CITY OF CHARLEVOIX

Agenda
City of Charlevoix Planning Commission Regular Meeting
Monday, September 9, 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 from August 12, 2024 Planning Commission meeting

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Conditional Rezone of a portion of 743 Petoskey Ave.
2. Proposed changes to 153.172 Lighting of the City of Charlevoix Zoning Ordinance

H. New Business

1. Site Plan Review 743 Petoskey Ave Small Brewery

I. Old Business

1. Site Plan Review of 800 State Street Religious Facility (tabled from August 12, 2024 meeting)
2. Commercial Mixed Use Standards

J. Staff Updates

1. Zoning Administrator Report

K. Requests For Next Months Agenda or Research Items

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.

Charlevoix Planning Commission

Approval of the Minutes

Title: Minutes from August 12, 2024 Planning Commission meeting
Date: September 9, 2024

Presented By:

Background:

Recommendation:

Attachments:
1. 2024.08.12 PC DRAFT

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, August 12, 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 Vice Chair Chamberlain followed by the Pledge of Allegiance.

B. Roll Call

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

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Beatty, seconded by Member Boehmer to approve the agenda as presented.
Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes of July 8, 2024
   Motion by Member Boehmer, seconded by Member Kurtz to approve the minutes of July 8, 2024 as presented.
   Motion carried by unanimous voice vote.

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
   The applicant withdrew the rezoning application for 115 Hurlbut, and the Commission will review uses allowed in Commercial Mixed Use under New Business, Item 3.

H. New Business

1. Site Plan Approval 800 State Street Encounter Charlevoix
   Director Scheel stated 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. The building will provide additional religious support for the congregation and public that already exists on the adjoining Catholic campus. The building will be two stories with a basement. The building will include 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.

Mr. Scheel stated the City Attorney stated that it is a religious facility that is a use by right in the R-2 district, so it can stay as an R-2 lot and a church can be built on that with site plan approval. Mr. Scheel reviewed the site plan and stated that it meets all setbacks, building height and as a corner lot it has 15' front yard setbacks and two 8' side setbacks. The lot is surrounded by asphalt on all four (4) sides by the two streets (Garfield & State) and the Catholic Church's parking lot. The site plan shows the landscape, interior of the building, elevations, asphalt roof, clapboard siding, and the parking on the existing church parking lot. The driveway parking easement would need to be signed by both parties.

Aaron Nordman of Performance Engineers stated that they have been working with John and Kerry Keyser on the site plan for the Encounter Charlevoix. Mr. Nordman stated they were happy to answer any questions related to the site plan or the operation of the ministry. Encounter Charlevoix is currently ongoing at the church campus and this project would provide a more usable space for them to continue their programs.

Kerry Keyser, Director of Encounter Charlevoix, responded to questions from the Planning Commission.

Discussion was held regarding Encounter Charlevoix's Articles of Incorporation.

Mr. Nordman answered questions from the Planning Commission.

The public hearing was opened.

Shirley Gibson stated Mr. Nordman stated the site plan was preliminary, and the Commission should not approve the site plan. Ms. Gibson stated she thought the City had design standards, and she disliked the look of the project, and she knew 26' in height was allowed in R-2, but she did not agree with the height. Ms. Gibson stated the building would be a big eyesore for the neighborhood.

Laurie Gaudio stated that she had been told that the organization was not affiliated with the Catholic Church, but that they use the church for their meetings. Ms. Gaudio stated the size of the building did not fit the neighborhood.

The public hearing was closed.

Vice Chair Chamberlain stated that since this was not the final design, it put the Commission in a difficult position to approve. Mr. Scheel stated the Commission could ask for the applicant to come back with more specific items in line with the standards.

Vice Chair Chamberlain began a thorough review of the Standards for Site Plan Approval which included staff's recommendations:

A. Language needs to be changed because the Commission had indicated that it did not think that the height requirement was met

B. The building is harmonious facing in, but not harmonious facing out
C. No changes
D. Member Beatty stated concerns about the removal of the former house and Director Scheel stated, as a use by right, they had the right to take down the house
E. No changes
F. No changes.

Traffic Circulation - discussion regarding peak parking demands such as Sunday mornings and Saturday evenings when church services are held
Stormwater - no changes
Snow Storage - no changes
Landscaping - meets the requirements
Screening - no changes
Lighting - on the existing light pole that is to be relocated the light needs to be fully shielded
Utility Service - no changes
Exterior uses - no changes
Emergency access - no changes
Water and Sewer - no changes
Signs - no changes
153.171 Landscaping - applicant meets the requirement for trees; buffer requirement is met as well
153.173 Trash Receptacles - no changes
153.173 Mechanical Equipment - no changes
153.187 Parking Requirements and Limitations - 70 people in the main assembly area require 18 parking spots, which requires the Planning Commission to approve the 16 parking spaces requested.

Mr. Nordman explained how he calculated 16 parking spaces thinking it met the ordinance requirement. Director Scheel will review the calculations and compare them to his own.

Motion by Member Boehmer, seconded by Member Kurtz to table the site plan approval until the September meeting and the inclusion of the following information to be provided by the applicant including parking requirements (16 or 18 spaces) and different timeframes for school and church uses to show available parking at all those times; fully shielded light; elevations (harmonious to neighborhood); increase the size of the trees included in the landscape plan, if needed; and obtain a copy of the Articles of Incorporation and have the City Attorney review the shared parking agreement.
Motion passed by unanimous voice vote.

2. Conditional Rezone 743 Petoskey Ave Preliminary Meeting
Director Scheel stated this was a preliminary meeting for a conditional rezone of property located at 743 Petoskey Avenue. The applicant, Stiggs Brewing Company, is proposing to locate a microbrewery on the property. Mr. Scheel stated the conditional rezone and site plan approval would happen together. The property location fits the overall site demands for a small commercial business on US 31 while allowing the majority of the property to remain as multifamily housing. The plans include building onto the original structure of the existing old '76 garage/gas station. The 1.4 acre property provides the proposed production brewery expansion with a second phase of the project to allow for the development of multifamily residential units

on the back portion of the property which is zoned R-4. Mr. Scheel stated Stiggs is a well-known brewery in Boyne City and their plans also include a 750 sq. ft. patio on the property facing Petoskey Avenue.

Derek Shankland, Agent of Stiggs Brewing presented information about the proposed project. Mr. Shankland stated their goal was to rezone the front 20,000 sq. ft. of the property to General Commercial. Mr. Shankland stated the project is more of a remodel with a prominent production brewery with a very small tap room footprint for most of the year.

Director Scheel further explained what is allowed under a conditional rezone and what is allowable in the General Commercial zoning district. Mr. Scheel stated the Commission would see the application as a public hearing for next month's meeting for a conditional rezone with an updated site plan, and they would see the exact language of the conditions.

3. Commercial Mixed Use minimum lot size discussion
   Director Scheel stated that he and the Vice Chair Chamberlain did some work on the commercial mixed use lot sizes and both came to the conclusion that less than 20% of the existing Commercial Mixed Use parcels meet the minimum lot size per the Charlevoix Zoning Ordinance. Mr. Scheel stated he broke down the data into actual addresses, and he highlighted some that were outliers a bit less than the 9,000 sq. ft. The median lot was 6,100 sq. ft. Mr. Scheel stated 80+% do not meet the minimum 9,000 sq. ft. lot size, which means they are legal, non-conforming.

   Discussion followed regarding changing the minimum lot size to 6,000 sq. ft. Director Scheel stated he wanted to do a further analysis and come back with a more in-depth report. Vice Chair Chamberlain stated he made a list of non-conforming setback buildings in the Commercial Mixed Use district and would like to discuss setbacks in the CM district also.

I. Old Business

J. Staff Updates

1. Zoning Administrators Report
   Director Scheel stated eight permits were issued in July.

   Mr. Scheel stated the Zoning Board of Appeals does have a variance request in the Commercial Mixed Use district on a small lot (The Ugly Duckling) and the applicants want to put an apartment above the store with an outdoor staircase and deck.

K. Requests For Next Months Agenda or Research Items

1. Public Hearing for Lighting Ordinance
   Director Scheel stated that because the agenda was full, he did not include the public hearing on the lighting ordinance on this agenda, it will be on the next agenda. Mr. Scheel stated the projects at 800 State Street and 743 Petoskey will also be on the next agenda. The size lot report will not be ready until the October meeting.

   In response to a question, Director Scheel stated the outdoor storage ordinance was passed by

the City Council with minor changes. The Zoning Department had some complaints and staff has sent out enforcement letters.

Director Scheel stated that the two-day state planning conference will be held in Grand Rapids in September and the City will pay for the conference and hotel room, so if any members were interested in attending to let him know.

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

The meeting was adjourned at 7:55 p.m.

_____ _____

Sarah J. Dvoracek/fgm City Clerk Sherm Chamberlain Vice Chair

CITY OF CHARLEVOIX

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

Permit No.:	
Date Received:	
Decision Date:	

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: STIGGS BREWING COMPANY - DEREK SHANKLAND
Street Address: 112 S. PARK ST.
City: BOYNE CITY State: MI Zip code: 49720
Phone Number(s): 231-497-9113 E-mail: DEREK@STIGGSBREWINGCOMPANY.COM

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: Date: 8/6/24

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

Property Owner's Name (if different from applicant): LSB VENTURES LLC. JOHN MURRAY
Street Address: 203 BRIDGE ST.
City: CHARLEVOIX State: MI Zip code: 49720
Phone Number(s): 231-675-9905 E-mail: JGM@CHARLEVOIX.COM

Signature: Agent Date: 8-7-24

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: Agent Date: 8-7-24

Project Location or Address: 743 PETOSKEY AVE.
Parcel Number:

Explanation of Request: APPLICANTS SEEKS CADITIONAL ZONING AMENDMENT TO PROPERTY @ 743 PETOSKEY AVE. PROPERTY IN ZONED R-4 BUT HAS AN EXISTING COMMERCIAL USE ON U.S.-31 FRONTAGE. OUR PROPOSAL SEEKS TO AMEND CURRENT ZONING TO ALLOW FOR MIXED USE DEPICTED IN PROVIDED SITE PLAN.

** PLEASE SEE INCLUDED "DESCRIPTION OF CONDITIONAL REZONE" DOC. . .

Subject Parcel Information:

Project Location or Address: 743 PETOSKEY AVE. CHARLEVOIX, MI 49720

Parcel Number: 05212307500

Zoning District: R-4

Current Use of Property: PARKING GARAGE & STORAGE

Dimensions of Parcel: 147.88'S X 415.66'E - 138' N X 468.77'W

Parcel Size: 1.401 ACRES - 61,024.56 sq ft

Please describe the type of construction proposed: REMODEL EXISTING COMMERCIAL LOT INTO A SMALL PRODUCTION BREWERY & TAPROOM UNDER MICHIGAN REHAB CODE, LEVEL 3 ALTERATIONS. SEE INCLUDED "DESCRIPTION FOR CONDITIONAL REZONING."

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: 8/6/24

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.

Rev: 3-2018

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 Conditional Zoning

Stiggs Brewing Company in partnership with LSB Ventures llc, seeks Conditional Zoning 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 Commercial Mixed Use for like businesses compatible for the residential adjacent property. Our 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; 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 mitigation of the half circle drive for occasional midsize delivery vehicles with modified barrier for No Entrance from U31 on the south entrance point.

Proposed Improvements

Proposed improvements to the Mixed 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

Please see supplemental document “Site Plan.Legal Descrption.8.14.24” for the revised associated with the conditional rezone to create 2 separate parcels.

Easement Agreement-

- Due to the uniqueness of this proposal;
    1) Both parties have entered into an easement agreement addressing the “shared drain way use” and an “agreed parking easement”. For the current submission, the site plan shows the front parcel 7
    2) There are certain criteria beyond this conditional rezone that is undefinable due to the nature of the parcel split and overall project scope.

Resolution-

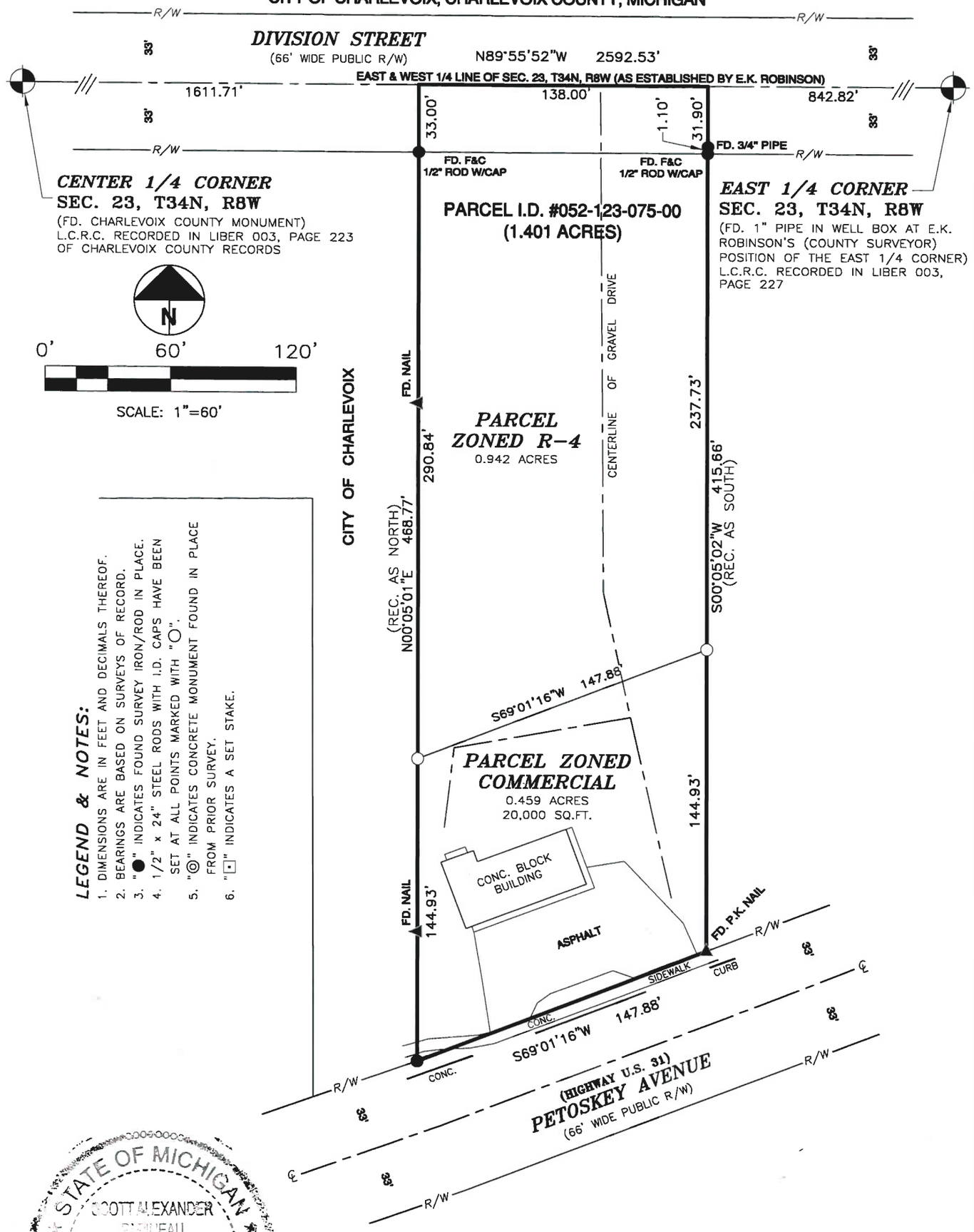
- If there are unresolved concerns from the Planning Commission at the time of review, we propose application approval conditioned on obtaining the necessary agency permits and addressing any concerns from the Planning Commission for the Conditional Zoning Amendment to ensure the final due diligence can be fulfilled in time to meet the closing date October 7th, associated with the current purchase agreement.

CERTIFIED TO:
LSB VENTURES LLC
℅ JOHN MURRAY
203 BRIDGE STREET
CHARLEVOIX, MI 49720
TAX I.D. #: 15-052-123-075-00

CERTIFICATE OF BOUNDARY SURVEY

PART OF GOVERNMENT LOT 4 & PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 23, TOWN 34 NORTH, RANGE 8 WEST

CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN



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 "○".
5. "◎" INDICATES CONCRETE MONUMENT FOUND IN PLACE FROM PRIOR SURVEY.
6. "⊡" INDICATES A SET STAKE.

STATE OF MICHIGAN
SCOTT ALEXANDER PAPINEAU
PROFESSIONAL SURVEYOR
P.S. NO. 4001050446

SCOTT A. PAPINEAU P.S. NO. 4001050446

I HEREBY CERTIFY that I have surveyed and mapped the parcels heron 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.

This survey plat 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.

FIELD:	STAKED:	DRAWN: CWB
JOB: SB-29899C-24	DATE: 08/07/2024	

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

August 7, 2024

Job No. SB-29899C-24
Legal Description for: LSB Ventures LLC

Parcel Zoned Commercial

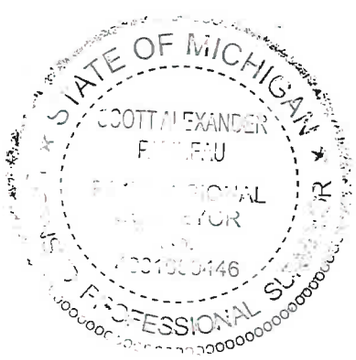
In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89°55'52" West 842.82 feet (recorded as West 840.4 feet & measured 840.60 feet from D.C. Nettleton's East one-quarter corner); thence South 0°05'02" West (recorded as South) 31.90 feet to a ¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a ½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a ½" iron rod, being the POINT OF BEGINNING; thence continuing South 0°05'02" West (recorded as South) 144.93 feet to a PK Nail on the North line of Petoskey Avenue (AKA Highway US-31); thence along said North road line South 69°01'16" West 147.88 feet to a ½" iron rod; thence North 0°05'01" East (recorded as North) 144.93 feet to a ½" iron rod; thence parallel to the said North road line, North 69°01'16" East 147.88 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 20,000 square feet (0.459 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

Parcel Zoned R-4

In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89°55'52" West 842.82 feet (recorded as West 840.4 feet & measured 840.60 feet from D.C. Nettleton's East one-quarter corner) to the POINT OF BEGINNING; thence South 0°05'02" West (recorded as South) 31.90 feet to a ¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a ½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a ½" iron rod; thence parallel to the North line of Petoskey Avenue (AKA Highway US-31), South 69°01'16" West 147.88 feet to a ½" iron rod; thence North 0°05'01" East (recorded as North) 290.84 feet to the said South line of Division Street; thence continuing North 0°05'01" East (recorded as North) 33.00 feet to the said established one-quarter line; thence along said established one-quarter line, South 89°55'52" East 138.00 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 0.942 acres. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

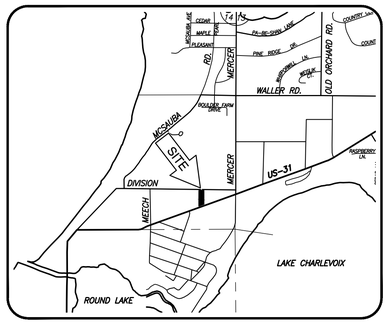
Prepared by:
Ferguson & Chamberlain Associates, Inc.
103 West Upright Street
Charlevoix, Michigan 49720

Scott A. Papineau, P.S. No. 4001050446



VICINITY MAP

SCALE: 1"=2000'



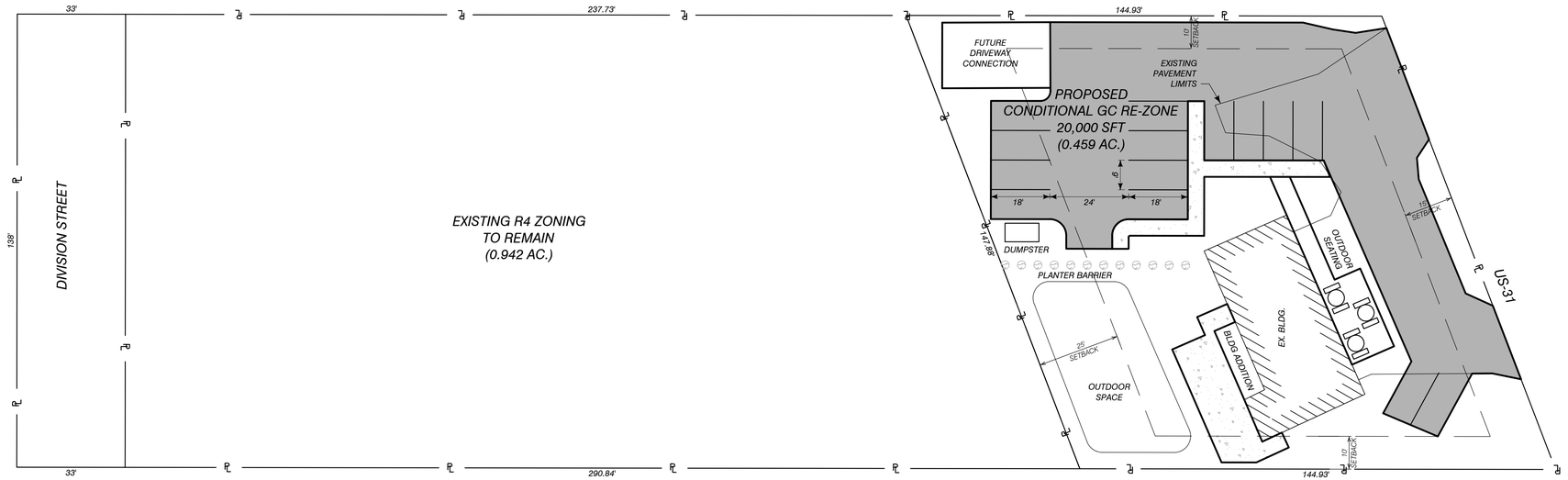
ZONING INFORMATION

PROJECT DESCRIPTION:	*RE-ZONING FROM R4 TO GC.*
PROPERTY IS ZONED	*R4*
CURRENT USE:	*FORMER COMMERCIAL*
PROPOSED USE:	*COMMERCIAL*
MAXIMUM STRUCTURE HEIGHT:	*R4 = 35 FEET / GC = 26 FEET*
MINIMUM FRONT YARD:	*R4 = 15 FEET / GC = 15 FEET*
MINIMUM INTERIOR SIDE YARD:	*R4 = 15 FEET / GC = 10 FEET*
MINIMUM STREET SIDE YARD:	*R4 = 15 FEET / GC = 15 FEET*
MINIMUM REAR YARD:	*R4 = 25 FEET / GC = 25 FEET*
PARKING REQUIREMENTS:	*1 per employee on the largest shift, plus 1 per 300 sq. ft. of UFA per Table 153.187*
PARKING PROVIDED:	*THE COMMERCIAL USE WOULD REQUIRE 12 PARKING SPACES FOR BOTH EMPLOYEE AND PATRONS. ZONING REQUIREMENT IS 1 PER EMPLOYEE (ASSUMED 6), PLUS 1 PER 300 SF (6 REQUIRED). A TOTAL OF 14 SPACES ARE PROVIDED.*

NOTES

NOTES:

1. *THE PROPERTY IS ZONED R4, BUT HAS AN HISTORIC COMMERCIAL USE ON THE US-31 FRONTAGE. THIS HISTORIC USE INCLUDED A GAS STATION THAT IS THE SOURCE OF ENVIRONMENTAL CONTAMINATION THAT MAKES THE REDEVELOPMENT OF THIS AREA INCOMPATIBLE WITH AN R4 USE WITHOUT SUBSTANTIAL MITIGATION COST. THEREFORE, THE US-31 FRONTAGE IS PROPOSED TO BE RE-ZONED BACK TO A COMMERCIAL USE THAT REQUIRES LESS MITIGATION OF THE CONTAMINATION IN ORDER FOR IT TO BE PUT BACK INTO A BENEFICIAL USE.*
2. *THE PROPOSED PROPERTY RE-ZONING BOUNDARY LEGAL DESCRIPTION HAS BEEN PROVIDED SEPARATELY BY FERGUSON & CHAMBERLAIN ASSOC.*
3. *THE SETBACKS DEPICTED HERE ASSUME A RE-ZONING OF THE SOUTHERLY AREA OF THE PROPERTY TO GENERAL COMMERCIAL (GC) AND THE NORTHERLY PROPERTY TO REMAIN R4.*
4. *THE LAYOUT CONCEPT PROPOSED INCLUDES A SOUTHERLY COMMERCIAL USE IN THE EXISTING BUILDING WITH AN OUTDOOR PATIO SPACE FOR BREWERY AND RESTAURANT SERVICE.*
5. *THE ASSUMED PARKING DENSITY AND CONFIGURATIONS PROPOSED HERE ARE CONCEPTUAL AND NEED TO BE VERIFIED BY THE CITY. PATIO SPACES AND OTHER FOOD SERVICE REQUIREMENTS COULD IMPACT THE NEEDED PARKING COUNT.*
6. *THIS CONCEPTUAL SITE PLAN DOES NOT INCLUDE LANDSCAPING, UTILITIES, AND OTHER POTENTIAL ZONING REQUIREMENTS, ASSUMING THAT THESE CONCERNS WILL BE ADDRESSED WITHIN A SITE PLAN REVIEW IF THE RE-ZONING REQUEST IS APPROVED.*
7. *THE MATERIAL USED FOR GRADING AND PARKING ARE UNSPECIFIED AND WILL BE DETERMINED SUBJECT TO THE SCHEDULED ENVIRONMENTAL ASSESSMENT, CITY OF CHARLEVOIX RECOMMENDATIONS, OVERALL DESIGN ELEMENTS AND BUDGET OF PROJECT.*



NORTH

SITE PLAN

1":20'

0 20' 40'

GRAPHIC SCALE

Performance Engineers, Inc.

Civil / Structural Engineering

406 Petoskey Avenue
Charlevoix, Michigan 49720

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

STIGGS BREWING COMPANY

PROPERTY RE-ZONING

PRELIMINARY SITE PLAN

STIGGS BREWING CO.
BOYNE CITY, MICHIGAN

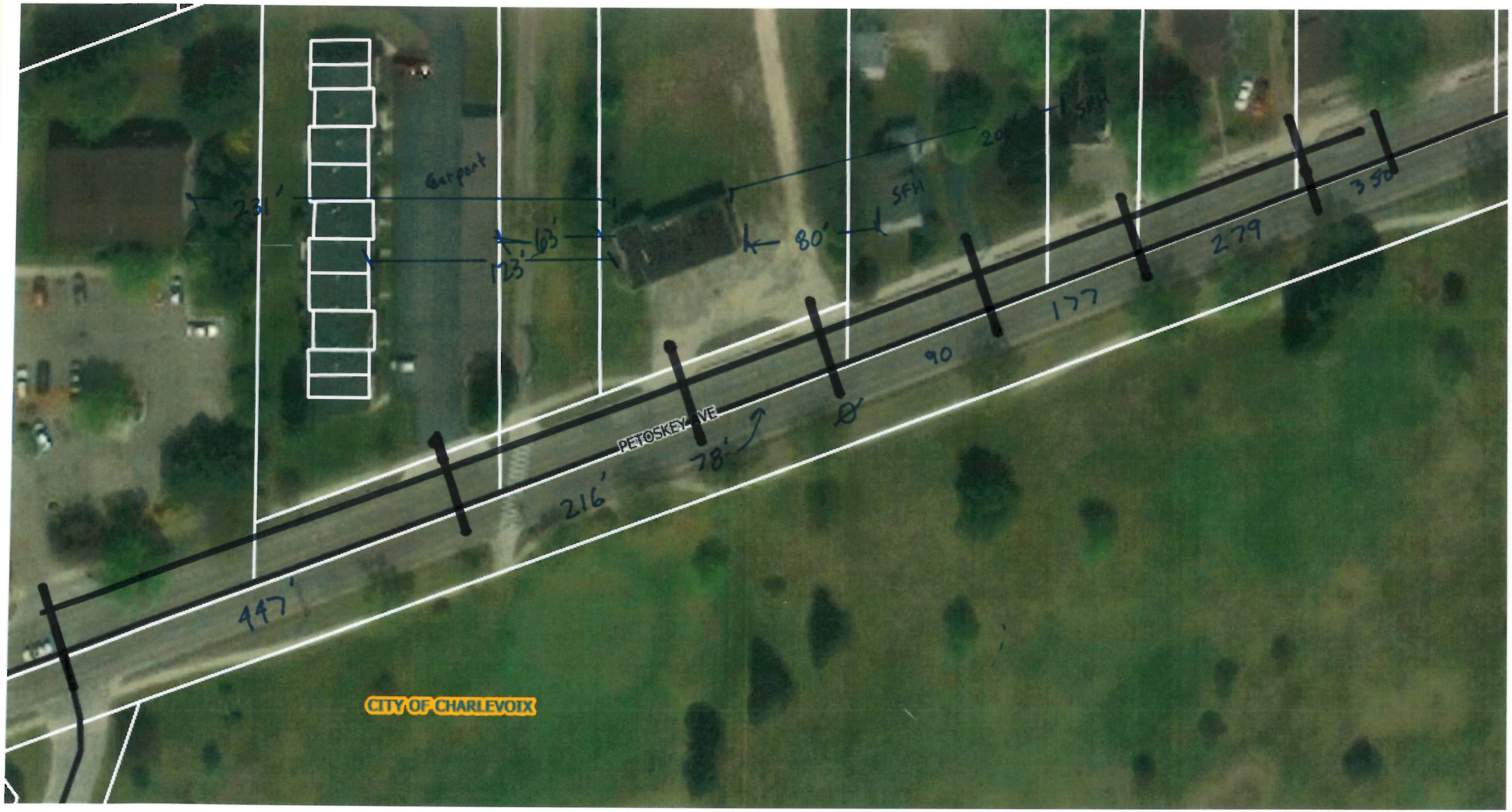
MARK	DATE	DESCRIPTION
0	08/20/24	CONDITIONAL REZONING

PROJECT NO:	
CAD DWG FILE:	6529SITE.DWG
DRAWN BY:	WES
DESIGNED BY:	WES
CHECKED BY:	AEN

CONCEPTUAL SITE PLAN

C100

SHEET 1 OF 1



Location of Existing structures and driveways

Charlevoix Corridor

Key Characteristics: On the perimeter of the Downtown Core area, along Bridge Street, the north side of Belvedere Avenue, and along Petoskey Avenue, the Charlevoix Corridor area has been added to allow for a gradual transition and buffer zone between the Downtown Core area to the City Center Residential and Neighborhood Residential areas. The Charlevoix Corridor area is the gateway district to the City of Charlevoix. The streetscape should be designed to be welcoming for all coming into the city on Petoskey Avenue and Bridge Street.

While these areas will still be predominantly residential, the district will allow for limited commercial that will provide services for surrounding residences within walking distance. The combination of home occupations, commercial, and residential spaces generates a high- to medium-level of intensity. Activity in this area will be less than the downtown core, but more than the surrounding residential neighborhood. Like the downtown core, this mix of uses encourages community connection and a variety of complimentary uses. Unique and historic resources should be protected through the preservation, rehabilitation, or adaptive reuse of historic structures. The Charlevoix Corridor future land use category is a new district that incorporates portions of both North and South US 31.

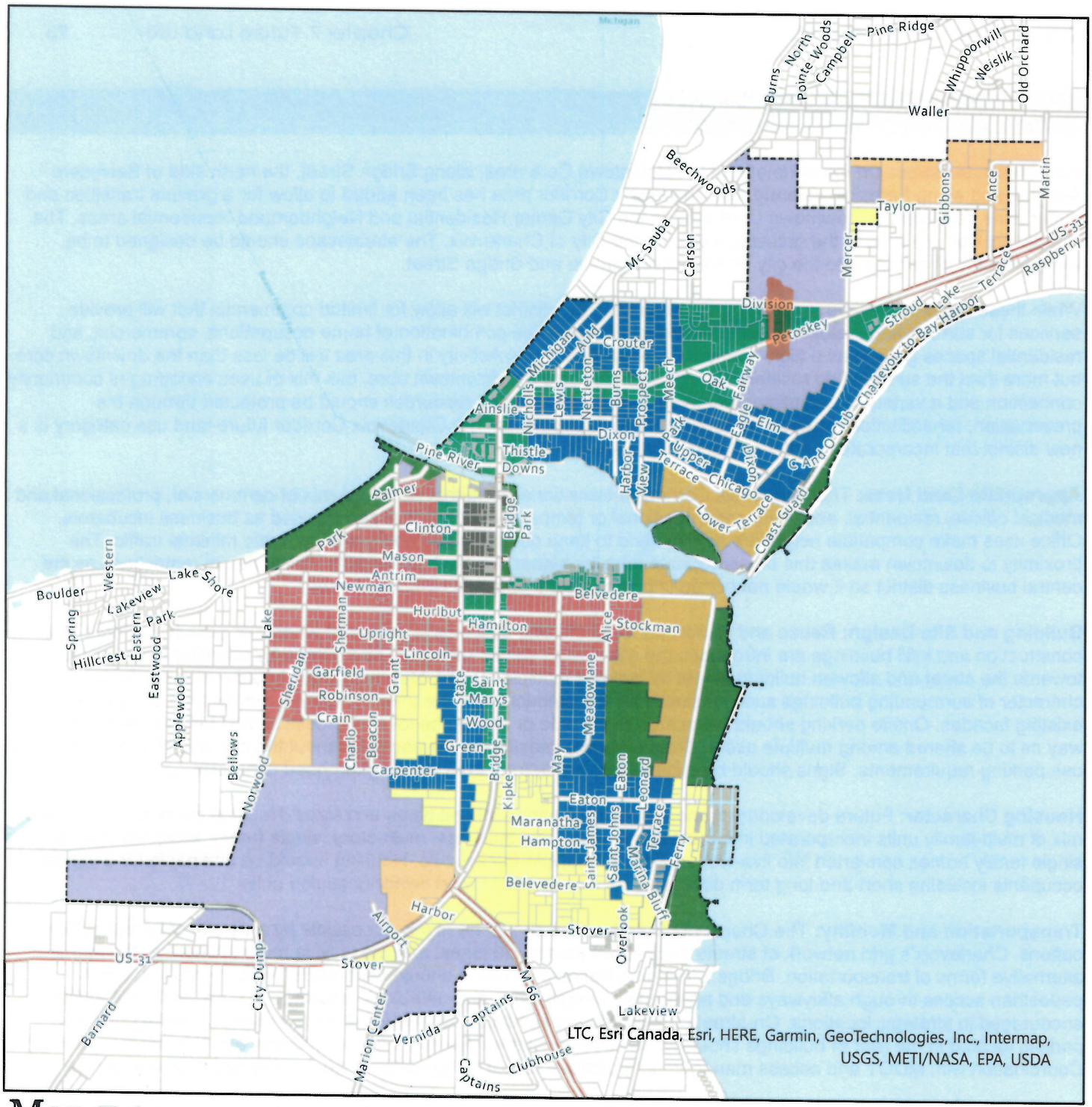
Appropriate Land Uses: The Charlevoix Corridor is transitional zone that permits a mix of commercial, professional and medical offices, residential, and civic, and transitional or temporary spaces that can be used as business incubators. Office uses make compatible neighbors as they tend to keep quiet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

Building and Site Design: Reuse and re-occupancy of existing buildings is preferred whenever possible. Where new construction and infill buildings are introduced the site design should maximize lot frontage by orienting the building towards the street and allowed building height by building multiple stories. New buildings should match the feel and character of surrounding buildings such as similar lot line setbacks and the use of materials similar to or complimentary to existing facades. Onsite parking should be located to the side or rear of the lot and access should be designed in such a way as to be shared among multiple users. Shared parking maximizes the use throughout the day and reduces individual use parking requirements. Signs should be minimal and not detract from the neighborhood character.

Housing Character: Future development should include a variety of unit types and sizes. Housing types should include a mix of multi-family units incorporated into multi-story, mixed use buildings, multi-story, single family, attached units, and single family homes converted into live-work spaces or multiple-family units. Housing should be attainable for a variety of occupants including short and long term occupants as well as renter- and owner-occupied units.

Transportation and Mobility: The Charlevoix Corridor area should be highly accessible by a variety of transportation options. Charlevoix's grid network of streets and sidewalks, bicycle lanes, and the bicycle route encourage the use of alternative forms of transportation. Bridge Street and Petoskey Avenue should continue to be highly walkable with pedestrian access through alleyways and appropriate intersections and mid-block crossings. Bicycle parking should be encouraged in strategic locations. On-street parking spaces should be utilized for short-term parking, while off-street parking located in the rear of buildings should be used for downtown residents and employees and long-term visitors. Coordination with MDOT and access management practices should be considered where new development occurs.

Natural Features: Natural features should also transition to a more prominent role in the Charlevoix Corridor area. Efforts to reduce stormwater runoff through green infrastructure and low impact design are encouraged. Street trees should be incorporated into the streetscape design to beautify the right-of-way and promote placemaking. Ornamental trees, shrubbery, pocket gardens, and rain gardens should be considered for front yard and parking lot landscape opportunities to incorporate natural features while reducing the amount of impervious surface. Buildings are encouraged to incorporate green roofs and living walls on building facades where appropriate. Natural features located in park and recreation areas should support a variety of purposes such as active play, rest areas, and pollinator habitats.



Map 7.1
Future Land Use Map

- Parcels
- City Boundary
- Roads
- Highways
- Water Bodies

FLU Designation

- Downtown Core
- Charlevoix Corridor
- City Center Residential
- Community Mixed Use
- Neighborhood Residential
- Private Club Residential
- Industrial
- Public Facilities
- Scenic Reserve

N
W E
S

0 0.25 0.5 Miles

Networks Northwest
Talent / Business / Community

Relationship to the Master Plan

This Master Plan establishes the vision, goals, objectives, and policies guiding growth and development in Charlevoix for about the next 20 years. It contains specific strategies for managing the growth and change in land uses and infrastructure over this period, and, as required by statute, will be periodically reviewed and updated as necessary, at least once every five years. This section, along with the rest of the Master Plan, is intended to generally guide future changes to the Charlevoix Zoning Ordinance.

In considering a request to rezone property in Charlevoix, the Planning Commission shall consider the future land use map and the future land use descriptions provided in this plan. The Zoning Plan table shall be used to evaluate the degree to which the proposed rezoning is consistent with this plan, together with an evaluation of the specific request.

The following table is a list of future land use designations with their corresponding zoning district. Not every future land use category will match up with the current location or regulations of the zoning district to which it most closely corresponds. The recommended future revisions the in Zoning Ordinance are also discussed below.

Table 7.1: Zoning Plan

Future Land Use	Compatible Zoning District(s)	Proposed Zoning Revisions
Downtown Core	CBD – Central Business District; Central Business District Overlay District	Review use requirements and standards for residential uses
Charlevoix Corridor	R2A – Two-Family Residential; R4 - Planned High Density Residential; GC – General Commercial; CM - Commercial Mixed Use; MC – Marine Commercial; PO - Professional Office; P – Public Facilities North Side Professional Office Overlay District	This future land use category can be adapted into a new zoning district that encompasses the intent and uses described in these current zoning districts
City Center Residential	R2 – Medium Density Family Residential; R2A – Two-Family Residential; R4 - Planned High Density Residential; P – Public Facilities; West Garfield Avenue General Commercial Overlay District	Adapt residential districts to permit "missing middle housing" types and allow neighborhood commercial and mixed uses.
Community Mixed Use	R2 –Medium Density Family Residential; R2A - Two-Family Residential; R4 - Planned High Density Residential; GC – General Commercial; CH – Commercial Hospitality; West Carpenter/State Street Industrial Overlay District	Create a new Community Mixed Use zoning district suitable for large-scale, medium to high intensity activity.
Neighborhood Residential	R1 –Low Density Single-Family Residential; R2 –Medium Density Family Residential; R2A – Two-Family Residential	Adapt residential districts to permit "missing middle housing" types
Private Club Residential	PC –Private Club Residential	No changes
Industrial	I - Industrial	Permit limited residential and commercial uses.
Public Facilities	P – Public Facilities	No changes
Scenic Reserve	SR - Scenic Reserve	No changes

CITY OF CHARLEVOIX

PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	**Rezone Application. Project CRZ 2024-03 743 Petoskey Ave**
HEARING DATE:	Monday, September 9, 2024, 6:00 PM
PRESENTED BY:	Jonathan Scheel Director Planning and Zoning

ATTACHMENTS:	**1. Application from the applicant** **2. Project file CRZ 2024-03** **3. Master Plan pages 93, 104, 107**

I: GENERAL INFORMATION:

Applicant: Stiggs Brewing Company
112 S. Park Street
Boyne City, MI 49720

Property Owner: JJ's Library LLC
2726 Bissonnet Ste. 240 PMB 12
Houston, TX 77005

Requested Action: Conditional Rezone from Multi-family (R4) to General Commercial (GC)

Current Zoning: Muti-family (R4)

Project Location: 743 Petoskey Ave.

Legal Description: In the City of Charlevoix, Michigan Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89º 55'52" West 842.82 feet (recorded as West 840.4 feet and measured 840.60 feet from D.C. Nettleton's East one-quarter corner); thence South 0°05'02" West (recorded as South) 31.90 feet to a¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a½" iron rod, being the POINT OF BEGINNING; thence continuing South 0°05'02" West (recorded as South) 144.93 feet to a PK Nail on the North line of Petoskey Avenue (AKA Highway US-31); thence along said North road line South 69°01' 16" West 147.88 feet to a½" iron rod; thence North 0°05'01" East (recorded as North) 144.93 feet to a½" iron rod; thence parallel to the said North road line, North 69°01'16" East

147.88 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 20,000 square feet (0.459 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

Project Site Size: 21,432 + Square feet

Existing Land Use: Undeveloped with the exception of an existing small commercial building

Adjacent Land Uses: Multi Family to west. Public golf course to the south Single family to the east and undeveloped to the north.

Adjacent Zoning: Multi family to the west, north and east. Public to the south.

II. PROJECT DESCRIPTION/LOCATION:

This is a request for the conditional rezone of the front portion of the parcel at 743 Petoskey Ave. The rezone request is from Multi-Family R-4 to General Commercial (GC). The entire parcel is 1.401 acres. There is an existing building (former gas station) on the parcel. The proposed rezoned area fronts Petoskey Ave. (US 31) and accounts for approximately 1/3 of the entire parcel. The remainder of the parcel would remain R-4 and has access/frontage on Division Street. The city golf course walkway is directly adjacent on the east and a single family home is on the west side adjacent parcel. This parcel and multiple parcels to the east had recently been rezoned by the Planning Commission from GC to R-4.

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 153.007 of the City of Charlevoix Zoning Ordinance.

III. TIMING AND AUTHORITY:

The Rezone application was submitted on August 6, 2024. The notice for the public hearing was advertised in the Charlevoix Courier on August 23, 2024. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet of the property on August 20, 2024.

IV. ZONING ORDINANCE

§ 153.007 CONDITIONAL ZONING.

(A) An applicant requesting a rezoning may voluntarily offer a conditional zoning agreement along with an application for rezoning before, or following, the public hearing for a proposed rezoning. A decision to submit a conditional zoning agreement shall be pursuant to the Zoning Act and this chapter.

(B) The conditional zoning agreement shall be in writing, executed by the applicant and the city and recorded with the county's Register of Deeds.

(C) The conditional zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use; may impose greater restrictions on the location, size, height or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features; or may provide for financing and installation of public works necessary to serve the proposed project.

(D)(1) The conditional zoning agreement shall not authorize uses or developments of greater intensity or density, or uses and developments that are not permitted in the proposed zoning district.

(2) The conditional zoning agreement may not permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district; however, any variance approved by the Zoning Board of Appeals in accordance with §§ 153.035 through 153.042 of this chapter may be allowed as part of a conditional rezoning agreement.

(3) If a special land use or site plan review is required by this chapter for the use proposed or subject to conditions within the rezoning agreement, the use(s) shall comply with the review and approval requirements as applicable prior to establishing or commencing the use(s).

(E) The conditional zoning agreement shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:

(1) Serve the property with improvements including, but not limited to, the extension, widening or realignment of streets; construction or extension of utilities and other infrastructure improvements serving the site; or the construction of recreational facilities serving the site or uses thereon;

(2) Minimize the impact of the development on surrounding properties and the city overall; or

(3) Preserve natural features and open space beyond what is normally required.

(F) In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the conditional zoning agreement shall also include the following:

(1) An acknowledgment that the conditional zoning agreement was proposed voluntarily by the applicant;

(2) A statement that the property shall not be developed or used in any manner that is not consistent with the conditional zoning agreement;

(3) A statement that the approval of the rezoning and the conditional zoning agreement shall be binding upon and inure to the benefit of the property owner and the city, and also their respective heirs, successors, assigns, receivers or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement;

(4) A statement that, if a rezoning with a conditional zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established;

(5) A statement that no part of the conditional zoning agreement shall permit any activity, use or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district;

(6) A legal description of the land to which the agreement pertains; and

(7) Any other provisions as are agreed upon by the parties.

(G) The conditional zoning agreement shall be reviewed concurrently with the petition for rezoning following the process in§ 153.006(C) above and the following.

(1) The conditional zoning agreement may be submitted prior to or following the Planning Commission public hearing. If the agreement is provided following the public hearing it must be reviewed by the Planning Commission prior to the Planning Commission making its recommendation on the rezoning to the City Council. The conditional zoning agreement shall be reviewed by the City Attorney to determine that the conditional zoning agreement conforms to the requirements of this section and the Zoning Act and shall confirm that the conditional zoning agreement is in a form acceptable for recording with the county's Register of Deeds.

(2) Following the public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in division (D)(1) above. In addition, the Planning Commission shall consider whether the proposed conditional zoning agreement:

(a) Is consistent with the intent of this section;

(b) Bears a reasonable and rational connection or benefit to the property being proposed for rezoning;

(c) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;

(d) Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional zoning agreement;

(e) Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement or if the property were left to develop under the existing zoning classification; and

(f) Is clearly in the public interest and not inconsistent with the recommendations of the city's Master Plan.

(3) If a conditional zoning agreement has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve the conditional zoning agreement as a condition to the rezoning if it meets all requirements of division(G)(2) above. The conditional zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.

(4) If the rezoning and conditional zoning agreements are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned and a reference to the conditional zoning agreement. The Official Zoning Map shall specify the new district, plus a parenthetical "CZ" to indicate that the property is subject to a conditional zoning agreement (i.e., "R1 (CZ)"). The City Clerk shall maintain a listing of all properties subject to conditional zoning agreements and shall provide copies of the agreements upon request.

(5) The approved conditional zoning agreement shall be recorded with the county's Register of Deeds.

(6) Any uses proposed as part of a conditional zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of §§ 153.230 through 153.239 and 153.243 through 153.257 of this chapter.

(H) (1) The rezoning and conditional zoning agreement shall expire one year after adoption of the rezoning and conditional zoning agreement, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the city commences within the one-year period and proceeds diligently to completion, unless extended by the City Council for good cause.

(2) In the event that substantial construction on the approved development has not commenced within one year, the conditional zoning agreement shall be void.

(3) Should the conditional zoning agreement become void, all development on the subject property shall cease and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with the conditional zoning agreement, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to, or in lieu of, any other lawful action to achieve compliance.

(4) Notwithstanding the above, if the property owner applies in writing for an extension of the conditional zoning agreement at least 30 days prior to the expiration date, the City Council may grant an extension of up to one year. Further extensions may be granted by the City Council, although the number of previous extensions granted to a particular conditional zoning agreement shall be considered in relation to the diligent effort of the land owner to satisfy the conditions of the agreement.

(I) If the rezoning and conditional zoning agreement becomes void as previously outlined, then the land shall revert back to its prior zoning classification as set forth in the Zoning Act. The Zoning Administrator or designee shall initiate the rezoning to the prior zoning classification and notify the land owner and/or developer of the reversion of zoning by registered letter.

(J) Provided that, all development and/or use of the property in question is in compliance with the conditional zoning agreement, an authorized use or development may continue indefinitely; provided that, all terms of the conditional zoning agreement continue to be met.

(K) The conditional zoning agreement may be amended by the city with the landowner's consent in the same manner as was prescribed for the original rezoning and conditional rezoning agreement.

(L) Nothing in the conditional zoning agreement, nor any statement or other provision shall prohibit the city from later rezoning all or any portion of the property that is the subject of the conditional zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Zoning Act.

(M) The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this chapter.

(N) The city is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional zoning agreement the basis for requiring the city to approve a rezoning application.

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 of the Master Plan and page 104, the Future Land Use Map shows this area as the start of the Charlevoix Corridor. **Key Characteristics:** *"While these areas will still be predominantly residential, the district will allow for limited commercial that will provide services for surrounding residences within walking distance. The combination of home occupations, commercial, and residential spaces generates a high- to medium-level of intensity. Activity in this area will be less than the downtown core, but more than the surrounding residential neighborhood. Like the downtown core, this mix of uses encourages community connection and a variety of complimentary uses."* **Appropriate Land Uses:** *"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."* **Building and Site Design:** : "*Reuse and re-occupancy of existing buildings is preferred whenever possible." Page 107 describes General Commercial as a compatible Zoning District to the Charlevoix Corridor.*

(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, the requested rezone has uses promoted by the Master Plan. The city goals are to have a "mix" of pedestrian friendly businesses mixed in with housing to promote a vibrant lively neighborhood.

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

The existing developed site works very well for the reuse proposed.

(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;

The proposed use will have no negative impact to the golf course to the south, little to no impact to the west which is the golf course crossing and a multi-family garage/carport separation from a condominium complex. The north is undeveloped, and the east has one single family home that is separated by the parking lot and driveway.

(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 onsite. The Public Works and Electrical Department Heads have given their approval

(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;

This area north of the bridge is the last area that has development potential. The other adjacent lots would all have the same conditions as this lot. The need for additional retail, entertainment, multifamily housing and parking is 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 CRZ 2024-03

1. Deny Rezone 2024-03 CRZ based on specific findings of fact that the application does not meet the review criteria in Section 153.007
2. Approve Rezone 2024-03 CRZ based on specific findings of fact that the application does meet the review criteria in Section 153.007 and send to City Council with recommended approval.
3. Table Rezone 2024-03 based on the need for additional information.

Charlevoix Planning Commission

Public Hearings

Title: Proposed changes to 153.172 Lighting of the City of Charlevoix Zoning Ordinance

Date: September 9, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Planning Commission has been discussing revising the Lighting section of the City of Charlevoix Zoning Ordinance to more effectively limit glare, protect the night sky, and eliminate light pollution. After several meetings of discussion and several versions of the proposed changes, the next step is to hear public comment.

Recommendation:

Motion to send to City Attorney and to City Council with recommendation of approval

Attachments:

1. Lighting ordinance version 2

This proposed ordinance will replace the existing ordinance language in 153.172

153.172 LIGHTING

Purpose and Intent. It is the purpose and intent of this Code to balance the goals of the City of Charlevoix's Master Plan to maintain its small-town character with the need to provide for safe lighting practices and to minimize light pollution for the enjoyment of Charlevoix's citizens and visitors.

(A) The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principles among these concerns are:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;

2. Lighting practices that interfere with the health and safety of Charlevoix's citizens and visitors;

3. Unnecessary waste of energy and resources in the production of too much light or wasted light;

4. Interference in the use or enjoyment of property which is not intended to be illuminated at night, and the loss of the scenic view of the night sky due to increased urban sky-glow.

(B) The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.

(C) The topography and atmospheric conditions in northern Michigan are uniquely suited for commercial and private astronomical observation in the area. Unnecessary or excessive uses of outdoor nighttime lighting have an adverse impact on astronomical observation even at relatively distant observatories.

(D) Accordingly, it is the intent of this Code to require lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.

Outdoor Lighting. This definition includes the following terms and definitions:

A. "Class 1 lighting" means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

B. “Class 2 lighting” means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety and/or security of the grounds is the primary concern.

C. “Class 3 lighting” means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, and similar things.

D. “Direct illumination” means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

E. “Display lot or area” means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, 1 of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the Zoning Administrator.

F. “Foot-candle” means 1 lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 (0.093) lux.

G. “Fully shielded light fixture” means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see Figure 153.172).

H. “Glare” means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

I. “Installed” means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

J. “Light pollution” means any adverse effect of man-made light.

K. “Light trespass” means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

L. “Lumen” means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

M. “Luminary” means the complete lighting assembly, less the support assembly.

N. “Motion sensing security lighting” means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

O. “Multi-class lighting” means any outdoor lighting used for more than 1 purpose, for example security and decoration, such that its use falls under the definition of 2 or more classes as defined for Class 1, 2 and 3 lighting.

P. “Net acreage” means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Q. “Outdoor light fixture” means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures~~;~~
2. Recreational areas~~;~~
3. Parking lot lighting~~;~~
4. Landscape lighting~~;~~
5. Architectural lighting~~;~~
6. Signs (advertising or other)~~;~~
7. Street lighting~~;~~
8. Product display area lighting~~;~~
9. Building overhangs and open canopies~~;~~
10. Security lighting~~.~~

R. “Outdoor recreation facility” means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

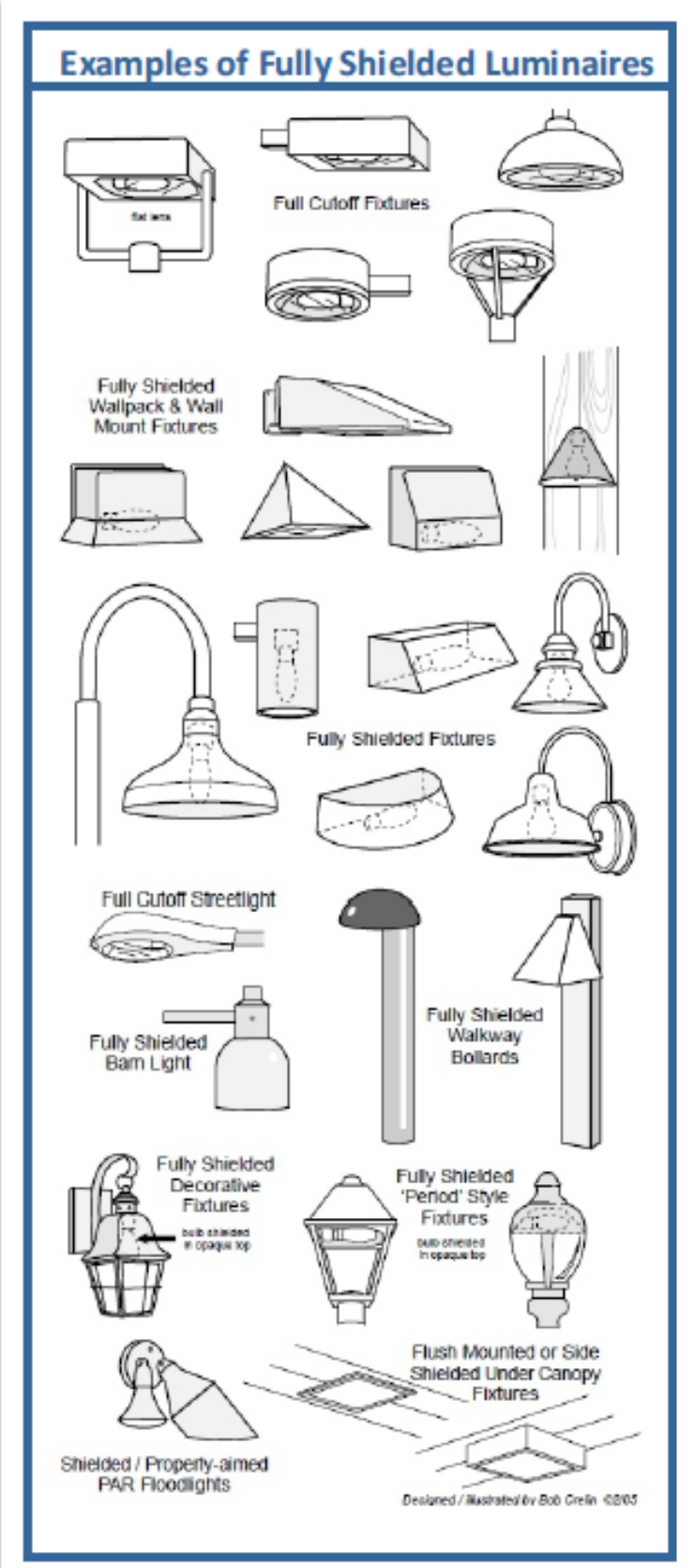
S. “Partially shielded light fixture” means a fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Code.

T. “Security lighting” means lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

U. “Unshielded fixture” means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

V. “Watt” means the unit used to measure the electrical power consumption (not the light output) of a lamp.

(END OF LIST)


Examples of Fully Shielded Luminaires
Full Cutoff Fixtures
Fully Shielded Wallpack & Wall Mount Fixtures
Fully Shielded Fixtures
Full Cutoff Streetlight
Fully Shielded Barn Light
Fully Shielded Walkway Bollards
Fully Shielded Decorative Fixtures
Fully Shielded 'Period' Style Fixtures
Flush Mounted or Side Shielded Under Canopy Fixtures
Shielded / Properly-aimed PAR Floodlights

Applicability.

The following lighting requirements shall apply to all uses requiring site plan review, as stated in §§ 153.230 through 153.243 of this chapter. Light levels on a site that is subject to site plan approval under this chapter shall meet the requirements in Table 153.172 for the developed portion of the site containing buildings, drives and parking lots.

(A) Exemptions. The following lighting applications are exempt from regulation under this section:

(1) Soffit lighting, provided the light source is recessed or flush with the soffit surface;

(2) Emergency lighting, provided the lights are designed to operate only under emergency or loss of power situations;

(3) Holiday decorations from November 15 to January 15;

(4) Window displays;

(5) Lighting for temporary events, such as fairs, carnivals and similar temporary outdoor uses; and

(6) Ornamental lighting that is incorporated into an architectural design, such as colored tubes, lighting of fountains, statuary or other outdoor art and other building elements (other than signs), provided that the light source is shielded to direct light onto the lighted element.

(B) Prohibited lighting. The following lighting types and methods are prohibited:

(1) High intensity lights such as laser light sources, search lights or any similar high intensity light for outdoor advertisement or entertainment;

(2) Any lighting determined to be creating off-site glare that is a hazard to travelers on an adjacent street or road;

(3) Lighting that is flashing, moving or intermittent, including those associated with signs meeting the requirements of §§ 153.205 through 153.219 of this chapter; and

(4) Lighting that appears similar to that used for traffic control devices or for emergency vehicles.

(C) Shielding and glare.

(1) All outdoor lighting shall be designed or shielded to reduce glare and shall be placed so a nuisance is not created for motorists, adjacent uses or residential dwellings.

(2) All outdoor lighting, with the exception of those ground-based lights for the purpose of illuminating government flags, shall be directed toward the ground or the article being illuminated and shall not impair the safe movement of automobile traffic on any street. Flag lighting shall be directed to illuminate the flag only and shall be placed so lighting or glare is not directed toward streets or adjacent properties.

(D) General requirements.

(1) Lighting shall be provided throughout all non-residential parking lots. Lights to illuminate parking lots shall not be attached to any building.

(2) Street lighting meeting the requirements of the city shall be required for all roads constructed as part of or in advance of any new development.

(3) New Uses, Buildings and Major Additions or Modifications. If the total cumulative increase in floor area is greater than 33% for single-family residential or greater than 10% for all other uses, then all outdoor lighting fixtures shall meet the requirements of this Code for the entire site, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this section.

(4) Minor Additions. If the total cumulative increase in the floor area is 33% or less for single family residential or 10% for all other uses, then full conformance of the existing portion of the building or structure is not required. However, such projects shall require the submission of a complete inventory and Site Plan detailing all existing and any proposed new outdoor lighting.

(5) New Lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger.

(6) Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned as defined in 153.293, Nonconforming Buildings or Structures, then all outdoor lighting shall be reviewed and brought into compliance with this Code before the use is resumed.

(7) Public Roadways. In general, this Code does not apply to city and state rights-of-way. However, the goal of the City is to have all such street lights fully shielded.

Outdoor Lighting Standards.

A. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout the city. Their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property. Ten percent white light added to LPS light permits nearly normal color perception.

1. Class 1 Lighting. Low pressure sodium (LPS) lamps are not required. Businesses who chose to use LPS or LEDs as their primary lamps are eligible to apply for an additional 10% increase in the lumens per acre allowed for their site.

2. Class 2 Lighting. Low pressure sodium (LPS) lamps or LEDs are required. Up to 10% of the total lumens per acre allowed may be white light.

B. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer’s instructions, to turn off when detected motion ceases.

C. Lamp and Shielding. All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, including single-family and multifamily residential uses, except as provided below.

1. All lamp types above 2,000 lumens shall be fully shielded.

2. Partially shielded light fixtures may be permitted subject to the approval of the Zoning Administrator.

3. Partially shielded light fixtures are limited to a maximum of 5,500 lumens per net acre and shall not exceed 2,000 per lamp (see subsection (D) of this section).

D. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses.

1. Total outdoor light output shall not exceed an average .4356 lumens per net foot for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site. Partially shielded light fixtures are limited to an average maximum of 7.92 lumens per net foot and are counted towards the 100,000 lumens per net acre cap.

2. Seasonal decorations, permitted between November 15 and January 15, are not counted toward these limits. Lighting used for external illumination of signs is counted.

E. Total Outdoor Light Output Standards – Single-Family Residential Uses.

1. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap.

2. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.

F. Parking Lot Standards. Parking lots shall be considered Class 2 lighting. Parking lot lighting poles shall be sized in such a manner that the top of any luminary does not exceed 14 feet above adjacent grade.

G. Lighting Time Limitations.

1. Class 1 lighting, including but not limited to sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operation until 11:00 p.m. or for as long as the area is in active use but once off remain off during nonbusiness hours.

2. Class 2 lighting shall have no time restrictions except as specified by any conditions of approval. Uses that do not require all-night illumination are required to turn off their outdoor lighting during night hours per Planning Commission Site Plan Approval.

3. Class 3 lighting, except for flagpole lighting, must be extinguished after 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 to January 15.

4. Multi-class lighting, except for security lighting, must conform to the time limitations of the strictest class.

H. Multi-Class Lighting Standard. Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

I. Class 3 Lighting Standards.

1. All Class 3 lighting must be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

2. Permanent exposed string lighting is not permitted except where permitted in the Central Business District.

3. All Class 3 lighting must comply with the light trespass standards as described in subsection 153.172(B) of this section.

4. All Class 3 lighting shall comply with the lamp and shielding standards as described in subsection 153.072 Outdoor Lighting standard (C) of this section.

5. a. Subject to the approval of the Zoning Administrator, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Uplighting or ground-mounted lighting shall be designed and installed in such a manner as to minimize glare with special consideration in areas where there is vehicle and pedestrian traffic.

b. All lighting which is directed upwards shall be placed in such a manner that the angle of the lamp shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the feature to be lighted.

J. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel at their direction. Spot lights are permitted and must be directed downward 45 degrees from any neighboring property.

K. On projects where an engineer or architect is required, the developer shall verify in writing to the city that all outdoor lighting was installed in accordance with the approved plans.

Special Uses.

A. Recreational Facilities.

1. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1.

2. Lighting allowed in this subsection shall be subject to Planning Commission approval. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

3. Every such lighting system design shall be certified by a Michigan registered engineer as conforming to all applicable restrictions of this Code.

4. Such lighting shall not include any light trespass as determined by the Zoning Administrator.

5. All events shall be scheduled so as to complete all activity and lights turned off by 10:00 p.m.

6. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully, shielded fixtures are not utilized, acceptable luminaries shall include those which:

a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as determined by the Zoning Administrator; and

b. Are installed and maintained with aiming angles that permit no greater than 2% of the light emitted by each fixture to project above the horizontal.

B. Outdoor Display Lots. Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per net acre limits except as follows:

1. All such lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics.

2. When the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

3. Such lighting shall not include any light trespass as determined by a Michigan registered engineer as conforming to all applicable restrictions of this Code.

5. Lighting Time Limitations. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards. Any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Code applicable to this class.

C. Service Station Canopies.

1. Class 2. Lighting for service station canopies shall be considered Class 2 lighting.

2. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.

3. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

D. Other Lighting on Parcels with Special Uses. All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Code.

Plan Submittal and Evidence of Compliance.

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any development plan approved by the city, including all city projects, or whenever a person requests a rezoning, the applicant shall, as part of the application process, submit sufficient information to enable the Zoning Administrator to determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning and Zoning Commission at the discretion of the Zoning Administrator.

B. Applications. All applications shall include the following:

1. A Site Plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.

2. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs.

3. Such other information that the Zoning Administrator may determine is necessary to ensure compliance with this Code.

C. Plan Approval. If the Zoning Administrator determines that any proposed lighting does not comply with this Code, the permit shall not be issued, nor the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Administrator for approval, together with adequate information to assure compliance with this Code, which must be received prior to substitution.

E. Certification of Installation. For all projects, commercial and multi-family, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before final approval by the City. Until this certification is submitted in writing, the City will ask that the Certificate of Occupancy be revoked or not be issued for the project.

Approved Materials and Methods of Construction or Installation/Operation – Approval of Alternatives. The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved by the Zoning Administrator. The Zoning Administrator may approve any such proposed alternate providing that it:

A. Provides at least approximate equivalence to that applicable specific requirement of this Code.

B. Is otherwise satisfactory and complies with the intent of this Code.

Exemptions and Nonconforming Lights.

A. All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Code are exempt from all requirements of this Code. However, there shall be no change in use or lamp type, or any replacement (except for same type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Code.

B. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

C. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Code for as long as the emergency exists.

D. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and

SIGNS

(F) Lighting Requirements.

1. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

2. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

3. External illumination for signs shall conform to all provisions of Outdoor lighting.
Such lighting shall be treated as Class 1 lighting and shall conform to the lamp and shielding restrictions and lumen caps.

4. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as determined by the Zoning Administrator.

5. The fixtures used to illuminate signs shall not be directed toward nearby residential properties.

6. Internally illuminated signs are permitted in certain circumstances as follows:

a. Individual back-lit letters which are silhouetted against a softly illuminated wall.

b. Individual letters with translucent faces, containing soft lighting elements inside each letter.

c. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

7. Fluorescent lights shall be allowed for indirect illumination when placed in such a manner that the light tubes are not exposed to view from the public right-of-way or sidewalk.

8. A sign may be illuminated during the hours of operation of the facility being identified or advertised or until 11:00 p.m., whichever is later.

9. Such signs shall provide an automatic timer to comply with the intent of this section.

10. Illumination of off-premises signs is prohibited, except in the case of off-premises kiosks which are subject to the provisions of this Code.

11. a. Ground-mounted sign lighting is not permitted for freestanding signs on poles, where open

space is visible from the bottom of the sign to the ground. The Zoning Administrator may approve ground mounted lighting for freestanding signs which are constructed in such a way that no open space is visible from the bottom of sign to the ground (such as solid base, landscaping).

b. All ground-mounted lights shall be placed in such a manner that the angle of the lamp

shall not be greater than 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the sign only. All upward-directed sign lighting is prohibited.

Charlevoix Planning Commission

New Business

Title: Site Plan Review 743 Petoskey Ave Small Brewery
Date: September 9, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:
Planning Commission review of site plan to Section 153.230 of the Zoning Ordinance

Recommendation:
Motion to accept as presented, deny or accept with changes/conditions.

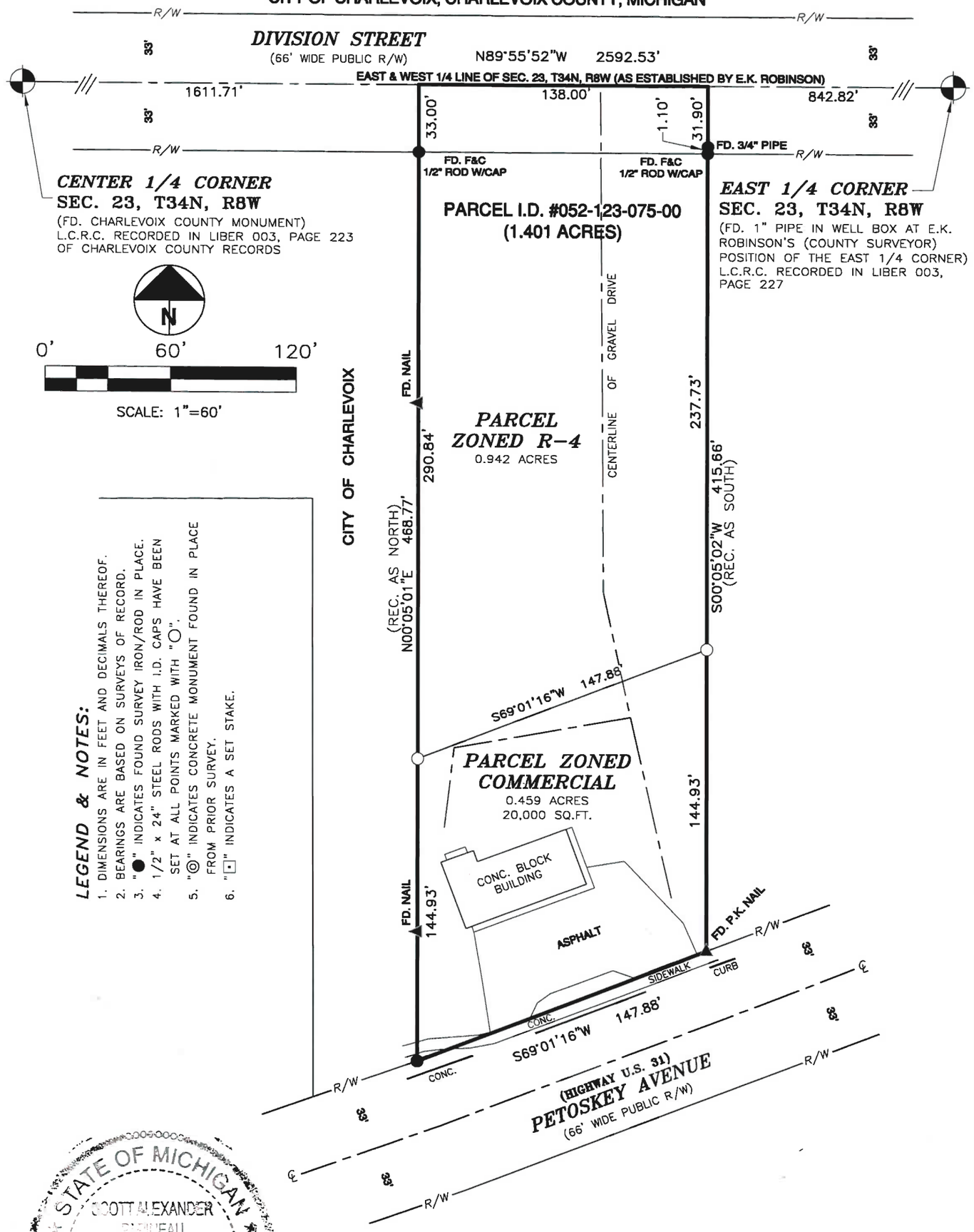
Attachments:
1. Survey.Legal Description.8.14.24 (1)
2. SITE PLAN 2024-08-15
3. Description of Conditional Rezone (3)
4. Site Plan Review standards 743 Petoskey(1)
5. OG Plan.2020.Sealed (1)
6. SPR report 743 Petoskey Ave 1

CERTIFIED TO:
LSB VENTURES LLC
% JOHN MURRAY
203 BRIDGE STREET
CHARLEVOIX, MI 49720
TAX I.D. #: 15-052-123-075-00

CERTIFICATE OF BOUNDARY SURVEY

PART OF GOVERNMENT LOT 4 & PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 23, TOWN 34 NORTH, RANGE 8 WEST

CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN



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 "○".
5. "◎" INDICATES CONCRETE MONUMENT FOUND IN PLACE FROM PRIOR SURVEY.
6. "⊡" INDICATES A SET STAKE.

STATE OF MICHIGAN
SCOTT ALEXANDER PAPINEAU
PROFESSIONAL SURVEYOR
No. 4001050446

SCOTT A. PAPINEAU P.S. NO. 4001050446

I HEREBY CERTIFY that I have surveyed and mapped the parcels heron 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.

This survey plat 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.

FIELD:	STAKED:	DRAWN: CWB
JOB: SB-29899C-24	DATE: 08/07/2024	

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

August 7, 2024

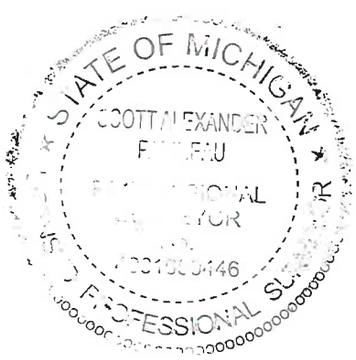
Job No. SB-29899C-24
Legal Description for: LSB Ventures LLC

Parcel Zoned Commercial
In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89°55'52" West 842.82 feet (recorded as West 840.4 feet & measured 840.60 feet from D.C. Nettleton's East one-quarter corner); thence South 0°05'02" West (recorded as South) 31.90 feet to a ¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a ½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a ½" iron rod, being the POINT OF BEGINNING; thence continuing South 0°05'02" West (recorded as South) 144.93 feet to a PK Nail on the North line of Petoskey Avenue (AKA Highway US-31); thence along said North road line South 69°01'16" West 147.88 feet to a ½" iron rod; thence North 0°05'01" East (recorded as North) 144.93 feet to a ½" iron rod; thence parallel to the said North road line, North 69°01'16" East 147.88 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 20,000 square feet (0.459 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

Parcel Zoned R-4
In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89°55'52" West 842.82 feet (recorded as West 840.4 feet & measured 840.60 feet from D.C. Nettleton's East one-quarter corner) to the POINT OF BEGINNING; thence South 0°05'02" West (recorded as South) 31.90 feet to a ¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a ½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a ½" iron rod; thence parallel to the North line of Petoskey Avenue (AKA Highway US-31), South 69°01'16" West 147.88 feet to a ½" iron rod; thence North 0°05'01" East (recorded as North) 290.84 feet to the said South line of Division Street; thence continuing North 0°05'01" East (recorded as North) 33.00 feet to the said established one-quarter line; thence along said established one-quarter line, South 89°55'52" East 138.00 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 0.942 acres. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

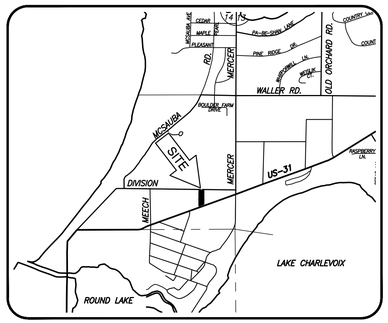
Prepared by:
Ferguson & Chamberlain Associates, Inc.
103 West Upright Street
Charlevoix, Michigan 49720

Scott A. Papineau, P.S. No. 4001050446



VICINITY MAP

SCALE: 1"=2000'



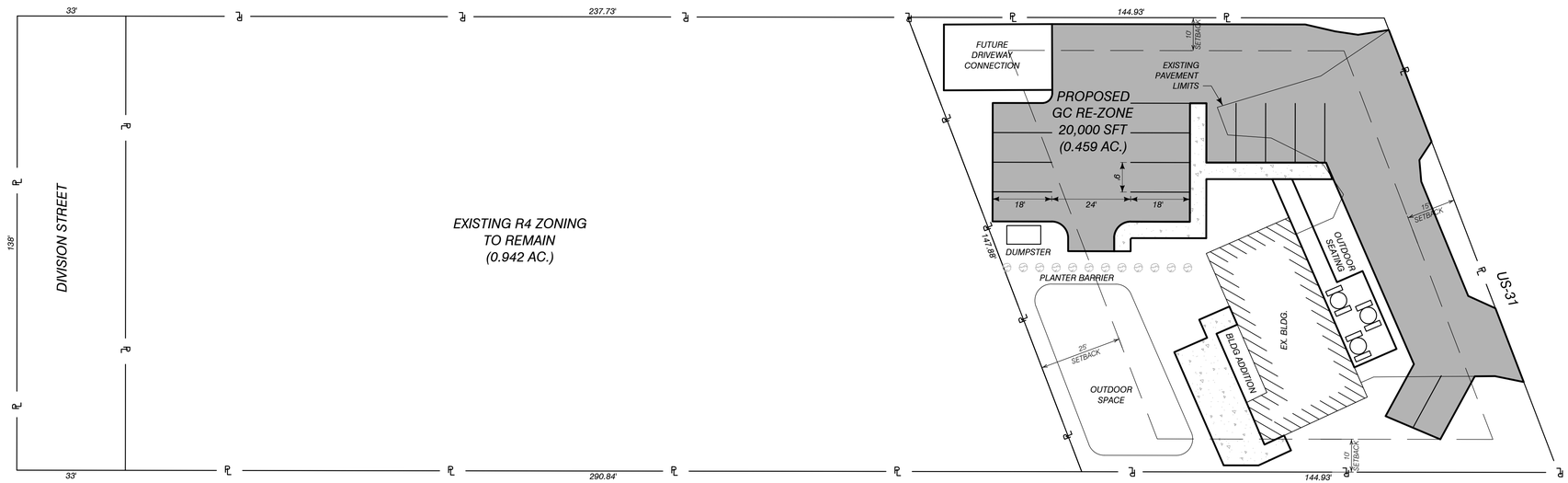
ZONING INFORMATION

PROJECT DESCRIPTION:	RE-ZONING FROM R4 TO GC.
PROPERTY IS ZONED	R4
CURRENT USE:	FORMER COMMERCIAL
PROPOSED USE:	COMMERCIAL
MAXIMUM STRUCTURE HEIGHT:	R4 = 35 FEET / GC = 26 FEET
MINIMUM FRONT YARD:	R4 = 15 FEET / GC = 15 FEET
MINIMUM INTERIOR SIDE YARD:	R4 = 15 FEET / GC = 10 FEET
MINIMUM STREET SIDE YARD:	R4 = 15 FEET / GC = 15 FEET
MINIMUM REAR YARD:	R4 = 25 FEET / GC = 25 FEET
PARKING REQUIREMENTS:	1 per employee on the largest shift, plus 1 per 300 sq. ft. of UFA per Table 153.187
PARKING PROVIDED:	THE COMMERCIAL USE WOULD REQUIRE 12 PARKING SPACES FOR BOTH EMPLOYEE AND PATRONS. ZONING REQUIREMENT IS 1 PER EMPLOYEE (ASSUMED 6), PLUS 1 PER 300 SF (6 REQUIRED). A TOTAL OF 14 SPACES ARE PROVIDED.

NOTES

NOTES:

1. THE PROPERTY IS ZONED R4, BUT HAS AN EXISTING COMMERCIAL USE ON THE US-31 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 R4.
3. THE LAYOUT CONCEPT PROPOSED INCLUDES A SOUTHERLY COMMERCIAL USE IN THE EXISTING BUILDING WITH AN OUTDOOR PATIO SPACE FOR BREWERY AND RESTAURANT SERVICE.
4. THE ASSUMED PARKING DENSITY AND CONFIGURATIONS PROPOSED HERE ARE CONCEPTUAL AND NEED TO BE VERIFIED BY THE CITY. PATIO SPACES AND OTHER FOOD SERVICE REQUIREMENTS COULD IMPACT THE NEEDED PARKING COUNT.
5. 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 ISSUE.
6. 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.



NORTH

SITE PLAN

1":20'

0 20' 40'

GRAPHIC SCALE

Performance Engineers, Inc.

Civil / Structural Engineering

406 Petoskey Avenue
Charlevoix, Michigan 49720

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

PROPERTY RE-ZONING

PRELIMINARY SITE PLAN

DEREK SHANKLAND

MARK	DATE	DESCRIPTION

PROJECT NO:	24-6529
CAD DWG FILE:	6529SITE.DWG
DRAWN BY:	WES
DESIGNED BY:	WES
CHECKED BY:	AEN

SITE PLAN

C100

SHEET 1 OF 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 Conditional Zoning

Stiggs Brewing Company in partnership with LSB Ventures llc, seeks Conditional Zoning 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 Commercial Mixed Use for like businesses compatible for the residential adjacent property. Our 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; 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 mitigation of the half circle drive for occasional midsize delivery vehicles with modified barrier for No Entrance from U31 on the south entrance point.

Proposed Improvements

Proposed improvements to the Mixed 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

Please see supplemental document “Site Plan.Legal Descrption.8.14.24” for the revised associated with the conditional rezone to create 2 separate parcels.

Easement Agreement-

- Due to the uniqueness of this proposal;
    1) Both parties have entered into an easement agreement addressing the “shared drain way use” and an “agreed parking easement”. For the current submission, the site plan shows the front parcel 7
    2) There are certain criteria beyond this conditional rezone that is undefinable due to the nature of the parcel split and overall project scope.

Resolution-

- If there are unresolved concerns from the Planning Commission at the time of review, we propose application approval conditioned on obtaining the necessary agency permits and addressing any concerns from the Planning Commission for the Conditional Zoning Amendment to ensure the final due diligence can be fulfilled in time to meet the closing date October 7th, associated with the current purchase agreement.

Required Information for Rezone

Date, north arrow and scale - **X**

Name and firm address of the professional individual responsible for preparing the site plan- **X**

Name and address of the property owner or petitioner- **On application**

Location sketch- **X**

Legal description of the subject property- **In supplemental doc**

Size of subject property in acres or square feet- **X**

Boundary survey dated within six years of application- **X**

Preparer's professional seal- **X**

Revision block (month, day and year)- **X**

EXISTING CONDITIONS

Existing zoning classification of subject property- X

Property lines and required setbacks (dimensioned)- **X**

Location, width and purpose of all existing easements- **X**

Location and dimension of all existing structures on the subject property- **X**

Location of all existing driveways, parking areas and total number of existing parking spaces on subject property- **X**

Abutting street right-of-way width- **Division- 66', US-31- 66"**

Location of all existing structures, driveways and parking areas within 300 feet of the subject property's boundary- **In supplemental doc**

Existing water bodies (rivers, creeks, wetlands and the like)- **N/A**

Existing landscaping and vegetation on the subject property- **Limited**

Size and location of existing utilities- **Please see note 5 on site plan**

Location of all existing surface water drainage facilities- **N/A**

PROPOSED DEVELOPMENT

Location and dimensions of all proposed buildings- **No proposed new buildings on parcel**

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- **X**

Setbacks for all buildings and structures- **X**

Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use- **X**

Flood plain areas and basement and finished floor elevations of all buildings- **N/A**

Landscape plan (showing location of proposed materials, size and type)- **written description below in Standards for Site Plan Approval**

Layout and typical dimensions of proposed parcels and lots- **X**

Number of proposed dwelling units (by type), including typical floor plans for each type of unit- **N/A**

Number and location (by code, if necessary) of efficiency and 1-, 2- and 3- or more bedroom units- **N/A**

All deed restrictions or covenants- **N/A**

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- **X**

ENGINEERING

Proposed method of handling sanitary sewage and providing potable water- **Municipal Systems**

Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems- **All systems to remain as current connections, size and location**

Location and spacing of fire hydrants- **N/A**

Location and type of all proposed surface water drainage facilities- **written description below in Standards for Site Plan Approval**

Grading plan at no more than 2-foot contour intervals- **written description below in Standards for Site Plan Approval**

Proposed streets (including pavement width, materials and easement or right-of-way dimensions)- **No streets. The final determination of materials will be subject to the scheduled Environmental Assessment, City of Charlevoix recuirements, overall design elements and budget of project.**

BUILDING DETAILS

Typical elevation views of all sides of each building- **In supplemental doc**

Gross and usable floor area- **In supplemental doc**

Elevation views of building additions- **In supplemental doc**

Building height- **In supplemental doc**

Proposed Garage renovation for:

JJ's Library, LLC

743 Petoskey Avenue
Charlevoix, Michigan 49720

Charlevoix County 052-123-075-00

OCCUPANTS

No.	AREA	DESCRIPTION
7	1428	STORAGE (S2) PARKING GARAGE
1	220	STORAGE
8	1648	TOTAL OCCUPANT LOAD / AREA

COLD STORAGE BUILDING, NO OCCUPANTS.

CODE DATA

APPLICABLE CODE(S):
2015 MICHIGAN REHABILITATION CODE
2015 MICHIGAN BUILDING CODE
2015 MICHIGAN PLUMBING CODE
2015 MICHIGAN MECHANICAL CODE
2014 NATIONAL ELECTRICAL CODE
2009 ICC/ANSI A117.1-09

CONSTRUCTION TYPE "5B" UNPROTECTED NON-SPRINKLED BUILDING

USE AND OCCUPANCY CLASSIFICATION:
S2 - STORAGE / PARKING GARAGE

OCCUPANCY LOAD: 8 PEOPLE

GENERAL NOTES

THESE DRAWINGS ARE FOR CONSTRUCTION ONLY TO THE EXTENT SHOWN THROUGH A DESIGN-BUILD METHOD OF PROJECT DELIVERY. THEY ARE INTENDED TO ENABLE THE GENERAL CONTRACTOR TO OBTAIN THE BUILDING PERMIT FOR CONSTRUCTION.

EACH DESIGN-BUILD TRADE CONTRACTOR SHALL BE RESPONSIBLE TO FIELD VERIFY ALL CONDITIONS WHICH EFFECT THEIR WORK, TO ACCOMMODATE FOR SUCH CONDITIONS IN THEIR WORK AND COORDINATE WITH THE GENERAL CONTRACTOR AND OTHER SUB-CONTRACTORS.

WORK SHALL CONFORM TO THE APPLICABLE CODE OR AS REQUIRED BY THE CONSTRUCTION AUTHORITY HAVING JURISDICTION OVER THE PROJECT.

REVISIONS TO THESE DRAWINGS SHALL BE APPROVED "IN WRITING" BY THE ARCHITECT AND COORDINATED THROUGHOUT THE PROJECT BY THE GENERAL CONTRACTOR AND THEIR SUB-CONTRACTORS.

ALL PLUMBING, MECHANICAL AND ELECTRICAL DESIGN, LAYOUT AND INSTALLATION IS BEING PROVIDED THROUGH THE DESIGN-BUILD PROCESS. THE INSTALLING CONTRACTOR SHALL BE LICENSED IN THEIR RESPECTIVE TRADE AND SHALL BE RESPONSIBLE FOR THE LAYOUT AND INSTALLATION OF THEIR SYSTEM(S) AND EQUIPMENT IN ACCORDANCE WITH THE APPLICABLE CODE. THE GENERAL CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES.

GENERAL REQUIREMENTS & CONDITIONS

THE GENERAL CONTRACTOR SHALL BE RESPOSIBLE FOR THE WORK OF ALL TRADES AND SHALL OBTAIN THE BUILDING PERMIT FOR CONSTRUCTION OF THE PROJECT.

REVISIONS TO THESE DOCUMENTS SHALL NOT BE MADE WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT PRIOR TO PERFOMING ANY SUCH REVISIONS. REVISIONS SHALL BE COORDINATED THROUGHOUT THE PROJECT BY THE GENERAL CONTRACTOR.

THESE DRAWINGS ARE FOR BUILDING CONSTRUCTION ONLY TO THE EXTENT SHOWN. THEY ARE INTENDED TO ENABLE THE GENERAL CONTRACTOR TO OBTAIN THE BUILDING PERMIT FOR CONSTRUCTION. EACH SUB-CONTRACTOR SHALL OBTAIN PLUMBING, MECHANICAL AND ELECTRICAL PERMITS AS APPLICABLE TO THEIR RESPECTIVE TRADE.

EACH TRADE CONTRACTOR SHALL BE RESPONSIBLE TO FIELD VERIFY ALL CONDITIONS WHICH EFFECT THEIR WORK & SHALL ACCOMMODATE FOR SUCH CONDITIONS IN THEIR WORK AND CORRDINATE THEIR PORTION OF THE WORK WITH THE GENERAL CONTRACTOR OTHER SUB-CONTRACTORS AND THE OWNER.

WORK SHALL CONFORM TO THE APPLICABLE CODE AND ANY LOCAL RULES OR REGULATIONS AS APPLICABLE TO EACH TRADE.

ALL PLUMBING, MECHANICAL & ELECTRICAL INSTALLATION SHALL BE BY LICENSED CONTRACTORS OF EACH TRADE APPLICABLE.

PERMITS FEES AND NOTICES:

THE GENERAL BUILDING PERMIT SHALL BE OBTAINED AND PAID FOR BY THE GENERAL CONTRACTOR. THE MECHANICAL AND ELECTRICAL CONTRACTORS SHALL OBTAIN AND PAY FOR ALL PERMITS, INSPECTION FEES, ETC. RELATIVE TO EACH TRADE AS REQUIRED BY CODE.

EXAMINATION OF SITE:

THESE DRAWINGS ARE A REPRESENTATION AS TO THE DESIRED FINAL PRODUCT. ALL EXISTING CONDITIONS MUST BE EXAMINED, VERIFIED AND ACCOUNTED FOR IN EACH CONTRACTOR'S BID PROPOSAL. EACH TRADE CONTRACTOR IS RESPONSIBLE TO EXAMINE THE PROJECT SITE PRIOR TO SUBMITTING A BID PROPOSAL TO THE OWNER. SUBMISSION OF A BID PROPOSAL TO THE OWNER SHALL BE EVIDENCE THAT THE CONTRACTOR HAS VISITED THE PROJECT SITE, EXAMINED THE CONDITIONS WHICH APPLY TO OR AFFECT THEIR WORK AND HAVE ACCOMMODATED FOR SUCH EXISTING CONDITIONS AS PART OF THEIR WORK AND PROPOSAL TO THE OWNER. NO ADJUSTMENTS WILL BE MADE TO ANY CONTRACTOR FOR THEIR FAILURE TO EXAMINE AND UNDERSTAND THE CONDITIONS WHICH AFFECT THEIR WORK.

CLEAN UP AND TRASH REMOVAL:

EACH TRADE CONTRACTOR SHALL BE RESPOSIBLE TO CLEANUP ALL DEBRIS CAUSED BY THEIR OWN WORK ON A DAILY AND ON-GOING BASIS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING THE SITE REASONABLY CLEAN AND IN GOOD ORDER. THE G.C. MAY DELIGATE THIS RESPOSIBILITY AS THEY SO CHOOSE AMONG HIS SUB-CONTRACTORS. ALL DEBRIS WILL BE REMOVED AND PROPERLY DISPOSED AS REQUIRED BY LOCAL ORDINANCE AND TO KEEP THE SITE AND AREA CLEAN, ORDELY AND SAFE. EACH CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND/OR RETURNING ANY MATERIAL NOT USED AS PART OF THE PROJECT.

LABOR AND MATERIALS:

ALL LABOR, MATERIALS, EQUIPMENT AND INCIDENTAL ITEMS (INCLUDING TAXES AND FEES) REQUIRED TO PERFORM EACH TRADE'S PORTION OF THE WORK (THE COMPLETED PROJECT) SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S PROPOSAL.

General Contractor:

South Arm Construction

East Jordan, Michigan - Since 1969

General Contracting
117 S Lake Street
East Jordan, Michigan 49727

Larry Trumble, President
(231) 536-5001 (v)
southarmconstruction@gmail.com

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

SIGN CHARACTER HEIGHT

40" TO LESS THAN OR = TO 70'	LESS THAN 6' FEET	5/8" INCH
GREATER THAN 70' TO </= TO 120'	6' AND GREATER	5/8" PLUS 1/8" PER FOOT OF VIEWING DISTANCE ABOVE 6' FEET
GREATER THAN 120" INCHES	LESS THAN 15' FEET	2" INCHES
	15' AND GREATER	2" PLUS 1/8" PER FOOT OF VIEW DISTANCE ABOVE 15' FEET
	LESS THAN 21' FEET	3" INCHES
	21' AND GREATER	3" PLUS 1/8" PER FOOT OF VIEW DISTANCE ABOVE 21' FEET

ADA SIGNS

REQUIRED ACCESSIBLE ELEMENTS SHALL BE IDENTIFIED BY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AT THE FOLLOWING LOCATIONS:

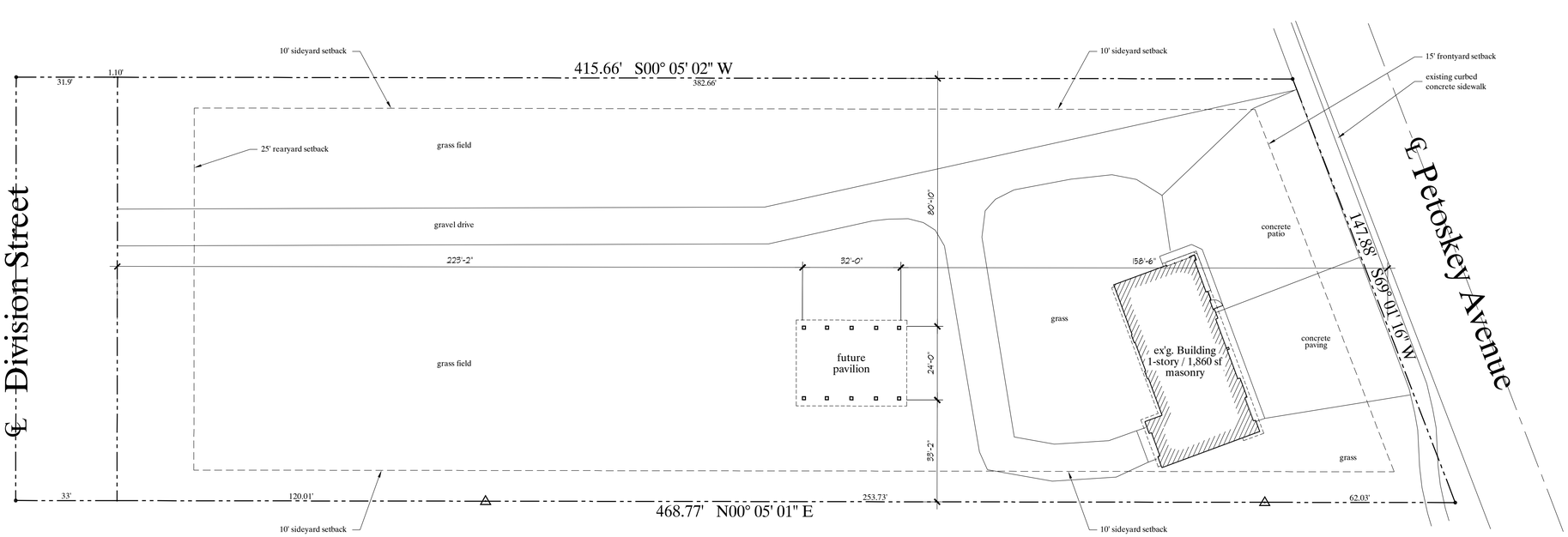
1. ACCESSIBLE PARKING SPACES REQUIRED BY SECTION 1106.1 EXCEPT WHERE THE TOTAL NUMBER OF PARKING SPACES PROVIDED IS FOUR (4) OR LESS.

2. ACCESSIBLE PASSENGER LOADING ZONES.

3. ACCESSIBLE ROOMS WHERE MULTIPLE SINGLE-USER TOILET OR BATHING ROOMS ARE CLUSTERED AT A SINGLE LOCATION.

4. ACCESSIBLE ENTRANCES WHERE NOT ALL ENTRANCES ARE ACCESSIBLE.

DIRECTIONAL SIGNAGE INDICATING THE ROUTE TO PUBLIC FACILITIES SHALL BE POSTED AND LOCATED IN A CORRIDOR OR AISLE AT THE ENTRANCE TO THE FACILITES FOR CUSTOMERS AND VISITORS.



City of Charlevoix Zoning

Zone: General Commerical
Building Setbacks; as shown on the Site Plan.
15' frontyard
10' sideyard
25' rearyard

Based on Survey prepared by Ferguson & Chamberlain Associates, Inc. dated April 30, 2015.

NORTH

Site Plan

SCALE: 1" = 20'-0"

0 10 20 40 80

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
800-482-7171
(TOLL-FREE)

STATE OF MICHIGAN
TAD C. LATUSZEK
ARCHITECT
No. 1301049990
LICENSED ARCHITECT

SHEET INDEX

C1	SITE PLAN, CODE INFO & NOTES
A1	PROPOSED FLOOR PLAN
A2	EXTERIOR ELEVATIONS
A3	EXTERIOR ELEVATIONS, BUILDING SECTIONS

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www.trinityacme.com
866.845.6317 fax
989.448.4705 phone

DRAWING TITLE: SITE PLAN, ZONING & CODE DATA

PROJECT TITLE: PROPOSED GARAGE RENOVATIONFOR: JJ'S LIBRARY, LLC
CHARLEVOIX, MICHIGAN

PROJECT NO.: 634-08-19

DATE: JAN. 29, 2020

SHEET: C1

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Proposed Garage renovation for:

JJ's Library, LLC

743 Petoskey Avenue
Charlevoix, Michigan 49720

Charlevoix County 052-123-075-00

General Contractor:

South Arm Construction

East Jordan, Michigan - Since 1969

General Contracting
117 S Lake Street
East Jordan, Michigan 49727

Larry Trumble, President
(231) 536-5001 (v)
southarmconstruction@gmail.com

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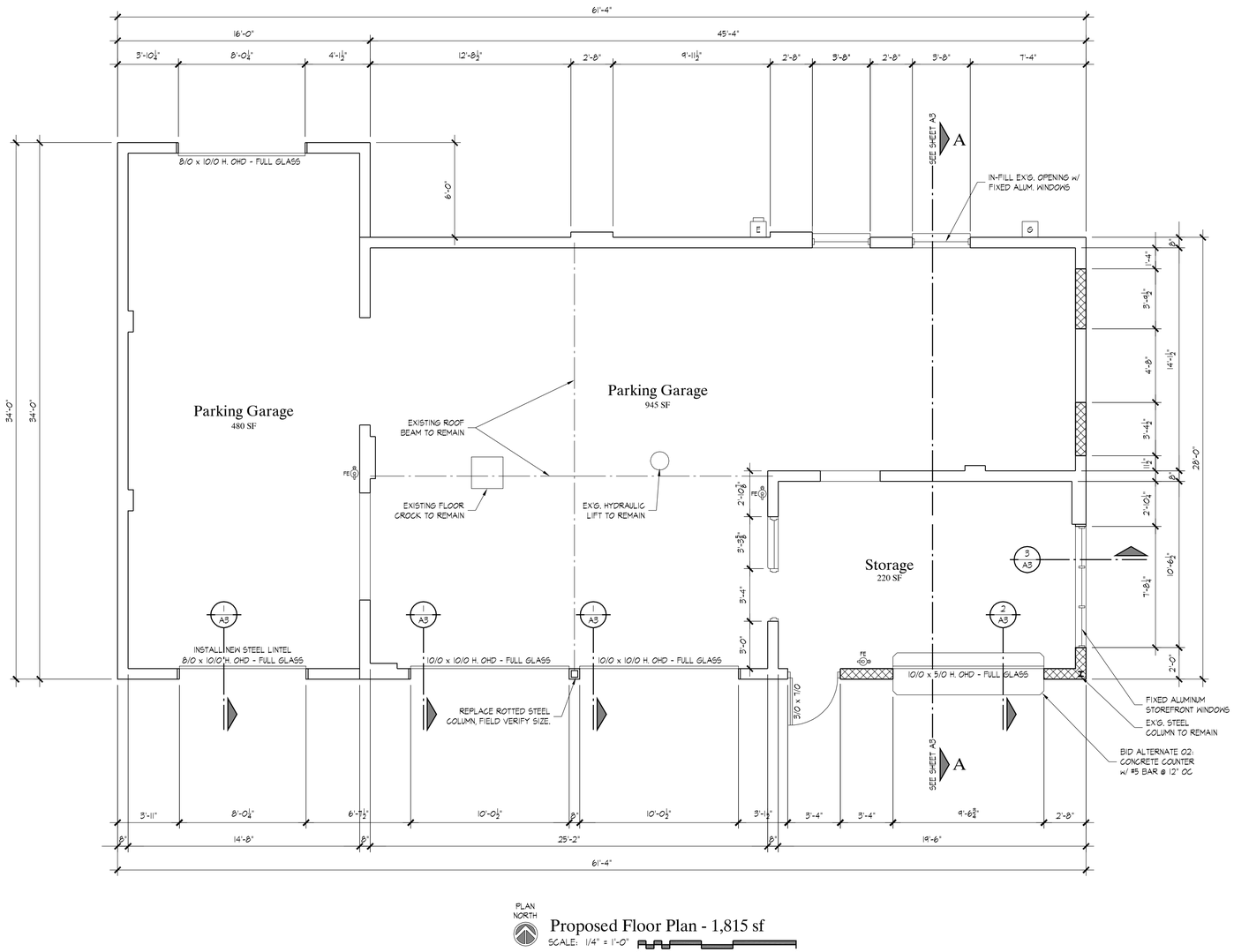
Plan Legend

- EXISTING WALLS TO REMAIN
- WALLS & ASSEMBLIES TO BE DEMOLISHED / REMOVED
- NEW WALL IN-FILL: 8" MASONRY BLOCK TO MATCH EXISTING.
- NEW DOOR (90 DEG. SWING)
- EXIG. DOOR (45 DEG. SWING)
- FE — PORTABLE FIRE EXTINGUISHER; EQ. TO KIDDIE PRO-SERIES 340, 3-A; 40-B, C RATED.



PLAN NORTH

Proposed Floor Plan - 1,815 sf

SCALE: 1/4" = 1'-0"

0 2 4 6 10

DRAWING TITLE: PROPOSED FLOOR PLAN

PROJECT TITLE: PROPOSED GARAGE RENOVATION FOR: LLOYD KELLEY, 743 PETOSKEY AVENUE - CHARLEVOIX, MICHIGAN

PROJECT NO.: 634-08-19

DATE: JAN. 29, 2020

SHEET: A1

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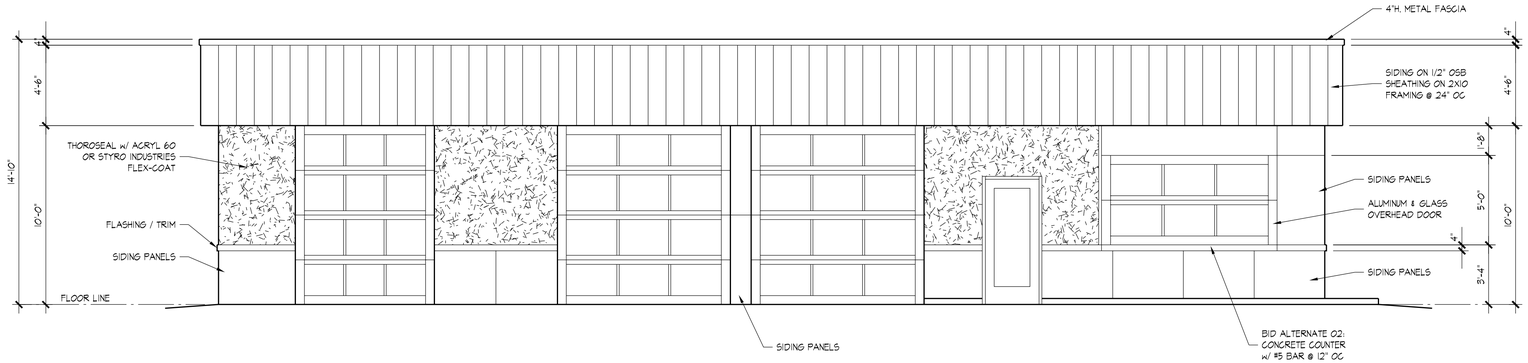
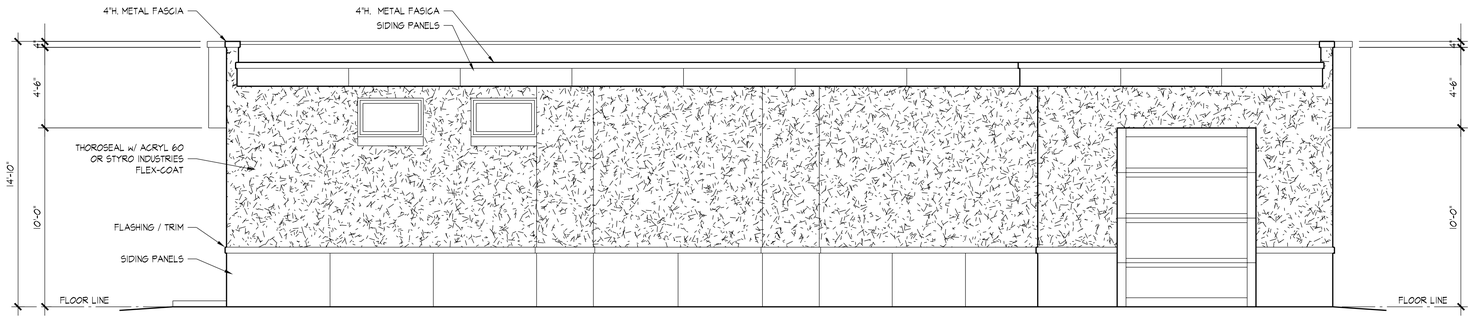


South Elevation

SCALE: 1/4" = 1'-0"

0 2 4 6 10



ADD ALTERNATE 01:
SIDING ON REAR ELEVATION, BASE BID IS THOROSEAL w/ ACRYL-60

North Elevation

SCALE: 1/4" = 1'-0"

0 2 4 6 10

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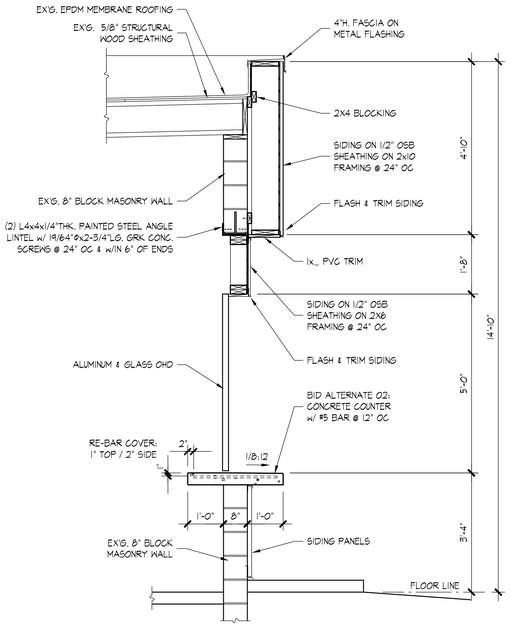
DRAWING TITLE: EXTERIOR ELEVATIONS

PROJECT TITLE: PROPOSED GARAGE RENOVATION FOR: LLOYD KELLEY
743 PETOSKEY AVENUE - CHARLEVOIX, MICHIGAN

PROJECT NO.: 634-08-19

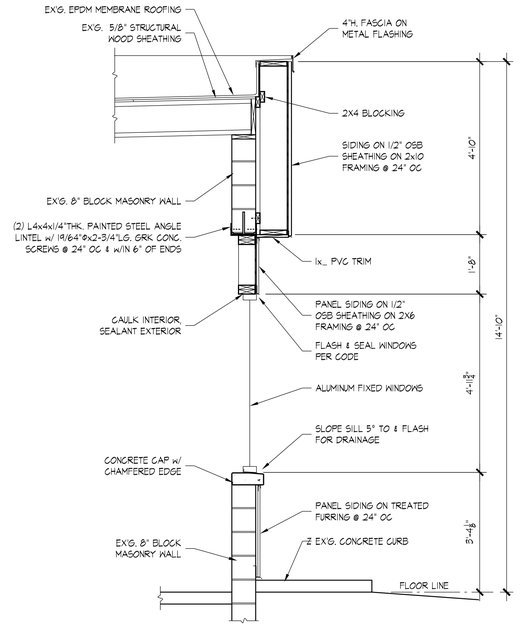
DATE: JAN. 23, 2020

SHEET: A2



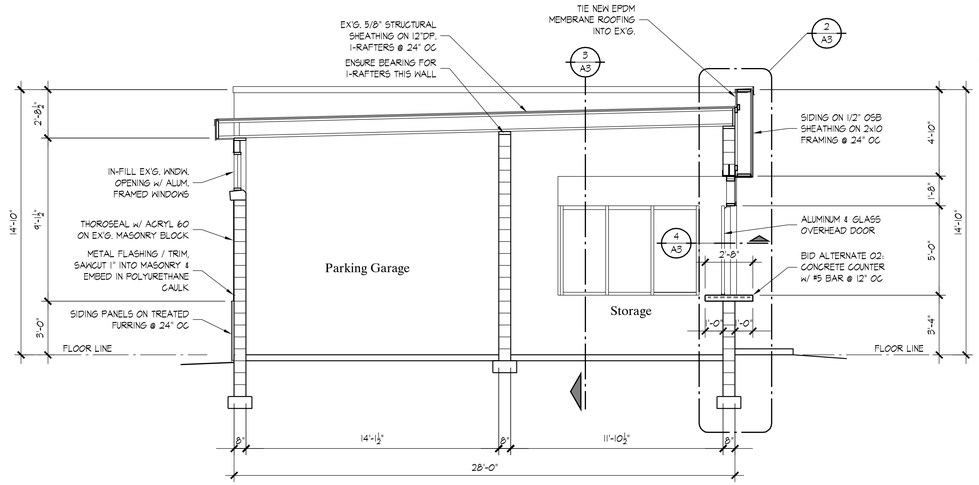
2/A3 Wall Section - thru OHD

SCALE: 1/2" = 1'-0"



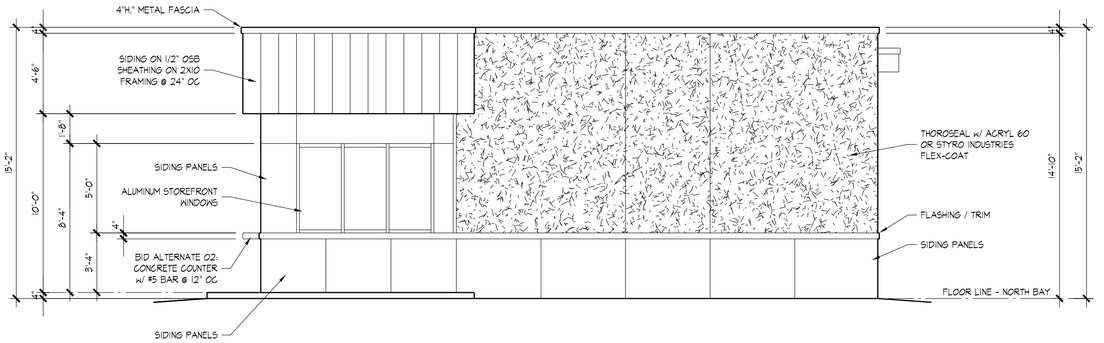
3/A3 Wall Section - thru windows

SCALE: 1/2" = 1'-0"



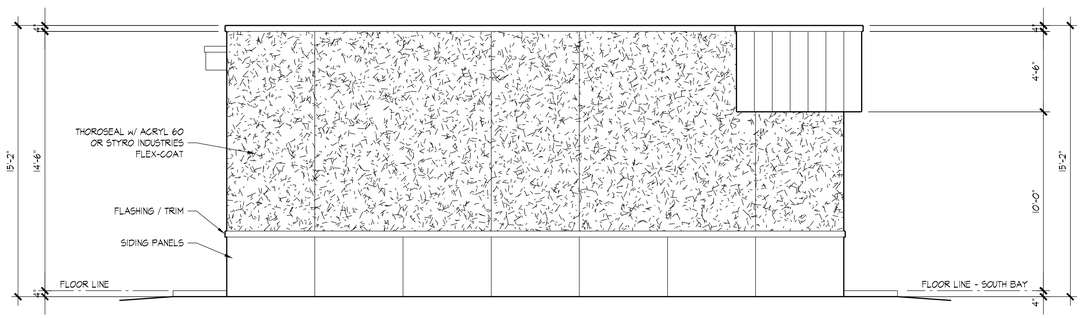
Building Section A-A

SCALE: 1/4" = 1'-0"



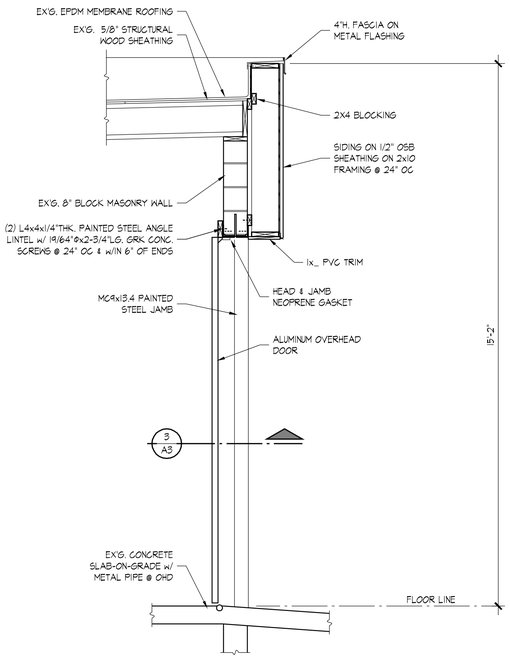
Left Elevation

SCALE: 1/4" = 1'-0"



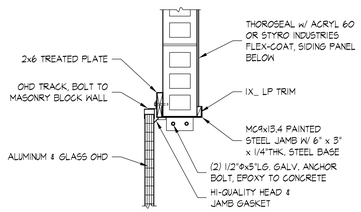
Right Elevation

SCALE: 1/4" = 1'-0"



1/A3 Wall Section - thru OHD's

SCALE: 1/2" = 1'-0"



4/A3 OHD Jamb Detail

SCALE: 3/4" = 1'-0"

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GAYLORD, MICHIGAN
www.trinityacme.com
866.845.6317 fax
989.448.4705 phone

DRAWING TITLE
EXTERIOR ELEVATIONS
BUILDING SECTION & DETAILS

PROJECT TITLE
PROPOSED GARAGE RENOVATION FOR:
LLOYD KELLEY
743 PETOSKEY AVENUE - CHARLEVOIX, MICHIGAN

PROJECT NO.
634-08-19

DATE
JAN. 29, 2020

SHEET
A3

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CITY OF
4CHARLEVOIX

PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	**Rezone Application. Project SPR 2024-02 743 Petoskey Ave**
HEARING DATE:	Monday, September 9, 2024, 6:00 PM
PRESENTED BY:	Jonathan Scheel Director Planning and Zoning

ATTACHMENTS:	**1. Application from the applicant** **2. Project file SPR 2024-02** **3. Downtown Charlevoix Futures** **4. City of Charlevoix Zoning Ordinance**

I: GENERAL INFORMATION:

Applicant: Stiggs Brewing Company
112 S. Park Street
Boyne City, MI 49720

Property Owner: JJ's Library LLC
2726 Bissonnet Ste. 240 PMB 12
Houston, TX 77005

Requested Action: Conditional Rezone from Multi-family (R4) to General Commercial (GC)

Current Zoning: Muti-family (R4)

Project Location: 743 Petoskey Ave.

Legal Description: In the City of Charlevoix, Michigan Commencing at the East one-quarter corner of Section 23, Township 34 North, Range 8 West; thence along the East and West one-quarter line as established by E.K. Robinson (County Surveyor), North 89º 55'52" West 842.82 feet (recorded as West 840.4 feet and measured 840.60 feet from D.C. Nettleton's East one-quarter corner); thence South 0°05'02" West (recorded as South) 31.90 feet to a¾" iron pipe; thence continuing South 0°05'02" West (recorded as South) 1.10 feet to a½" iron rod on the South line of Division Street; thence continuing South 0°05'02" West 237.73 feet to a½" iron rod, being the POINT OF BEGINNING; thence continuing South 0°05'02" West (recorded as South) 144.93 feet to a PK Nail on the North line of Petoskey Avenue (AKA Highway US-31); thence along said North road line South 69°01' 16" West 147.88 feet to a½" iron rod; thence North 0°05'01" East (recorded as North) 144.93 feet to a½" iron rod; thence parallel to the said North road line, North 69°01'16" East

147.88 feet to the Point of Beginning, being a part of Government Lot 4, Section 23, Township 34 North, Range 8 West and containing 20,000 square feet (0.459 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

Project Site Size: 21,432 + Square feet

Existing Land Use: Undeveloped with the exception of an existing small commercial building

Adjacent Land Uses: Multi Family to west. Public golf course to the south Single family to the east and undeveloped to the north.

Adjacent Zoning: Multi family to the west, north and east. Public to the south.

II. PROJECT DESCRIPTION/LOCATION:

This is a request for Site Plan Review of the front portion of the parcel at 743 Petoskey Ave. The request is

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 153.230 of the City of Charlevoix Zoning Ordinance.

III. TIMING AND AUTHORITY:

The Site Plan application was submitted on August 6, 2024.

IV. ZONING ORDINANCE

§ 153.237 STANDARDS FOR SITE PLAN APPROVAL.

A site plan shall be approved or approved with conditions, only upon a finding of compliance with the following standards:

(A) The site plan must comply with all standards of this section and all applicable requirements of this chapter, as well as with all other applicable city, county, state and federal 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.

(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 maximum extent possible.

(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.

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

(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:

(1) *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.

- *Site plan complies with requirements set forth in the City of Charlevoix Zoning Ordinance*

(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.

- *Vehicular and pedestrian circulation system is well defined, provides safe, convenient, and uncontested*
- *Parking Spaces- 14 total*
  - *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.*

(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)

   - *Proposed walkways are designed to safely take people from the parking lot to the building*

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

- *Proposed walkways are designed to safely separate people from moving vehicles.*

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

- *All walkways will be compliant with local, state and federal codes with no obstruction.*

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

- *Walkways are designed with 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.

- *Walkways are clearly distinguished from the parking and driving areas. Final material to be determined to provide low impact construction and improved stormwater runoff for the property.*

(2) *Storm water.* 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. The proposed project will meet the City of Charlevoix Storm Water Ordinance. Applicants are required to submit a grading and drainage plan, demonstrating stormwater can be contained and managed on the subject property if no municipal stormwater system exists. If a municipal stormwater 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 stormwater runoff. Applicants may be required to install stormwater management features to mitigate impacts to the municipal stormwater system.

- *While the current site has been status quo for decades, with municipal stormwater system on Petoskey Ave, any and ALL upgrades will take on low impact solutions such as rain gardens, swales and natural elements to providing a green stormwater infrastructure.*

(3) *Snow storage.* Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

- *Currently there is sufficient space on the east and west open spaces for snow storage.*

(4) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure the proposed uses will be adequately buffered from one another and from surrounding property.

- *There will be minimal impacts on landscaping on the front parcel. No trees will be removed, and very limited grading will take place to ensure proper drain way for water runoff. Any landscaping improvements will be low impact with natural plantings intended to improve the overall functionality, runoff collection and visual presentation.*

(5) *Screening.* Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with § 153.171 to shield residential properties from noise, headlights and glare.

- *Partial screening currently exists along the adjacent property to the west with carport and 8 ft fencing. Furthermore, the adjacent property to the east is lined with shrubbery, small trees and physical structures ranging in height from 8-25 ft.*

- *All future use of screening through natural plantings will be prioritized to lower the construction impact and industrial feel of the current commercial parcel.*

(6) *Lighting.* Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

- *Currently the property has limited exterior lighting except for the street lamp location on US-31, SE front corner of lot. Additional exterior lighting plan will be incorporated with reduction in light pollution as priority and reduction of lighting during non-business hours through down lighting, low light bulbs and sensors.*

(7) *Utility service.* All utility service shall be underground, unless impractical due to engineering difficulties.

- Current utility service is underground and will remain consistent with local codes and ordinances.

(8) *Exterior uses*. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, waste storage areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

- *All exterior uses listed above will be designed to have minimum negative impact on the adjacent properties and can be screened, if reasonably necessary, to ensure compatibility with surrounding properties.*

(9) *Emergency access*. All buildings and structures shall be readily accessible to emergency vehicles.

- *Current building is readily accessible to emergency vehicles.*

(10) *Water and sewer.* Water and sewer installations shall comply with all city specifications and requirements.

- *Water & Sewer is existing Municipal supply.*

(11) *Signs.* Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

Signage will be located in approved, permitted location in compliance with local ordinances

VI. PLANNING COMMISSION OPTIONS:

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

1. Approve SPR 2024-03 based on specific findings of fact that the application does meet the review criteria in Section 153.237
2. Approve with conditions SPR 2024-03 based on specific findings of fact that the application does meet the review criteria in Section 153.237
3. Deny SPR 2024-03 based on specific findings of fact that the application does not meet the review criteria in Section 153.237
4. Table SPR 2024-03 based on the need for additional information.

Charlevoix Planning Commission

Old Business

Title: Site Plan Review of 800 State Street Religious Facility (tabled from August 12, 2024 meeting)
Date: September 9, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

This Site Plan Review was originally reviewed at the August 12, 2024, Planning Commission meeting where it was tabled with a request for more information. The applicant has updated the application and drawings with additional information for review.

Recommendation:

Motion to Approve, Approve with Conditions, Deny, or Table

Attachments:

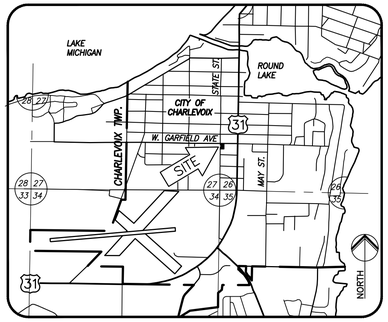
1. Encounter Set 9-4-24
2. Corporate Docs
3. Shared Parking Exhibit B 7-17-24
4. Parking Easement REV 7-17-24
5. Level B Site Plan Review 01-2024

ENCOUNTER CHARLEVOIX

800 STATE STREET

VICINITY MAP

SCALE: 1"=2000'



LEGEND

DESCRIPTION	PROPOSED	EXISTING
BUILDING		
STORM SEWER	ST	ST
SANITARY SEWER	SAN	SAN
WATER	W	W
NATURAL GAS	G	G
UNDRGRND ELEC.	U/E	U/E
OVERHEAD ELEC.	E	E
UNDRGRND TEL.	U/T	U/T
MANHOLE	ST W E	ST W E
CATCH BASIN		
FIRE HYDRANT		
CLEANOUT		
WATER VALVE		
DECIDUOUS TREE		
CONIFEROUS TREE		
BUSH		
TREELINE		
ELEVATION	000.00	000.00
CONTOUR	000	000
PROPERTY LINE		
FENCE	X X	X X

ABBREVIATIONS

ASPH	- ASPHALT	PVC	- POLYVINYLCHLORIDE
B/C	- BACK OF CURB	R	- RADIUS
BLDG	- BUILDING	RCP	- REINFORCED CONCRETE PIPE
B.M.	- BENCH MARK		
CFT	- CUBIC FEET	SAN	- SANITARY
CONC	- CONCRETE	STL	- STEEL
FDN	- FOUNDATION	STM	- STORM
FFE	- FINISH FLOOR ELEVATION	T/C	- TOP OF CURB
F.G.	- FINISH GRADE	T/W	- TOP OF WALK
IE	- INVERT ELEVATION	TE	- TOP/RIM ELEVATION
LFT	- LINEAR FEET	TYP	- TYPICAL

ZONING INFORMATION

PROPERTY DESCRIPTION: Lot 1 of Mason's Second Addition to the Village (now City) of Charlevoix, according to the recorded plat appertaining thereto

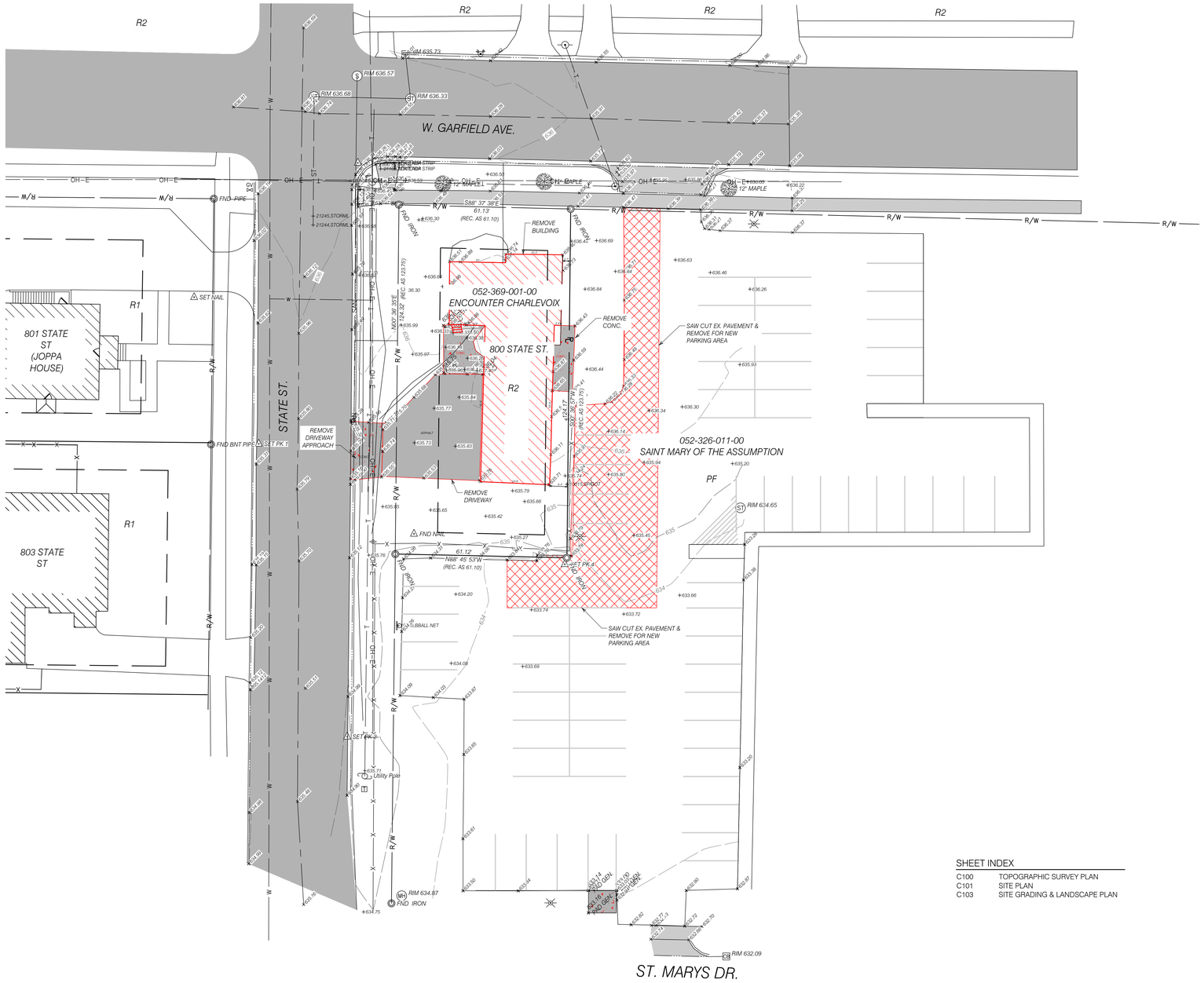
ZONING DISTRICT: R2 (MEDIUM DENSITY RESIDENTIAL)

STANDARD	REQUIREMENT	PROVIDED
MAXIMUM BUILDING HEIGHT:	26 FEET*	26 FEET
MINIMUM BUILDING WIDTH:	20 FEET	32 FEET
MINIMUM FRONT YARD:	15 FEET	15 FEET
MINIMUM INTERIOR SIDE YARD:	8 FEET	8 FEET
MINIMUM STREET SIDE YARD:	15 FEET	15 FEET
MINIMUM REAR YARD:	25 FEET	NA
MINIMUM LOT WIDTH	50 FEET	61.10 FEET
MINIMUM LOT AREA	6,000 SQ. FT.	7,561 SQ. FT.
MAXIMUM LOT COVERAGE	40% / 50%**	49%

*BUILDING HEIGHT LIMITATION NOT APPLICABLE TO CHURCH USE
**LOT COVERAGE INCREASE TO 50% ALLOWED WITH LANDSCAPING REQUIREMENTS

NOTES

1. BOUNDARY SURVEY PROVIDED BY FERGUSON & CHAMBERLAIN ASSOC.
2. ENCROACHMENTS DEPICTED BASED ON SURVEY DATA, NOT VERIFIED BY PEI.
3. SURVEY REFERENCE BASE IS THE STATE PLANE COORDINATE SYSTEM, MICHIGAN CENTRAL, ELEVATION REFERENCE IS NAD 1983.
4. UTILITIES MARKED BASES ON VISUAL EVIDENCE, PEI MAKES NO WARRANTY OR OPINION AS TO ACCURACY. ALL EXCAVATION WORK MUST CALL THE 811 "MISS DIG" SYSTEM TO LOCATE UTILITIES, AS REQUIRED BY LAW.
5. TRASH SHALL BE MANAGED THROUGH INDIVIDUAL SERVICE TOTE.
6. LOT COVERAGE CALCULATED AS FOLLOWS:
   TOTAL IMPERVIOUS = 3,292 SF (BLDG) + 384 SF (SIDEWALK) = 3,676 SF
   COVERAGE = 3,676 SF (IMPERVIOUS) / 7,561 SF (SITE) = 49%



SHEET INDEX

C100	TOPOGRAPHIC SURVEY PLAN
C101	SITE PLAN
C103	SITE GRADING & LANDSCAPE PLAN

EXISTING SITE
1":20'

0 20' 40'
GRAPHIC SCALE

NORTH

Performance Engineers, Inc.
Civil / Structural Engineering
406 Petoskey Avenue Charlevoix, Michigan 49720
Phone: (231) 547-2121 Fax: (231) 547-0084
www.performanceeng.com

CONSULTANTS

OWNER
ENCOUNTER CHARLEVOIX
800 STATE ST. CHARLEVOIX, MI 49720

ENCOUNTER CHARLEVOIX
ST. MARY CAMPUS
CHARLEVOIX, MICHIGAN

MARK	DATE	DESCRIPTION
0	11-3-2023	ORIGINAL ISSUE
1	05-20-2024	REZONING SUBMITTAL
2	07-30-2024	SITE PLAN SUBMITTAL
3	09-04-24	REVISED PER PC COMMENTS

PROJECT NO:	23-6234
CAD DWG FILE:	6234 BASE.DWG
DRAWN BY:	BAB
DESIGNED BY:	-
CHECKED BY:	AEN

SEAL

STATE OF MICHIGAN
AARON E. NORDMAN
ENGINEER
No. 49600
PROFESSIONAL ENGINEER

SHEET TITLE

TOPOGRAPHIC SURVEY PLAN

C-100

SHEET 1 OF 3

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C:\USERS\AARONNORDMAN\PERFORMANCE ENGINEERS\PERFORMANCE ENGINEERS - PROJECTS\6234\DRAWINGS\6234 BASE.DWG, V-100, PLOTTED 9/5/2024 11:00 AM BY AARON NORDMAN

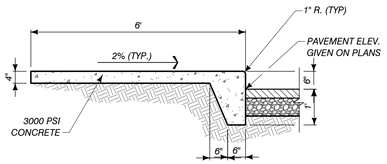
PROJECT NARRATIVE

THE ENCOUNTER CHARLEVOIX DEVELOPMENT IS INTENDED TO PROVIDE A BUILDING SPACE FOR WORSHIP, SMALL GROUP MEETINGS, AND COMMUNITY ENGAGEMENT THROUGH THE ENCOUNTER MINISTRY PROGRAM, WHICH IS A 501(c)(3) NON-PROFIT ORGANIZATION. THIS MINISTRY IS CURRENTLY BEING OFFERED WITHIN THE ST. MARY PARISH BUILDING, BUT THE ENCOUNTER TEAM DESIRES TO HAVE A MORE FUNCTIONAL SPACE FOR THESE ACTIVITIES.

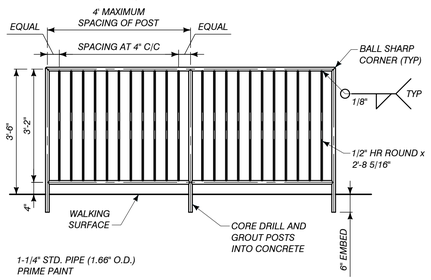
THE ENCOUNTER FACILITY WILL BE A 3,292 SF BUILDING, TWO STORIES WITH A BASEMENT. THE BUILDING WILL BE MADE OUT OF SHIPPING CONTAINERS THAT ARE CLAD WITH SIDING FOR THE APPEARANCE OF TRADITIONAL CONSTRUCTION SO THAT IT BLENDS IN WITH THE SURROUNDING ST. MARY'S CAMPUS AND RESIDENTIAL NEIGHBORHOOD.

THE BUILDING WILL HAVE AN ASSEMBLY SPACE FOR SEATING OF UP TO 70 PEOPLE. BASED ON THE ZONING REQUIREMENTS, THIS RESULTS IN 14 REQUIRED PARKING SPACES. TWO ADDITIONAL SPACES ARE ALLOCATED FOR STAFF, RESULTING IN A TOTAL OF 16 REQUIRED PARKING SPACES. THE PARKING SPACES WILL BE PROVIDED THROUGH A SHARED PARKING AGREEMENT WITHIN THE ST. MARY PARISH PARKING LOT.

THERE IS NO PROPOSED OUTDOOR LIGHTING OTHER THAN BUILDING MOUNTED LIGHTS AT ENTRY POINTS. A PROPOSED SIGN LOCATION HAS BEEN IDENTIFIED, HOWEVER, DETAILS PERTAINING TO THE SIGN HAVE NOT BEEN FINALIZED AT THIS TIME.



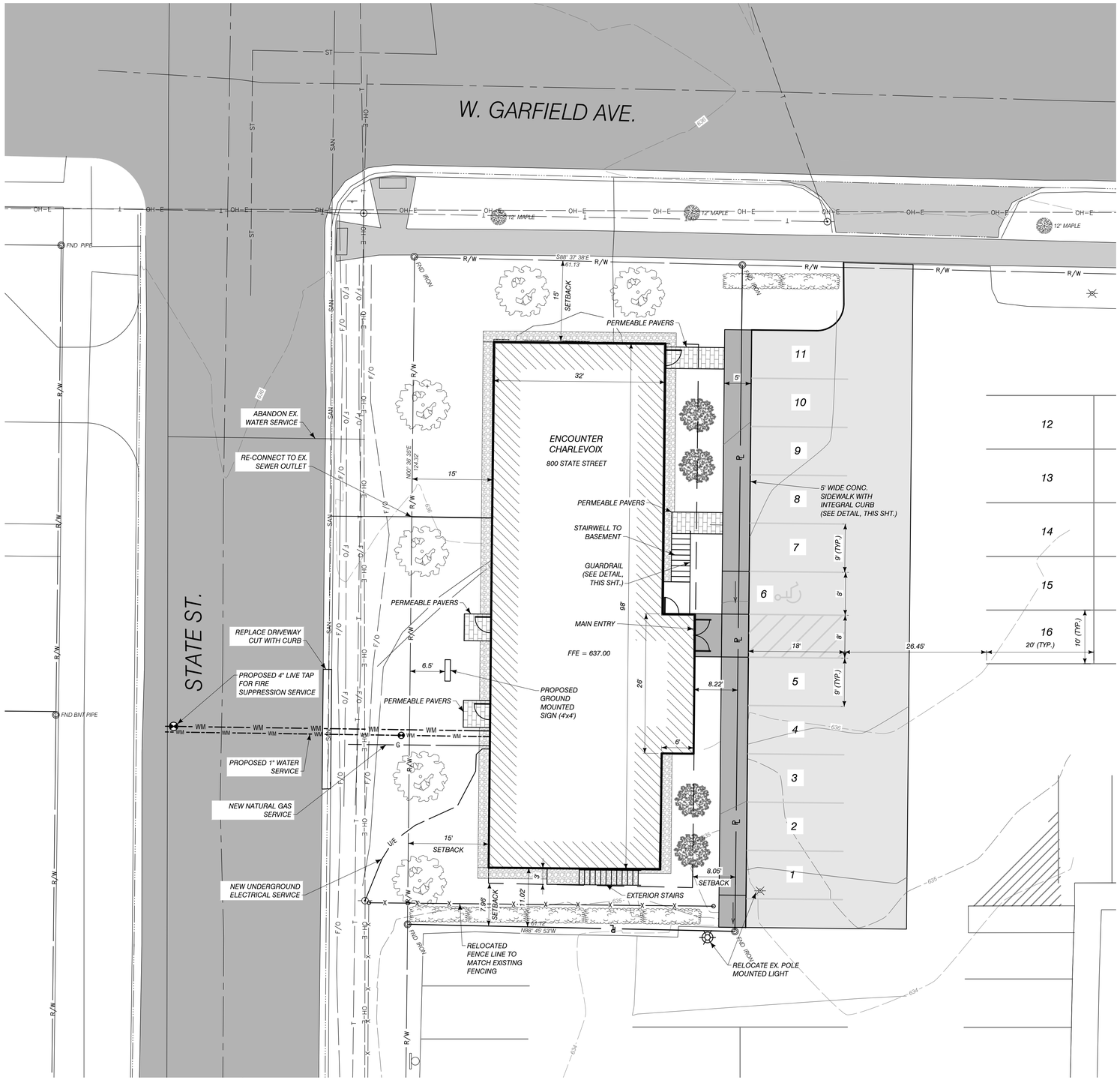
INTEGRAL SIDEWALK/CURB DETAIL
1/2":1'



TYPICAL GUARDRAIL SECTION
1/2":1'

NOTES

1. *ALL DISTURBED AREA THAT IS NOT TO RECEIVE PAVEMENT OR STRUCTURES SHALL BE RESTORED WITH 3" OF TOPSOIL SEED AND MULCH FOR ESTABLISHMENT OF A LAWN SURFACE.*
2. *ALL PROPOSED PARKING DELINEATION SHALL BE STRIPED IN BLUE FOR ADA SPACES OR WHITE FOR GENERAL PARKING. ADA PARKING SHALL BE SIGNED IN ACCORDANCE WITH APPLICABLE REGULATIONS.*
3. *RELOCATION OF THE EXISTING POLE MOUNTED LIGHT SHALL BE DONE TO MAINTAIN THIS LIGHT ON THE OVERALL ST. MARY PARKING LOT LIGHTING CIRCUIT. CONTRACTOR TO INSTALL JUNCTION BOX AS NECESSARY, INCIDENTAL TO THE RELOCATION OF THE LIGHT.*
4. *THE PROPOSED RELOCATION OF THE FENCING ON THE SOUTHERLY END OF THE PROPERTY SHALL BE COORDINATED WITH THE ST. MARY SCHOOL TO ENSURE ALIGNMENT WITH FUTURE FENCING PLAN.*
5. *THE PROPOSED WATER CONNECTIONS FOR FIRE SUPPRESSION AND DOMESTIC SERVICE ARE TO BE COORDINATED WITH THE CITY OF CHARLEVOIX.*



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Civil / Structural Engineering
406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0084
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CONSULTANTS

ENCOUNTER CHARLEVOIX

ST. MARY CAMPUS
CHARLEVOIX, MICHIGAN

OWNER
ENCOUNTER CHARLEVOIX
800 STATE ST.
CHARLEVOIX, MI 49720

MARK	DATE	DESCRIPTION
0	--	NOT ISSUED
1	5-20-2024	REZONING SUBMITTAL
2	7-30-2024	SITE PLAN SUBMITTAL
3	9-04-2024	REVISED PER PC COMMENTS

PROJECT NO:	23-6234
CAD DWG FILE:	6234 SITE.DWG
DRAWN BY:	BAB
DESIGNED BY:	PEI
CHECKED BY:	AEN

SEAL

SHEET TITLE

SITE PLAN

C-101

SHEET 2 OF 3

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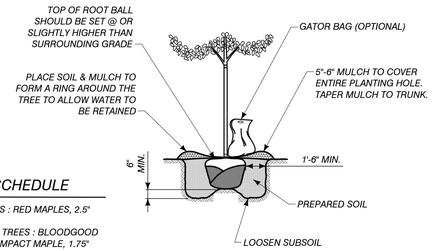
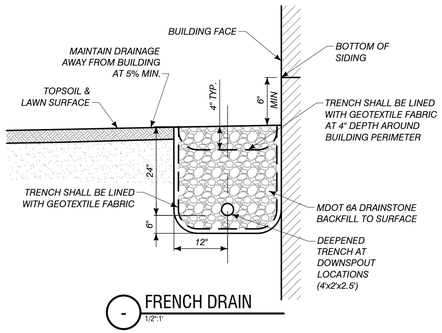


PLANTING SCHEDULE

(6) CANOPY TREES : RED MAPLES, 2.5" CALIPER
(4) ORNAMENTAL TREES : BLOODGOOD JAPANESE COMPACT MAPLE, 1.75" CALIPER
(10) WINTERGREEN BOXWOOD, 2.5'-3' TALL, SPACED APPROX. 2' O.C. FOR 20' SCREENING HEDGEROW
(23) DWARF BURNING BUSH SHRUBS

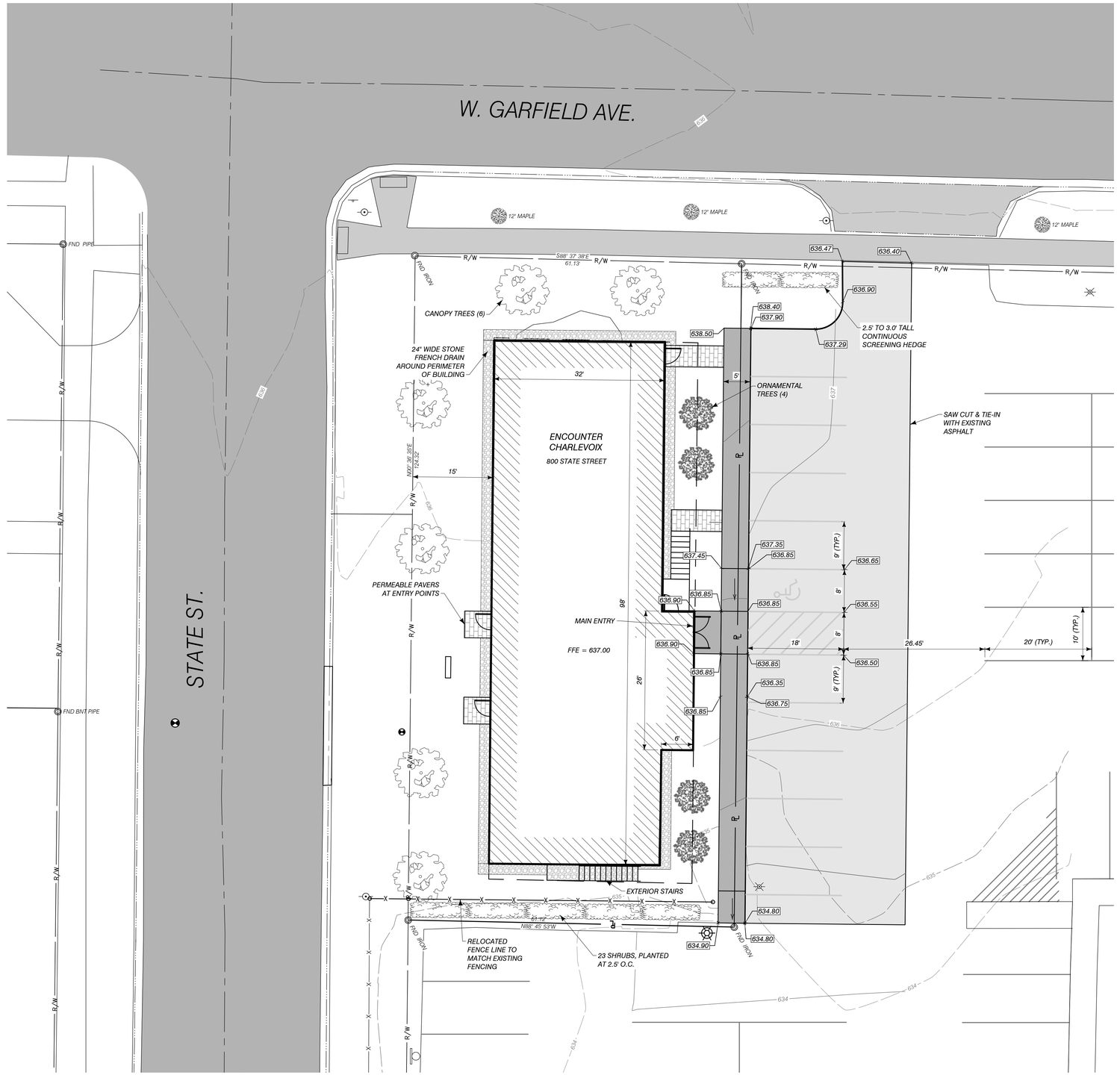
TREE PLANTING DETAIL
1/4"-1'



FRENCH DRAIN
1/2"-1'

NOTES

1. THE LANDSCAPING REQUIREMENTS PROPOSED ARE BASED ON 184' OF FRONTAGE FOR A NON-RESIDENTIAL USE IN A RESIDENTIAL DISTRICT. THIS REQUIRES (6) CANOPY TREES AND EITHER (2) EVERGREEN OR (4) ORNAMENTAL TREES.
2. ADDITIONALLY, A 2.5' TO 3' SCREENING HEDGE HAS BEEN PROVIDED FOR THE NEW PARKING AREA FRONTING ALONG GARFIELD STREET.
3. THERE IS A PERIMETER FRENCH DRAIN PROPOSED AROUND THE BUILDING THAT WILL COLLECT RUNOFF FROM ROOF DRAINS AND PROVIDE INFILTRATION AREA WITH A POSITIVE OUTLET TO THE SOUTHEAST THAT WOULD ULTIMATELY DRAIN BACK TO THE PARKING LOT STORM SYSTEM.
4. THE PARKING LOT RE-WORK AND EXPANSION WILL DRAIN INTO THE EXISTING ST. MARY PARKING LOT DRAINAGE SYSTEM.



