

City of Charlevoix
City Council Regular Meeting Minutes
Monday, October 14, 2024 - 4:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

1. Pledge of Allegiance

The meeting was called to order at 4:00 p.m. by Mayor Gennett. The Council, staff, and members of the public rose and recited the Pledge of Allegiance.

2. Roll Call

Mayor: Lyle Gennett

Members Present: Shane Cole, Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent:

City Manager: Mark L. Heydlauff

City Clerk: Sarah J. Dvoracek

3. Inquiry Regarding Conflicts of Interest

Council Member Knapp stated he has a conflict of interest with item 4A. Conditional Rezone of a portion of 743 Petoskey Avenue.

Council Member Knapp stepped down from the dais (4:01 p.m.).

4. All Other Actions and Requests

A. Conditional Rezone of a portion of 743 Petoskey Avenue

Jonathan Scheel, Director of Planning & Zoning

Mark Heydlauff, City Manager

Jonathan Scheel, Director of Planning and Zoning, presented information on the conditional rezone of a portion of 743 Petoskey Avenue. Director Scheel answered questions from the public.

Mayor Gennett opened the item for public comment, one was heard.

Motion by Parr, seconded by Kalbfell to approve the Conditional Rezone Agreement and Ordinance 852 of 2024.

CITY OF CHARLEVOIX

Ordinance No. 852 of 2024

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 153, SECTIONS 153.055, OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 153, Section 153.055 (B) of the City of Charlevoix Code is hereby amended to include a Conditional General Commercial Rezone as a District in the Zoning Use District Map as follows:

SECTION 2. Description of the amended Conditional Rezone District for a portion of the parcel:

Conditional General Commercial Rezone District (front portion of parcel)

The Zoning Use District Map is hereby amended to rezone the following described area from R-4 to Commercial : Parcel Zoned General 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 ¼" 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. Commonly known as 743 Petoskey Avenue, (see Exhibit A for Survey and Agreement).

Parcel Zoned R-4 (description of the parcel that is remaining 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. Commonly known as 743 Petoskey Avenue.

SECTION 3. Severability

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of

the Code of the City of Charlevoix, Michigan.

SECTION 4. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 852 was adopted on the 14th day of October 2024 A.D., by the Charlevoix City Council as follows:

Yeas: Kalbfell, Cole, Hagen, Spring, Parr

Nays: None

Absent: None

Abstained: Knapp

Motion carried.

5. Reports and Communications

A. Public Comment

6. Adjourn

Mayor Gennett adjourned the meeting at 4:04 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor