

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, September 9, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Chair Muladore followed by the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore

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

Members Absent: None

Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes from August 12, 2024 Planning Commission Meeting

Motion by Member Felter, seconded by Member Boehmer to approve the minutes of August 12, 2024 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Conditional Rezone of a portion of 743 Petoskey Avenue

Director Scheel reviewed the staff report, findings of fact and explained the conditional rezoning request for property located at 743 Petoskey Avenue from Multi-Family (R-4) to General Commercial (GC). Mr. Scheel stated the project meets setbacks and height requirements and that all aspects must meet general commercial zoning.

Chair Muladore opened the public hearing at 6:06 p.m.

Shirley Gibson asked to minimize the impact in a heavy residential area. Ms. Gibson stated the project met the Master Plan, commercial as well as residential on a main street, but not in a neighborhood.

Scott Leader questioned why he did not receive a public hearing notice and Director Scheel explained the process.

Kristin Leader, 650 Division Street, stated that she lived within 100' from the site and didn't receive the letter. Ms. Leader stated her traffic concerns and she questioned the noise level.

The public hearing was closed at 6:12 p.m.

Further discussion followed among the Planning Commission members, staff and the applicants.

Motion by Member Kurtz, seconded by Member Boehmer to table this item until later in the meeting.

Motion passed by unanimous voice vote.

2. Proposed changes to 153.172 Lighting of the City of Charlevoix Zoning Ordinance

Director Scheel explained the proposed changes to the lighting ordinance which was intended to more effectively eliminate glare, protect the night sky, and eliminate light pollution.

The public hearing was opened and closed. There were no public comments.

Motion by Member Beatty, seconded by Member Boehmer to send the proposed lighting ordinance to the City Attorney and City Council with recommendation of approval.

Motion carried by unanimous voice vote.

H. New Business

1. Site Plan Review 743 Petoskey Ave Small Brewery

Director Scheel reviewed the standards for site plan approval (Section 153.237, Zoning Ordinance). Mr. Scheel began a review of each of the standards. Mr. Scheel answered questions from the Commission.

(1) Traffic circulation.

(a) Site plan complies with requirements set forth in the Zoning Ordinance.

(b) Vehicular and pedestrian circulation.

- 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.

Director Scheel stated the site was very self-limiting and the R-4 property behind the brewery should not become overflow parking. The Commission could request some type of barrier between the two zoning districts, which would be a condition of approval.

Member Boehmer questioned if there was going to be a sidewalk buffer area between the street and the seating area. Director Scheel stated that there was an existing sidewalk, and he also spoke with the applicant that right now there were two (2) entrances and fewer curb cuts on highways was safer, and the applicants agreed to block off the circular drive out front and only use that for deliveries.

(c) Walkways from parking areas to building entrances.

1. Proposed walkways are designed to safely take people from the parking lot to the building.
2. Proposed walkways are designed to safely separate people from moving vehicles.
3. All walkways will be compliant with local, state and federal codes with no obstruction.
4. Walkways are designed with Michigan Barrier Free Design Standards.
5. Walkways are clearly distinguished from parking and driving areas. Final materials are determined to provide low impact construction and improved storm water runoff for the property.

(2) Storm water.

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

(3) Snow storage.

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

(4) Landscaping.

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

(5) Screening.

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

- Currently, the property has limited exterior lighting except for the streetlamp location on US-31, SE the front corner of the 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.

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

(8) Exterior uses.

- 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.

- Current building is readily accessible to emergency vehicles.

(10) Water and sewer.

- Water & Sewer is existing Municipal supply.

(11) Signs.

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

Chair Muladore stated that according to the Planning & Zoning Enabling Act on a site plan review if they determine that the site plan meets the standards as were just read then the Commission must approve it.

Motion by Member Beatty, seconded by Member Felter to approve with conditions SPR 2024-03 based on specific findings of fact that the application does meet the review criteria in Section 153.257 as read by Director Scheel.

Chair Muladore stated that the conditions would be:

- That a fence or buffer following Section 153.171 of the Zoning Ordinance to protect the neighboring property to the north and east from traffic, lights, and impact as administered by Director Scheel.

- To ensure that access to the remaining R-4 portion of the property (residential area) will be blocked and not allowed to be used for parking or event overflow.

Member Radke questioned the possibility of access from the rear of the property. Director Scheel stated that because the applicants are working closely with the owner of the property, they would get permission from the owner of the entire property to both add signage that vehicles can be towed, then both the owner and the police could tow illegally parked vehicles.

