

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