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ENCOUNTER CHARLEVOIX

ST. MARY CAMPUS
CHARLEVOIX, MICHIGAN

OWNER
ENCOUNTER CHARLEVOIX
800 STATE ST. CHARLEVOIX, MI 49720

MARK	DATE	DESCRIPTION
0	--	NOT ISSUED
1	5-20-2024	REZONING SUBMITTAL
2	7-30-2024	SITE PLAN SUBMITTAL
4	9-04-2024	REVISED PER PC COMMENTS

PROJECT NO:	23-6234
CAD DWG FILE:	6234 SITE.DWG
DRAWN BY:	BAB
DESIGNED BY:	PEI
CHECKED BY:	AEN

SEAL

SHEET TITLE

SITE GRADING & LANDSCAPE PLAN

C-102

SHEET 3 OF 3

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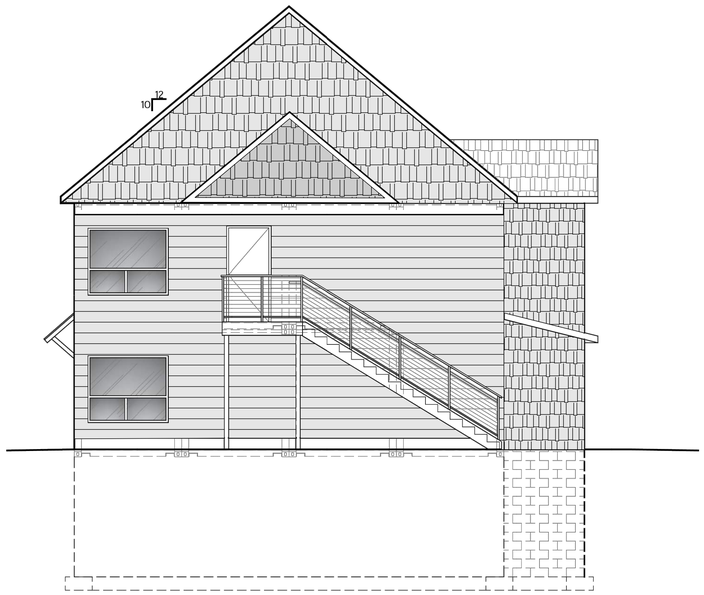
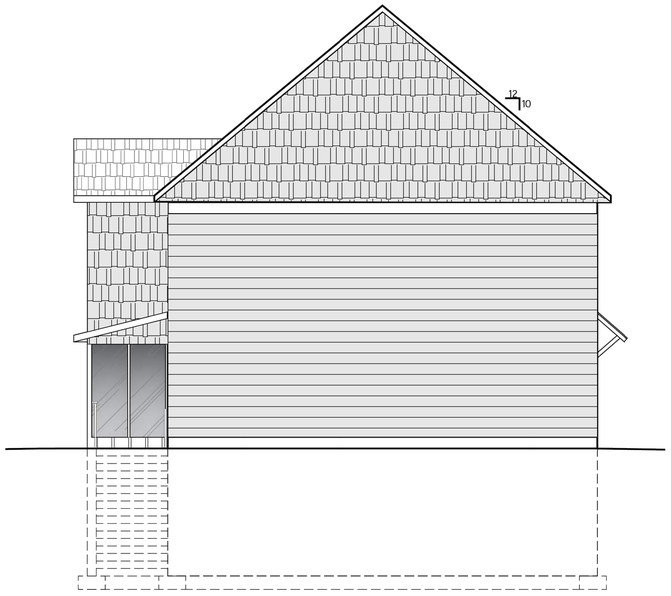


South Elevation

SCALE: 3/16" = 1'-0"

East Elevation

SCALE: 3/16" = 1'-0"



North Elevation

SCALE: 3/16" = 1'-0"

West Elevation

SCALE: 3/16" = 1'-0"

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

SEAL:

ARCHITECT:
BRADFORD W. POTTER

PROJECT MANAGER:
BURTON CARDWELL

PROJECT No.: .

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

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

SHEET TITLE:
Building Elevations, Notes, and Details

SHEET No.:
A-2.1

Form Revision Date 07/2016

ARTICLES OF INCORPORATION

For use by DOMESTIC NONPROFIT CORPORATION

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

ENCOUNTER CHARLEVOIX

ARTICLE II

The purpose or purposes for which the corporation is formed are:

Religious formation

ARTICLE III

The Corporation is formed upon Non Stock basis.

If formed on a stock basis, the total number of shares the corporation has authority to issue is

If formed on a nonstock basis, the description and value of its real property assets are (if none, insert "none"):

none

The description and value of its personal property assets are (if none, insert "none"):

none

The corporation is to be financed under the following general plan:

donations

The Corporation is formed on a Directorship basis.

ARTICLE IV

The street address of the registered office of the corporation and the name of the resident agent at the registered office (P.O. Boxes are not acceptable):

1. Agent Name: KERRY KEYSER
2. Street Address: 1003 BRIDGE ST.
   Apt/Suite/Other:
   City: CHARLEVOIX
   State: MI Zip Code: 49720

3. Registered Office Mailing Address:
   P.O. Box or Street Address: 219 WHITTIER AVE
   Apt/Suite/Other:
   City: CHARLEVOIX
   State: MI Zip Code: 49720

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
KERRY KEYSER	219 WHITTIER AVE, CHARLEVOIX, MI 49720 USA

Signed this 16th Day of June, 2022 by the incorporator(s).

Signature	Title	Title if "Other" was selected
Kerry Keyser	Incorporator	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

○ Decline ◉ Accept

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

FILING ENDORSEMENT

This is to Certify that the ARTICLES OF INCORPORATION

for

ENCOUNTER CHARLEVOIX

ID Number: 802872572

received by electronic transmission on June 16, 2022 ***, is hereby endorsed.***

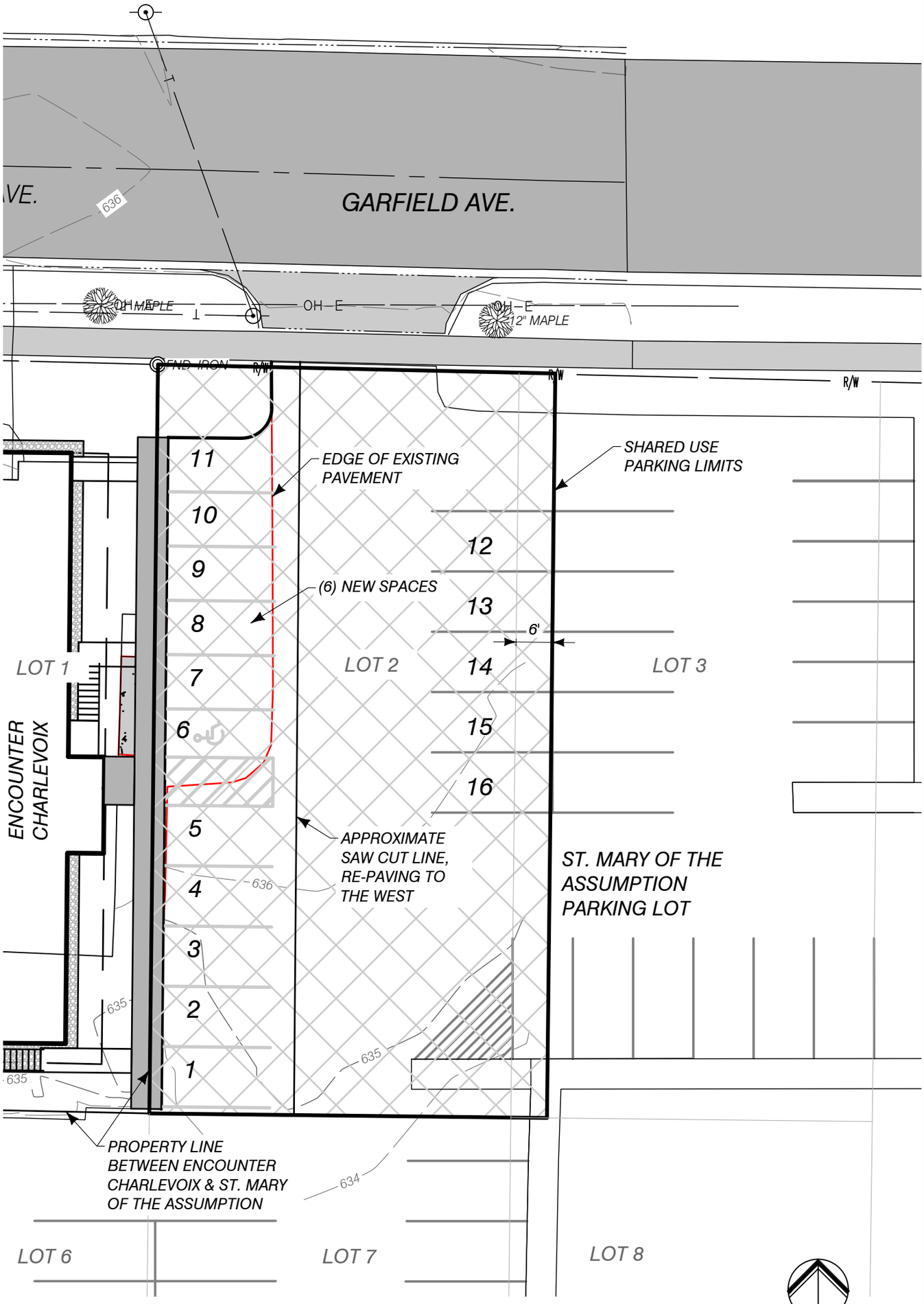
Filed on June 17, 2022 ***, by the Administrator.***

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 17th day of June, 2022.

Linda Clegg, Director

Corporations, Securities & Commercial Licensing Bureau



NOTES:

1. ENCOUNTER CHARLEVOIX TO CONSTRUCT PARKING SPOTS 1-11 AND SIDEWALK AS SHOWN.
2. THE AREA CURRENTLY HAS 5 PARKING SPOTS, SO THE NEW CONSTRUCTION WILL ADD 6 SPOTS TO THE ST. MARY PARKING LOT, AND THEN SHARE 16 TOTAL PARKING SPACES WITH ENCOUNTER CHARLEVOIX.

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

PROJECT: ENCOUNTER CHARLEVOIX

DRAWING: SHARED PARKING AGREEMENT

Performance Engineers, Inc.
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.

CITY OF CHARLEVOIX

PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	**Level B Site Plan Review 2024-1 SPR: 800 State Street**
PUBLIC MEETING DATE:	**~~August 12, 2024~~, September 9, 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.**

I. GENERAL INFORMATION: *Changes from August 12, report are in red*

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

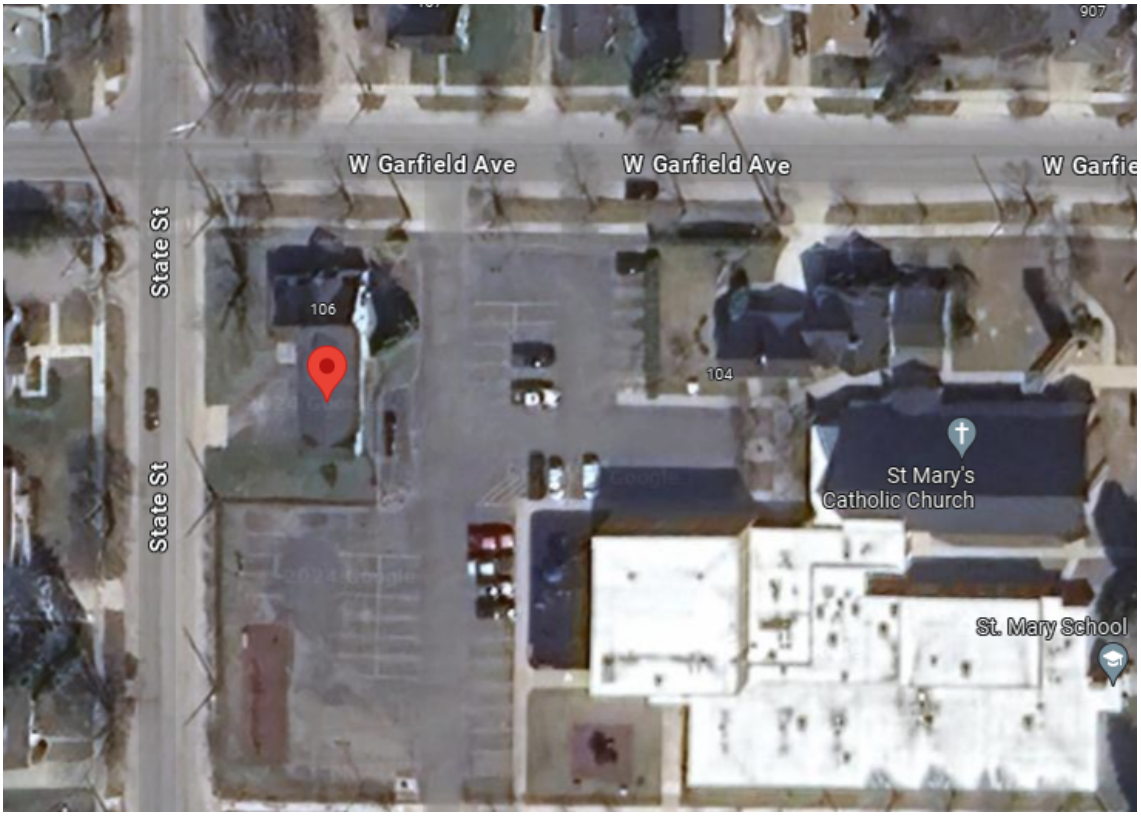
Adjacent Land Uses: Adjacent property is church/religious campus. Across street north, residential. Across street west, woman's shelter

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



Subject property Google Earth 2022

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

Required Information	Level "B"
General Information	
Date, north arrow and scale	X
Name and firm address of the professional individual responsible for preparing the site plan	X
Name and address of the property owner or petitioner	X
Location sketch	X
Legal description of the subject property	X
Size of subject property in acres or square feet	X
Boundary survey	X
Preparer's professional seal	X
Revision block (month, day and year)	X
Existing Conditions	

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

Proposed Development

Location and dimensions of all proposed buildings	X
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	X
Setbacks for all buildings and structures	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use	NA
Flood plain areas and basement and finished floor elevations of all buildings	X
Landscape plan (showing location of proposed materials, size and type)	X
Layout and typical dimensions of proposed parcels and lots	NA
Number of proposed dwelling units (by type), including typical floor plans for each type of unit	NA
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units	NA
All deed restrictions or covenants	X
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	X

Engineering

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

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

Building Details

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

(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

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

[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)

Plan shows walkway from parking lot to the main entrance.

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

No sidewalks on public streets are shown

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

Meets standard

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

Meets standard

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.

Meets standard

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. The shared parking agreement has been shared with the City Attorney for his review.

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.

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

Churches and customary related uses
1 space per 5 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 14 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. City Attorney is reviewing the agreement.
(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

Old Business

Title: Commercial Mixed Use Standards

Date: September 9, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The Planning Commission has requested potential changes in allowed uses, minimum lot size and setbacks in the Commercial Mixed Use Zoning District. Attached are draft recommendations for Planning Commission review.

Recommendation:

Review, discuss and motion to se a public hearing

Attachments:

1. Mixed Use District changes

Recreation facility/Athletic courts Indoor

Our current Zoning Ordinance Table 153.086 allows indoor recreation facilities in GC, CBD, and Industrial. The ordinance also allows Outdoor recreation facilities in Scenic Reserve, Commercial Mixed Use, and Industrial by a Special Use Permit. It has been asked that indoor recreational facilities be allowed in CM. While having this discussion it might be the time to also add outdoor and indoor recreational facilities as a use allowed in the Public District. The City currently has multiple recreational facilities in city parks throughout the city.

Public garages, parking lots/structures as a principal use

Table 153.086 allows parking lots as a principle use only in the Central Business District and the Public District of the city. 153.186 does not require off-street parking in the Central Business District. Because of this, there is a need for parking spaces in some individual instances (because of legal nonconforming businesses and other changes)

Our current Zoning Ordinance 153.187 (G) states minimum parking space requirements shall not be exceeded unless approved by the Planning Commission based on documented evidence that additional spaces are required to accommodate parking demand on a typical day.

It is the goal of the City to minimize hard surfaces throughout the city for protection of our waters, lower our cost to provide storm drainage systems and to generally beautify the city. With this in mind it makes sense to allow unused or under-utilized parking areas to be shared for other uses or properties. The Zoning Ordinance allows and promotes shared parking agreements. With this in mind, allowing excess parking to be "rented" to others, would free up the need for additional parking lots, especially in areas in the city with the most need for additional parking.

This could be done with a simple permitting process where the Zoning Administrator would review the existing business, calculate the required parking per the current Zoning Ordinance and then permit any extra parking to be used as "rental parking".

Sample language could be;

153.187 (I) Any additional parking spaces beyond the required minimum/maximum on a legal nonconforming nonresidential property could be shared, leased or allowed to be used by others with a permit issued by the Zoning Administrator.

This following language is in our recent CMU overlay District Ordinance

Minimum Lot size: 6,000 sq ft.

Setbacks:

Front Arterial street 15', Local street 15'

(1) Front and street side setbacks may be reduced to 10 feet with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 10-foot-wide sidewalk is provided.

(2) Street side setbacks may be reduced to 10 feet for 2 story buildings and 10 feet for 3 story buildings with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 6-foot-wide sidewalk is provided.

(3) Commercial and mixed-use development on land that abuts a residential district will be designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed;

4. Build-to Line. Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. Portions of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk and public areas. This requirement may be modified or waived by the Planning Commission upon finding that:

a. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;

b. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or

c. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.

Side and rear setbacks: Zero lot line commercial, residential existing R-1 and R-2 regulations

Add adjacent to residential zero if maintenance agreement is completed with residential property owner or 6 feet if not.

5. Required Side and Rear Yards for Residential Uses. In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.

a. For any wall containing windows, a setback of at least 5 feet shall be provided.

b. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.

c. For any wall containing a living room or other primary room windows, a setback of at least 10 feet shall be provided.

d. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.

Reviewing the above regulations that are included in the recent overlay district ordinance changes that includes all CM parcels south of the bridge and the eight parcels in the 100 block of Michigan Ave, it might behoove us to adopt similar or the same regulations for Table 153.087 Dimensional Requirements, Non-Residential and Mixed Use Districts.

The only CM parcel that the CMU Corridor regulations didn't apply to was business The Back Lot on Ferry Ave. I don't believe changing the regulations to the above would negatively affect that parcel.

Charlevoix Planning Commission

Staff Updates

Title: Zoning Administrator Report
Date: September 9, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:
August 2024 Zoning Administrator Report

Recommendation:

Attachments:
1. ZA Report to PC 2024-8

CITY OF CHARLEVOIX

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

Permits Issued in 2024

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

By month		By type	
January	6	Banner permits	34
February	4	Fence permits	15
March	10	Sidewalk café/use	9
April	20	Sign	5
May	18	Zoning	25
June	15	Use	4
July	8	Parcel Division	2
August	15		
September			
October			
November			
December			

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

Central Business District (CBD)	4
Commercial Mixed (CM)	4
General Commercial (GC)	1
Industrial	
Marine Commercial (MC)	1
Residential Private Club (PC)	
Public Facilities	
R-1	19
R-2	11

Other activities

Lots and lots of enforcement actions. Numerous fines and 6 cases going to court due to no response or limited response to problems.

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

800 State Street Religious/Church

Variances to Zoning Board of Appeals

1209 Bridge Street Two side yard variances Denied

CITY OF CHARLEVOIX