Director Scheel stated that now the Commission needed to re-open the discussion on the conditional rezone of the property. Mr. Scheel gave a quick review of the history of the property. Mr. Scheel stated the Commission needed to go through similar Findings of Fact for the conditional rezoning and proceeded to review Section 153.007, Conditional Zoning of the Zoning Code.

Motion by Member Radke, seconded by Member Felter to recommend to the City Council that they approve SPR-2024-03 for a conditional rezone of the property located at 743 Petoskey Avenue from Multi-Family (R-4) to General Commercial (GC) in accordance with Subsection (D)(1) of Section 153.007 Conditional Rezoning based on specific findings of fact that the application does meet the review criteria in Section 153.237.

Motion carried by unanimous voice vote.

I. Old Business

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

Chair Muladore stated the Commission was resuming the tabled discussion on the site plan for the last meeting. Director Scheel stated the Commission requested specific information which included incorporation documents, building changes to make the structure more appropriate for a residential neighborhood, shared parking exhibit, and revised parking easement.

Director Scheel stated the building's elevations were changed. Director Scheel recommended that the trees be planted on the site be larger than what was required, possibly 4.0 diameter at breast height (dbh) instead of 2.5 dbh. Member Beatty stated he did not find the west elevation to be harmonious with the neighborhood.

Aaron Nordman, Performance Engineers, Inc. stated the applicant had changed the siding on the dormers to a shake siding to break up the walls, and in reference to the trees, there are overhead power lines on the west elevation side. Mr. Nordman stated he could understand adding a larger tree on the Garfield Street side but across from the site is the Joppa House, which also owns the adjacent lot, so there is not a traditional home across the street from the proposed building. Mr. Nordman stated the Commission had also asked about the overlapping use for parking needs, and he did include a schedule for the church services and the shared use agreement has a restriction that gives priority to the parish. Director Scheel stated 11 of the required parking spaces are actually new spaces, not existing spots.

Member Boehmer stated her concern was safety as there was no proposed sidewalk on the State Street side. Member Felter stated no one else on that side of the street has a sidewalk on

State Street, and it would be unfair to ask them to add a sidewalk. Mr. Nordman stated St. Mary's fence actually encroaches onto the right-of-way, so a sidewalk would have to stop at that location. Chair Muladore asked for a show of hands of who thinks that a sidewalk should be required within the right-of-way along State Street for the length of the project site. The informal vote was 4 to 3 to not require a sidewalk on State Street.

Director Scheel stated the applicant had provided the Articles of Incorporation and he had also submitted the parking agreement to the City Attorney. Mr. Scheel reviewed the changes he had made to the Findings of Fact since the last meeting.

The public hearing was opened.

Shirley Gibson stated she did not understand the applicant constantly mentioning the Joppa House which was a residential structure with residents living there and is located in a neighborhood. Ms. Gibson stated the proposed building is very unsightly. Ms. Gibson requested the Commission deny this project as it does not meet the standards and the findings of fact as it is not harmonious to the character of the neighborhood.

The public hearing was closed.

Discussion followed regarding federal regulations related to religious institutions. Member Beatty stated that religious institutions are not defined in the statute and that a church has no greater rights than a citizen who is building a house or an office.

Motion by Member Felter, seconded by Member Chamberlain to 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. The conditions would be to require the maximum tree caliper of 4" for the north elevation and require approval from the City Attorney for the joint parking agreement.

Yeas: Chamberlain, Felter, Kurtz, Muladore

Nays: Beatty, Boehmer, Radke

Absent: None

Motion carried.

2. Commercial Mixed Use Standards

Motion by Member Boehmer, seconded by Member Felter to extend the meeting for 30 minutes beyond the 8:00 p.m. deadline.

Motion carried by unanimous voice vote.

Director Scheel began a review of the most recent changes to the proposed Commercial Mixed Use Standards. Mr. Scheel stated the Commission had the two uses they discussed, which included adding indoor athletic courts and public parking, parking lots/structures as a principal use. Mr. Scheel stated the Commission had also discussed minimum lot size requirements for the commercial mixed use district and the language included in the proposed regulations is similar to the Commercial Mixed Use corridor regulations that were recently approved. Mr. Scheel stated the lot size was not part of that discussion, but the Commission had talked about some averages and 6,000 sq. ft. is close to the median number.

Motion by Member Chamberlain, seconded by Member Boehmer to schedule a public hearing on the proposed changes to the Commercial Mixed Use Standards at the October 14, 2024 meeting.

Motion carried by unanimous voice vote.

J. Staff Updates

1. Zoning Administrator Report

Director Scheel reviewed his report with the Commission.

K. Requests For Next Months Agenda or Research Items

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

Chair Muladore adjourned the meeting at 8:14 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair