix.

PARISH – PARCEL B

Parcel #052-326-011-00

City of Charlevoix, Charlevoix County, Michigan:

Lot Two (2) of Mason's Second Addition to the Village (now City) of Charlevoix).

and

Parcel #052-369-003-00 – Partial

City of Charlevoix, Charlevoix County, Michigan:

The Westerly Six (6) feet of Lot Three (3) of Mason's Second Addition to the Village (now City) of Charlevoix.

[WARNING: Possible Impersonation] 800 State St

jszoning@gmail.com <jszoning@gmail.com>

Tue 8/6/2024 4:14 PM

To: Jonathan Scheel <jonathans@charlevoixmi.gov>

"Hey, Jonathan, it's Pat Elliott. Hey, I looked at the utilities there on the corner of State and Garfield and yes, on Garfield we have an eight inch ductal iron pipe, which is where I would suggest they pull their four inch fire suppression from and unless directed otherwise by their engineering firm, I would just suggest that they use their existing sewer lead. That goes out towards State Street. What they might wanna do is have that camera to make sure it's in good shape and all that. But for something for residential use like that, that service lead should be sufficient as long as it's still in good shape.

Encounter Charlevoix Project

John Griffith <johng@charlevoixmi.gov>

Thu 8/1/2024 9:38 AM

To:Jonathan Scheel <jonathans@charlevoixmi.gov>

Cc:John Griffith <johng@charlevoixmi.gov>

Jonathan,

I have no comments on the initial Encounter Charlevoix project. I called Aaron Nordstrom, Performance Engineering, for service entrance requirements. He said gotblox will supply that information in two months. The Electric Department can supply single or three phase service for this project. If you need more information, please contact me. Thanks for the heads up.

John Griffith
Electric Department Director
City of Charlevoix
210 State Street
Charlevoix, MI 49720
(231) 547-3273 Office
(269) 625-0467 Mobile



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review 2024-1 SPR: 800 State Street

PUBLIC MEETING DATE: August 12, 2024 6:00PM

EXHIBITS:	1. Site Plan Review application. 2. Site Plan provided by applicant. 3. Site Plan Review Report by Zoning Administrator 4. City of Charlevoix Zoning Ordinance.
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I. GENERAL INFORMATION:

Applicant: Encounter Charlevoix

Property Owner: Encounter Charlevoix
219 Whittier Ave
Charlevoix, MI 49720

Requested Action: Level B Site Plan Approval for religious facilities

Zoning: Residential Two (R-2)

Project Location: 800 State Street Tax ID 052-369-001-00

Project Site Size: 7,561 Square feet

Existing Land Use: Residential/undeveloped

Adjacent Land Uses: Adjacent property is church/religious campus. Across street north, residential. Across street west, woman's shelter

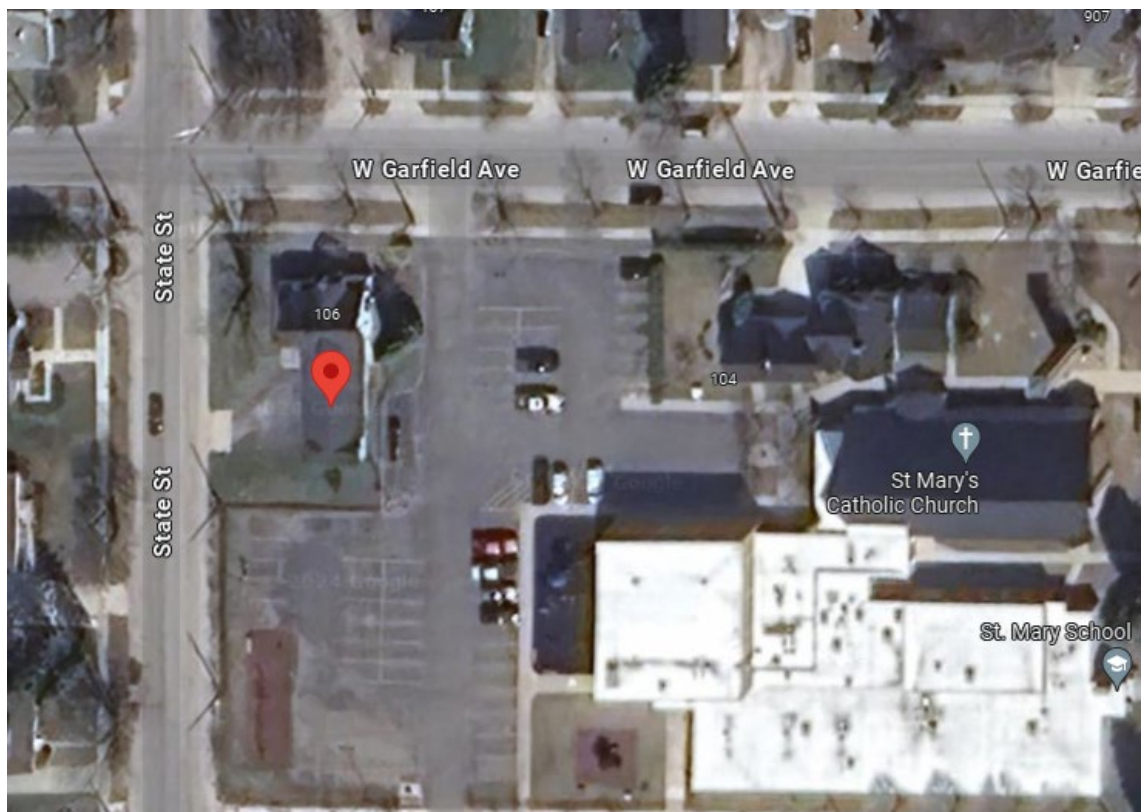
Adjacent Zoning: Adjacent property is Public Facilities (PF). Across street north, R-2. Across street west, R-1.

II. PROJECT DESCRIPTION/LOCATION:

The applicant is proposing a 3,232 sq ft building for worship, small group meetings, and community engagement through the Encounter Ministry program at 800 State Street. This building will provide additional religious support for the congregation and public that already exists with the adjoining Catholic campus. The building will be two stories tall with a basement. The building will include an assembly space for up to 70 people, classrooms, meeting rooms and offices. Sixteen (16) parking spaces will be provided with a shared parking agreement with the adjacent Catholic Church.



Source: Charlevoix County Website Aerial photo 2016



III. MASTER PLAN CONSIDERATIONS: *Please note that Site Plan Review is not based on consistency with the City Master Plan, this section is included only for general reference.

The 2022 Land Use Master Plan identifies this area of Charlevoix as being Commercial Mixed Use

IV. SITE PLAN REQUIREMENTS:

The Zoning Administrator has been granted the authority to waive portions of the information that is typically required in a site plan by the Zoning Ordinance. Table 153.234 below indicates what items are included on the site plan as submitted and what items the Zoning Administrator has waived. The key for the responses on the right-hand side of Table 153.234 are noted below.

X	Information Provided on Site Plan
SA	See Attached Information
PI	Partial Information Provided on Site Plan
NA	Not Applicable, Requirement Waived by Zoning Administrator
M	Missing

Submittal Requirements

(1) Required Content. Each site plan submitted shall contain the information detailed in Table 153.234, as applicable:

Table 153.234: Required Site Plan Content

<u>Required Information</u>	<u>Level “B”</u>
------------------------------------	-------------------------

General Information

<u>Date, north arrow and scale</u>	X
<u>Name and firm address of the professional individual responsible for preparing the site plan</u>	X
<u>Name and address of the property owner or petitioner</u>	X
<u>Location sketch</u>	X
<u>Legal description of the subject property</u>	X
<u>Size of subject property in acres or square feet</u>	X
<u>Boundary survey</u>	X
<u>Preparer’s professional seal</u>	X
<u>Revision block (month, day and year)</u>	X

Existing Conditions

<u>Existing zoning classification of subject property</u>	<u>X</u>
<u>Property lines and required setbacks (dimensioned)</u>	<u>X</u>
<u>Location, width and purpose of all existing easements</u>	<u>X</u>
<u>Location and dimension of all existing structures on the subject property</u>	<u>X</u>
<u>Location of all existing driveways, parking areas and total number of existing parking spaces on subject property</u>	<u>X</u>
<u>Abutting street right-of-way width</u>	<u>X</u>
<u>Location of all existing structures, driveways and parking areas</u>	
<u>Within three hundred (300) feet of the subject property's boundary</u>	<u>PI</u>
<u>Existing water bodies (rivers, creeks, wetlands, etc.)</u>	<u>NA</u>
<u>Existing landscaping and vegetation on the subject property</u>	<u>NA</u>
<u>Size and location of existing utilities</u>	<u>X</u>
<u>Location of all existing surface water drainage facilities</u>	<u>NA</u>

Proposed Development

<u>Location and dimensions of all proposed buildings</u>	<u>X</u>
<u>Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas</u>	<u>X</u>
<u>Setbacks for all buildings and structures</u>	<u>X</u>
<u>Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use</u>	<u>NA</u>
<u>Flood plain areas and basement and finished floor elevations of all buildings</u>	<u>X</u>
<u>Landscape plan (showing location of proposed materials, size and type)</u>	<u>X</u>
<u>Layout and typical dimensions of proposed parcels and lots</u>	<u>NA</u>
<u>Number of proposed dwelling units (by type), including typical floor plans for each type of unit</u>	<u>NA</u>
<u>Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units</u>	<u>NA</u>
<u>All deed restrictions or covenants</u>	<u>X</u>
<u>Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and any change in the number of parking spaces</u>	<u>X</u>

Engineering

<u>Proposed method of handling sanitary sewage and providing potable Water</u>	<u>X</u>
<u>Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems</u>	<u>X</u>
<u>Location and spacing of fire hydrants</u>	<u>X</u>

<u>Location and type of all proposed surface water drainage facilities</u>	<u>X</u>
<u>Grading plan at no more than two (2) foot contour intervals</u>	<u>X</u>
<u>Proposed streets (including pavement width, materials and easement or right-of-way dimensions)</u>	<u>N/A</u>

Building Details

<u>Typical elevation views of all sides of each building</u>	<u>X</u>
<u>Gross and usable floor area</u>	<u>X</u>
<u>Elevation views of building additions</u>	<u>NA</u>
<u>Building height</u>	<u>X</u>

(1) Information Waiver. Specific requirements of either a Level “A” or “B” site plan may be waived by the Zoning Administrator where it is determined that such information is not applicable to the request.

(2) Additional Reports/Study: The Zoning Administrator or Planning Commission may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The Zoning Administrator or Planning Commission shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

Area, Height and Placement Requirements

<u>Maximum building height</u>	<u>26 feet</u>	<u>Proposed building is at 26 feet</u>
<u>Minimum Yard setbacks front</u>	<u>15 feet</u>	<u>Proposed buildings is at 15 feet</u>
<u>Minimum Yard setbacks side</u>	<u>8 feet</u>	<u>Proposed buildings is at 8 feet</u>
<u>Minimum Yard setbacks rear</u>	<u>25 feet</u>	<u>NA</u>

² Applicants are required to submit a grading and drainage plan, in accordance with the requirements of 153.230 through 153.239 of this chapter, demonstrating storm water can be contained and managed on the subject property if no municipal storm water system exists. If a municipal storm water system exists, the Director of Public Works, or consulting engineer representing the city, shall review the grading and drainage plan to determine if the existing infrastructure can adequately handle the storm water runoff. Applicants may be required to install storm water management features to mitigate impacts to the municipal storm water system.

V. SITE PLAN REVIEW:

The following section is taken directly from the Site Plan Review Section of the Zoning Ordinance. The Planning Commission must make findings of fact to determine if the proposal meets each of the following standards. The Planning Commission must find that this proposal meets all of the following standards based on findings of fact before considering a motion to approve or deny. Staff has written the following recommended findings of fact as a starting point. The Planning Commission may add, modify, or delete any of the following draft findings at the meeting. The draft findings are in *italics*.

153.235 Standards for Site Plan Approval: A site plan shall be approved only upon a finding of compliance with the following standards:

- A. The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

The Planning Commission finds that the site plan proposal complies with the Zoning Ordinance, which states that the parcel is zoned Residential 2 District. The following findings of fact will show that the site plan meets all other applicable laws and regulations.

- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

The Planning Commission finds that the proposed development is harmonious with the character of the existing neighborhood. The proposed project will fit into the St. Mary's religious complex. This proposal is similar to the nearby developed properties following the same maximum height, setbacks and lot coverage as any other single-family home being built.

- C. The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the greatest extent possible.

The Planning Commission finds that the proposal adds no hazards to adjacent properties. Because the activities are already happening onsite at the St. Mary's complex, no new traffic is expected.

- D. The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.

This development will have no impact.

- E. The site plan protects the natural environment and conserves natural resources and energy to the extent possible in light of the proposed development.

The site plan proposes shared parking which will eliminate over 2,000 sq ft of hardscape and asphalt.

- F. Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

Traffic Circulation

(a) The site plan shall comply with the applicable zoning district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the City of Charlevoix Zoning Ordinance, unless otherwise provided.

Yes, see Area, Height and Placement Requirements above

(b) Vehicular and pedestrian circulation. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

(c) Walkways from parking areas to building entrances.

1. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas and shall be designed to provide access from these areas to the entrances of the building(s)

2. The walkways shall be designed to separate people from moving vehicles.

3. These walkways shall have a minimum width of five feet with no car overhang or other obstruction.

4. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

5. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

Parking will be shared in an existing parking lot of St. Mary's. A 5-foot-wide sidewalk is proposed the length of the adjacent parking with additional sidewalks provides at each exterior door. ADA compliant parking and sidewalks are provided

Stormwater

Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.

Rooftop drainage will fall into a perimeter french drain storm water system. The plan shows no stormwater leaving the parcel.

Snow Storage

Eleven spaces are being rebuilt but no new additional spaces being provided. Snow storage is already being provided on the south west corner of the existing parking lot.

Landscaping

The landscape plan provides for all required plantings. No significant grade changes are being proposed.

Screening

No screening is required. All adjacent uses are similar in nature.

Lighting

There is no exterior lighting proposed. One existing light pole on the adjacent lot is proposed to be relocated.

Utility Service

Plan shows upgrades to all utility connections. Electric Department has reviewed the plans and has no concerns.

Exterior uses

Plan shows no exterior uses. Mechanical equipment is proposed to be located inside the building. Rolling totes will be used and stored within the storage closet with doors to the outside.

Emergency Access

Proposed structure is accessible from three sides. Charlevoix Township Fire Chief has reviewed the plans and has no concerns.

Water and Sewer

Plan shows upgrades to water service and a new 4" main for a fire connection. Public Works has reviewed the plans and has no concerns.

Signs

No signs have been proposed. All future signs will need a sign permit that will meet all regulations at the time of application

153.171 Landscaping

(F) Non-residential and mixed use districts and non-residential uses in residential districts.

(1) For all non-residential uses in any zoning district except the CBD District, for every 100 feet of lot frontage as measured along a public right-of-way, the following front yard landscaping requirements apply.

(a) Three canopy trees and one evergreen or two ornamental trees shall be provided.

Standard met

(3) For any permitted non-residential use in a residential district, the Buffer Type 2 requirements, as specified in Table 153.171(b), shall apply to all side and rear property lines.

1 canopy tree, plus 1 evergreen tree or 1 ornamental tree, plus 8 shrubs, for each 50 linear feet of buffer area

140 +/- side yard length. Four (4) ornamental trees are shown in the east side yard. 23 shrubs are shown in the southern side yard.

153.173 Trash Receptacles

The site plan reviewing authority may waive the requirement for a trash receptacle enclosure for businesses, such as banks, that store all waste material indoors or other uses that provide alternate means of handling waste disposal.

Rolling totes will be used and stored within the storage closet with doors to the outside.

153.173 Mechanical Equipment

All mechanical equipment will be installed indoors

153.187 Parking Requirements and Limitations

Table 153.187: Parking and Access Requirements by Use

Auditoriums, assembly halls, meeting rooms, theaters and similar places of assembly.

1 space per 4 seats, based on maximum seating capacity in the main place of assembly, as established by the city's Fire and Building Codes.

Plan shows 70 seats in main assembly room equaling 18 parking spots required. 153.188 Parking Alternatives allows:

(A) *Shared/common parking.* Shared parking, or an arrangement in which two or more nonresidential uses with different peak parking demands (hours of operation) uses the same off-street parking spaces to meet their off-street parking requirements, may be allowed.

(1) The Zoning Administrator may approve an adjustment to the parking requirements allowing shared parking arrangements for nonresidential uses with different hours of operation.

(2) Applicant must provide that there is no substantial conflict in the principle operating hours of the uses for which the shared parking is proposed.

(3) Shared parking must be within 50 feet walking distance, measured from the entrance of the use to the nearest parking space in the shared lot.

(4) An agreement providing for the shared use of the parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator upon consultation with the city attorney.

VI. CONDITIONS OF APPROVAL

The following section is taken directly from the Section 153.236 of the Zoning Ordinance. The PC may impose conditions of approval on the site plan based on the following criteria.

5.121. Conditions of Site Plan Approval.

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval.

Conditions imposed shall be based on the following criteria:

- (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- (2) Ensure that the Use is compatible with adjacent land uses and activities.

- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

Planning Commission Recommendation to City Council: (choose one)

- A. **Approve** Project 2022-1 SPA **without conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.235
- B. **Approve** Project 2022-1 SPA **with conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.235
- C. **Deny** Project 2022-1 SPA based on specific findings of fact that prove the project does not meet the review standards in Section 153.235
- D. **Table** the decision on Project 2022-1 SPA. (Usually, this option is only used when additional information is needed to assist the Planning Commission in making the decision.

Charlevoix Planning Commission

New Business

Title: Conditional Rezone 743 Petoskey Ave preliminary meeting

Date: August 12, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

Stiggs Brewing Company proposes to locate a microbrewery at 743 Petoskey Ave. With its near turnkey structure, the proposed location fits the overall site demands for a small commercial business on US 31 yet allowing the majority of the property to remain as multi-family housing. Building on the original bones of the existing old '76 Garage, this 1.4-acre property provides the production brewery expansion with a second phase of the project allowing for the development of multi-family residential units on the back portion of the property by the property owner. This is a preliminary site plan review and preliminary review of the conditional zoning.

Recommendation:

Review and comment on the proposed site plan review. Set date for a public hearing for the conditional rezone.

Attachments:

1. Description of Conditional Rezone
2. Rezone Plan.Revision. 7-30-24 (1)



Brewing Company

Description for Conditional Rezoning

Company Expansion

Stiggs Brewing Company is setting its sights on the overall brand expansion from the current brewpub model, into a microbrewery with increased production capabilities, wholesale distribution and additional revenue streams.

Since the inception of Stiggs Brewery & Kitchen in Boyne City in 2017, the primary goal was to make high quality craft beer for the local & regional market.

While the primary vision was well intended, the original concept of Stiggs Brewing Company was sidelined by operational direction, the Covid-19 Pandemic closures & overall limitations of the current physical space.

The property at 743 Petoskey Ave. (US Hwy 31) on the North end of Charlevoix Township, is nestled next to Charlevoix Municipal Golf Course, meets the demands for Stiggs expansion while providing additional opportunities for mixed development & diverse revenue sources.

Project Overview

Stiggs Brewing Company has located a prime mixed-use property for our microbrewery expansion in Charlevoix, MI. With its near turnkey structure, the proposed location fits the overall site demands for Stiggs 2.0 and is ideal for increased brand visibility on one of the most active commuter roads in all of Northern Michigan. Building on the original bones of the Old '76 Garage, this 1.4-acre property provides all amenities identified for the production brewery expansion while creating a family friendly atmosphere for locals & tourists to share alike. A second phase of the project allows for the development of a multi-family residence on the back portion of the property by the property owner.

The expansion project will finance a small 10 BBL production brewery providing Stiggs access to the wholesale market while also offering a secondary taproom with a 750 sq ft 3-season exterior patio. This no-frills facility supplies a 1,767 sq ft footprint for brewery operations, housed with 4 roll top doors for ease of workflow & flexibility of programming. This site **WILL NOT** operate as a food establishment. Food services, catering & events will be operated by Stiggs Catering Department & other 3rd party vendors while the exterior green space will support interactive activities, family friendly green space in summer, live music & community events.

Description of Re-Zoning

Stiggs Brewing Company in partnership Louis_____ llc, seeks Conditional Rezoning approval of the City of Charlevoix for the property located on 743 Petoskey Ave. The property is currently zoned R-4 for the total 1.401-acre parcel (61027.56 sq ft) but has an existing commercial use on the US-31 frontage. Our proposal is to amend the current zoning to allow for the mixed use depicted in the provided site plan.

- The front 20,000 sq ft of the property with road frontage on Petoskey Ave to be amended from R-4 to General Commercial for the intended mixed-use occupancy of F-2 Alcohol Manufacturing (under 16% alcohol) and 'B' Occupancy.
- The back 41,027 sq ft parcel with frontage on Division St will remain zoned R-4 for future, Phase II multi-family housing for future development.

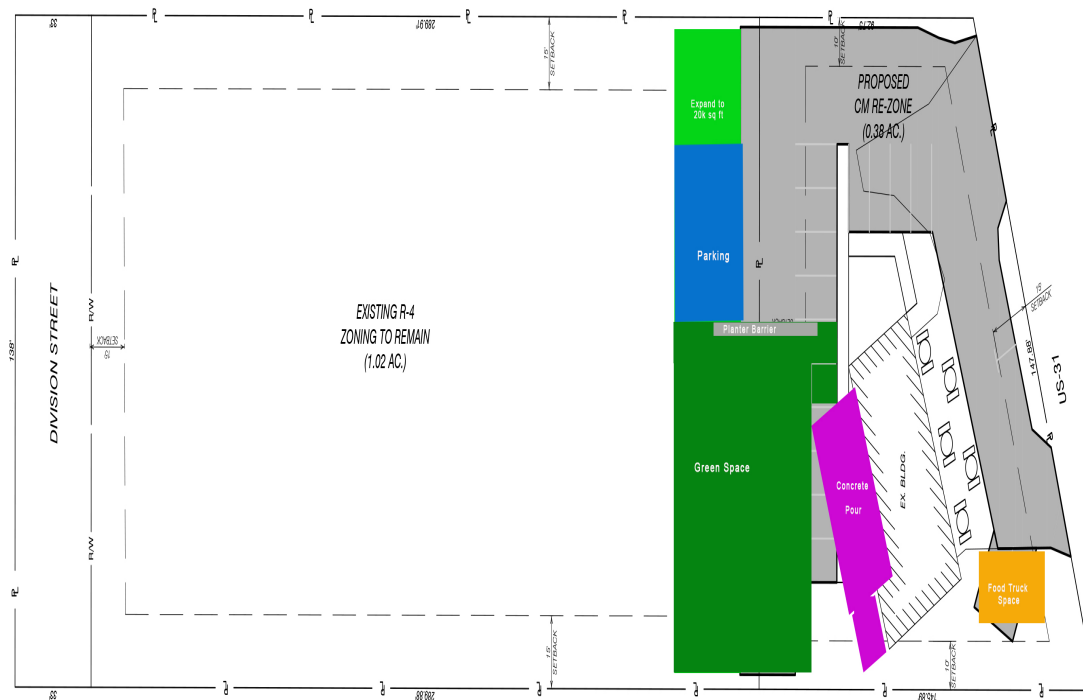
The commercial use would require 12 parking spaces for both employees and patrons. Zoning requirement is 1 per employee (assumed 3), plus 1 per 300 sq ft (6 required). The current site plan shows 14 total parking spaces. The material used for regrade and parking will be mixed with the final determination of these materials subject to the scheduled Environmental Assessment, City of Charlevoix recommendations, overall design elements and budget of project. Rainwater runoff will also be considered in the final site plan along with a half drive for midsize, occasional delivery vehicles.

Proposed Improvements

Proposed improvements to the General Commercial portion of the parcel; once amended rezone is approved, will commence by updating use, submitting building permits and remodeling the existing 1,767 commercial space into a small production brewery & taproom under the Michigan Rehab Code, Level 3 Alterations. In addition to non-structural, interior modifications, the overall scope of the project will finalize existing & outstanding permits for recent exterior upgrades, improve the exterior space with landscape elements, pedestrian pathways, construct a 750 sq ft patio adjacent to the south wall, and pour a concrete pad adjacent to the north wall of the building.

Property Legal Description

BEG 840.4 feet W E1/4 COR SEC 23 T34N R8W W ON 1/4 LI 138 FT S TO N LI PETOSKEY AVE ELY ON SD AVE TO PT S OF POB N TO POB PT N1/2 SE1/4 SEC 23 T34N R8W; NOW MORE PARTICULARLY DESCRIBED AS: COM AT WELL BOX @ E.K. ROBINSON'S (COUNTY SURVEYOR) POSITION OF THE E1/4 COR SEC 23 T34N R8W TH AL E.K. ROBINSON'S E&W1/4 LI SD SEC N89DEG55'52"W 842.82FT (RECD AS 840.4FT & MEAS 840.60FT FROM DC NETTLETON'S DEPUTY COUNTY SURVEYOR, E1/4 COR) FOR POB TH S00DEG05'02"W (RECD AS S) 31.90FT TH CONT S00DEG05'02"W (RECD AS S) 1.10FT TO S LI DIVISION ST TH CONT S00DEG05'01"W (RECD AS S) 382.66FT TO N LI PETOSKEY AVE TH AL SD AVE LI S69DEG01'16"W 147.88FT TO E LI CITY OF CHARLEVOIX PROP TH AL E LI SD CITY'S PROP N00DEG05'01"E (RECD AS N) 435.77FT TO S RD LI TH CONT N00DEG05'01"E (RECD AS N) 33FT TO SD ROBINSON'S 1/4 LI TH AL E&W1/4 LI S89DEG55'52"E 138FT TO POB BEING PT NE1/4 OF SE1/4 SEC 23-34-8



SITE PLAN

1^h50

0 20

GRAPHIC SCALE

NOTES

1. THE PROPERTY IS ZONED RA-1 BUT HAS AN EXISTING COMMERCIAL USE ON THE US-10 FRONTAGE. IT IS ASSUMED THAT ZONING AMENDMENTS WOULD BE PURSUED AND APPROVED TO ALLOW FOR THE MIXED USE DEPICTED HERE. THIS HAS NOT BEEN CONFIRMED BY PEI.
2. THE SETBACKS DEPICTED HERE ASSUME A RE-ZONING OF THE SOUTHERLY COMMERCIAL PROPERTY TO COMMERCIAL MIXED USE (CM) AND THE NORTHERLY PROPERTY TO REMAIN RA-1.
3. THE LAYOUT CONCEPT PROPOSED INCLUDES A SOUTHERLY COMMERCIAL USE IN THE EXISTING BUILDING WITH AN OUTDOOR PATIO SPACE FOR DINING AND RESTAURANT SERVICE.
4. THE COMMERCIAL USE WOULD REQUIRE 12 PARKING SPACES FOR BOTH EMPLOYEES AND PATRONS. ZONING REQUIREMENT IS 1 PER EMPLOYEE (ASSUMED 8) PLUS 1 PER 50 SF (IF REQUIRED).
5. THE ASSUMED PARKING ZONE AND CONFIGURATIONS PROPOSED HERE ARE CONCEPTUAL AND NEED TO BE VERIFIED BY THE CITY. PATIO SPACES AND OTHER FOOD SERVICE REQUIREMENTS COULD IMPACT THE NEED PARKING COUNT.
6. NO EFFORT HAS BEEN MADE TO ACCOUNT FOR LANDSCAPING, UTILITIES, AND OTHER POTENTIAL ZONING REQUIREMENTS ASSUMING THAT THESE CONCERNS ARE SECONDARY TO THE ZONING AND PARKING ASPECTS.

**Performance
Engineers, Inc.** 

Civil / Structural Engineering
406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0064
www.performanceeng.com

CONSULTANTS

PROPERTY RE-ZONING

OWNER

[illegible]

PROJECT NO:	WAMM
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CAD DRAWING FILE: MANMANV.DWG

DRUMBY-

DESIGNED BY

INVOLVED BY

[illegible]

SHEET TITLE:

LAYOUT OPTIONS

56 of 64

Charlevoix Planning Commission

New Business

Title: Commercial Mixed Use minimum lot size discussion

Date: August 12, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

Reviewing the Zoning Map while working on the Mixed Use Corridor regulations, it came to the attention of staff and the Planning Commission that less than 20% of the existing Commercial Mixed Use parcels do not meet the minimum lot size per the Charlevoix Zoning Ordinance. The Planning Commission has asked to review if changes need to be made to the minimum lot size of these parcels.

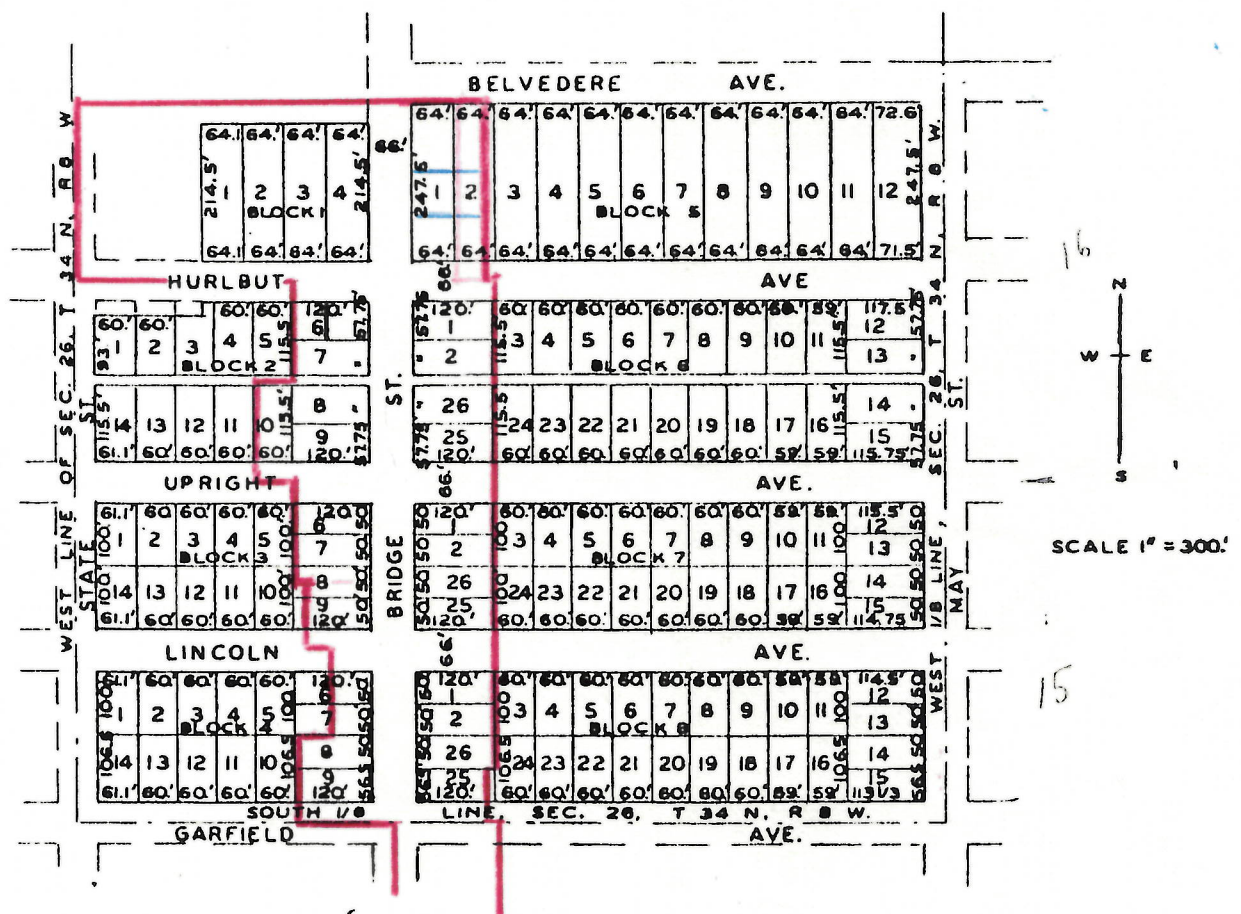
Recommendation:

Review, discuss and give direction to staff.

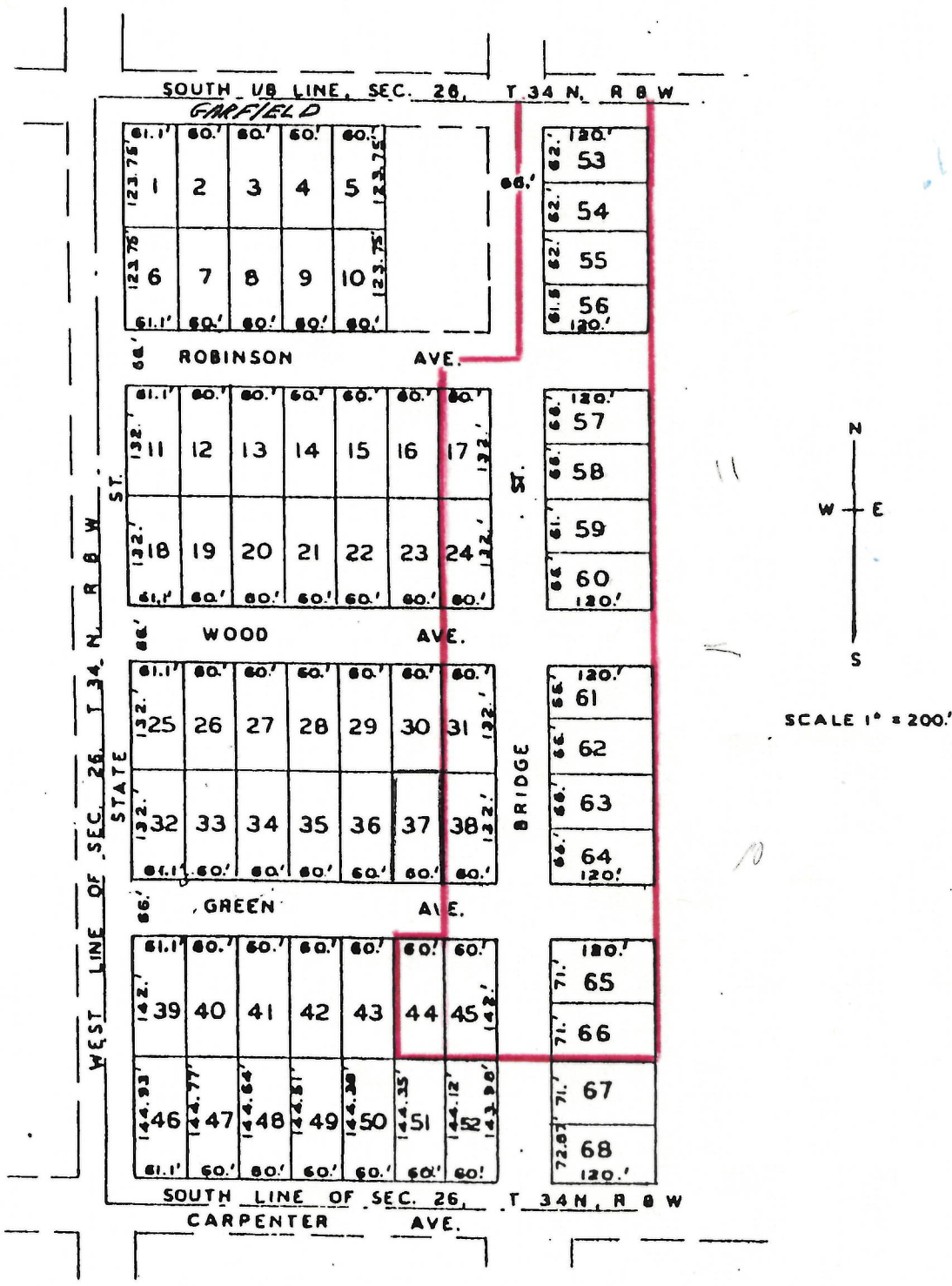
Attachments:

1. mixed use lot size

Mason's Addition to the Village of Charlevoix



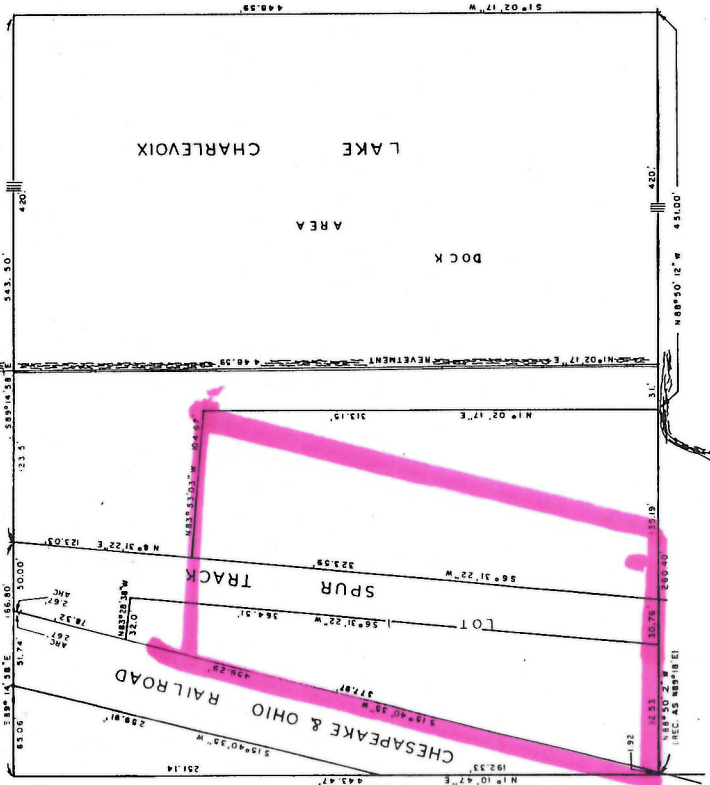
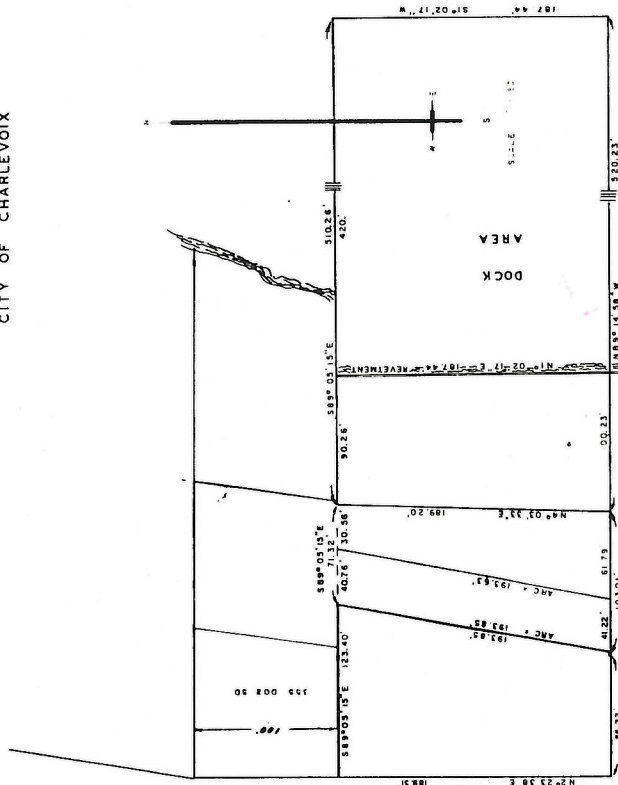
Masons' 2nd. Addition to the Village of Charlevoix



21

Charlevoix Abstract and Engineering Company

DRAWN BY A. E. EMMONS



AVENUE

420
421
422

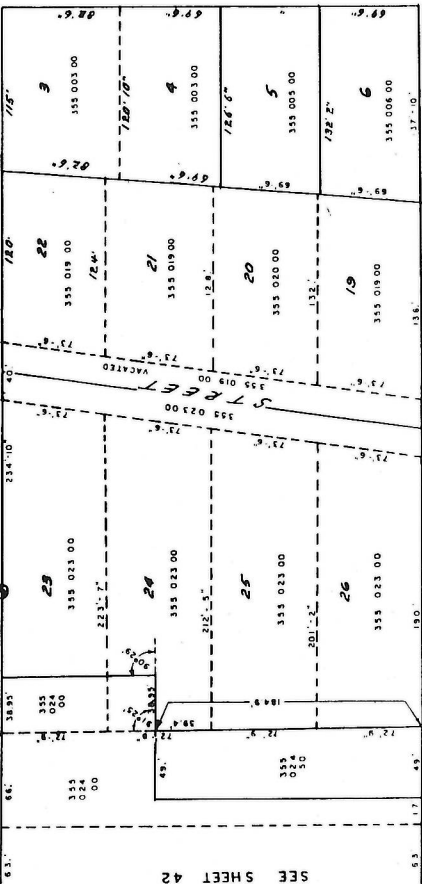
Belvedere Club

326 007 00

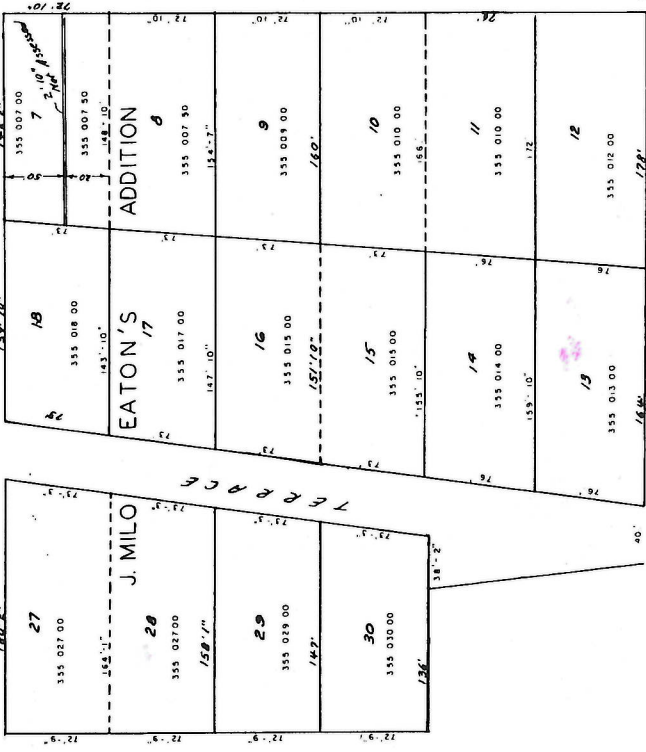
342
343
344
345

1/4 COMMON TO
SECS. 26 & 35, T34N R9W

66' 4.0116 Cor.
of 144.84'



EATON'S ADDITION

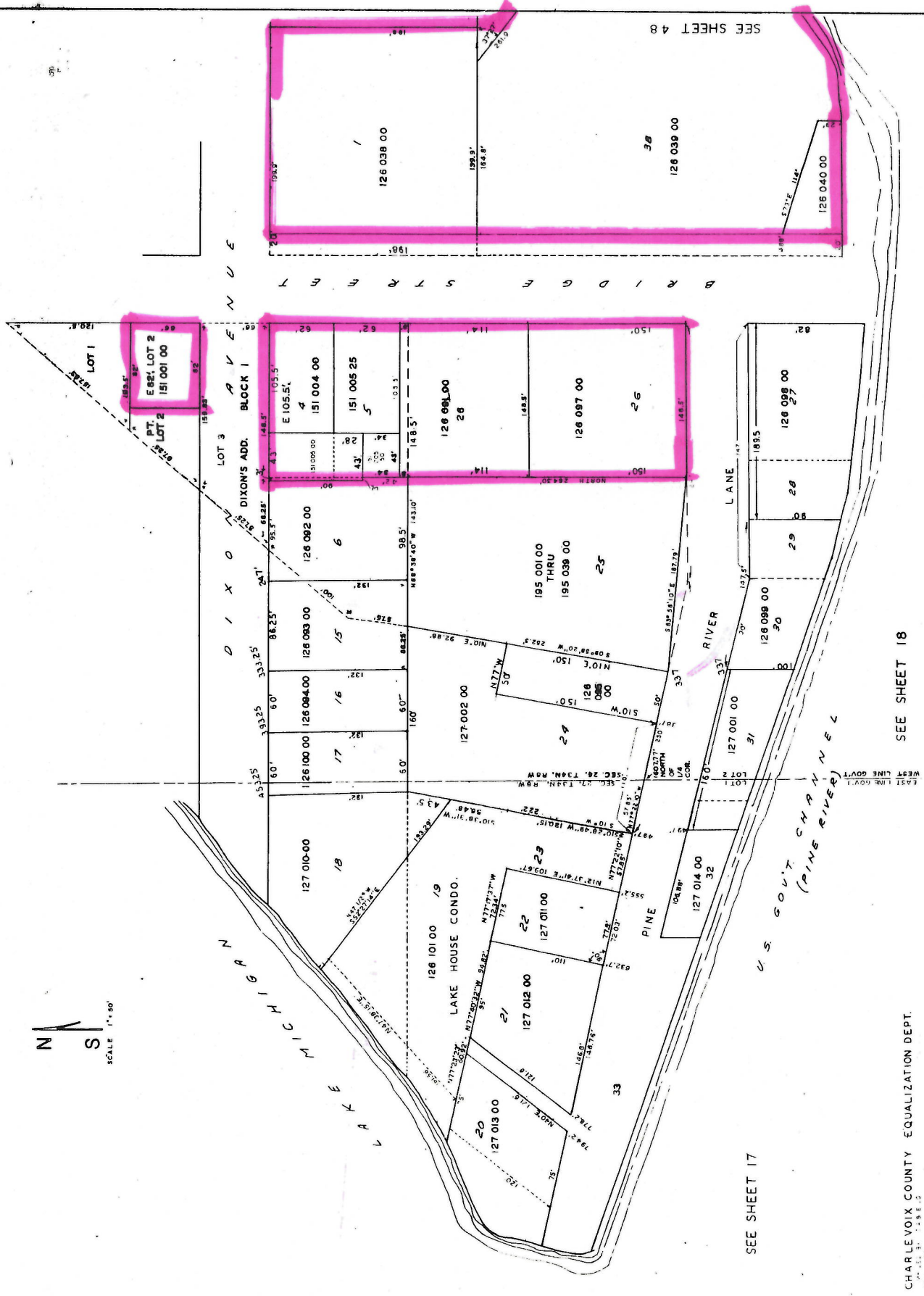
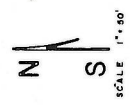


SEE SHEET 45

CHARLEVOIX COUNTY EQUALIZATION DEPT.
COMPILED BY J. J. B. & J. J. B. 981

CITY OF CHARLEVOIX

SEE SHEET 3



SEE SHEET 18

CHARLEVOIX COUNTY EQUALIZATION DEPT.
4-1-38

SHEET 1

Address	Lot Sq. Footage	Address	t Sq. Footage
South of Bridge		North of Bridge	
115 Hurlbut Ave. W	6,100	113 Michigan Ave	6,000
119 Hurlbut Ave, W	34,389	113 Michigan Ave	6,200
101 Hurlbut Ave. W	27,495	100 Dixon Ave W	4,050
100 Hurlbut Ave. W	2,934	109 Michigan Ave	1,512
701 Bridge Street	3,915	120 Michigan Ave	39,492
703 Bridge Street	7,083	Michigan Ave	94,525
705 Bridge Street	6,786		
707 Bridge Street	6,984		
103 W. Upright	6,795		
801 Bridge Street	10,278		
805 Bridge Street	4,446		
807 Bridge Street	7,614		
901 Bridge Street	3,069		
903 Bridge Street	2,853		
905 Bridge Street	5,940		
907 Bridge Street	5,751		
1101 Bridge Street	7,497		
1111 Bridge Street	7,362		
1201 Bridge Street	4,545		
1207 Bridge Street	5,859		
1209 Bridge Street	4,707		
1301 Bridge Street	8,505		
102 Green Street	8,487		
100 Belvedere Avenue	13,923		
602 Bridge Street	5,931		
604 Bridge Street	5,877		
702 Bridge Street	6,976		
704 Bridge Street	6,840		
706 Bridge Street	7,056		
710 Bridge Street	6,777		
802 Bridge Sttreet	12,069		
808 Bridge Street	5,985		
810 Bridge Street	5,814		
902 Bridge Street	4,221		
100 E. Lincoln	2,241		
98 E. Lincoln	6,066		
906 Bridge Street	6,192		
908 Bridge Street	4,905		
1002 Bridge Street	7,776		
1004 Bridge Street	7,641		
1006 Bridge Street	7,425		
1008 Bridge Street	7,740		
1102 Bridge Street	4,455		
102 St. Mary's Drive	3,726		
1104 Bridge Street	7,938		
1106 Bridge Street	7,857		
1108 Bridge Strtreet	7,965		
1200 Bridge Street	15,237		
1206 Bridge Street	7,569		
1210 Bridge Street	7,470		
1300 Bridge Street	6,345		
1302 Bridge Street	10,845		
230 Ferry Avenue	16,659		
309 Petoskey Avenue	30,501		
		Total south of Bridge	440,367
		Median	6,100
		Average	8,155

Charlevoix Planning Commission

Staff Updates

Title: Zoning Administrators Report

Date: August 12, 2024

Presented By:

Background:

Zoning Administrator's Report through July 31

Recommendation:

Attachments:

1. ZA Report to PC 2024-7



To: The City of Charlevoix Planning Commission
From: Jonathan Scheel, Zoning Administrator
Subject: Zoning Administrator's Report re: thru July 2024

Permits Issued in 2024

Following are two types of breakdowns for all permits issued by the zoning office so far in 2024:

<u>By month</u>	<u>By type</u>
January6	Banner permits30
February4	Fence permits12
March10	Sidewalk café/use9
April20	Sign5
May18	Zoning.....20
June.....15	Use.....3
July.....8	Parcel Division.....2
August	
September.....	
October.....	
November.....	
December	

The fence, sign & zoning permits break down into the following zoning districts:

Central Business District (CBD).....4
Commercial Mixed (CM).....2
General Commercial (GC)1
Industrial
Marine Commercial (MC)1
Residential Private Club (PC)
Public Facilities
R-114
R-215

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

Other activities