

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, October 14, 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:

Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Chamberlain, seconded by Member Felter to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of Planning Commission minutes from September 9, 2024 meeting

Motion by Member Boehmer, seconded by Member Radke to approve the minutes of September 9, 2024 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. Mixed Use District Ordinance Amendments

Chair Muladore opened the Public Hearing at 6:02 p.m.

Director Scheel stated the Planning Commission recently approved a Mixed Use Corridor Overlay Ordinance. The new standards made changes to allowed uses, minimum lot sizes and setbacks in the Commercial Mixed Use Zoning District. These proposed Mixed Use District changes will align the district standards to the corridor standards. The other proposed change is to add two additional allowed uses: indoor recreational facilities and public parking.

The public hearing was closed at 6:04 p.m.

Director Scheel reviewed the two additional allowed uses, setbacks in the Commercial Mixed Use Zoning District, landscaping standards, alternative entrance design, and zero lot lines for commercial properties.

Motion by Member Boehmer, seconded by Member Chamberlain to approve the proposed the Mixed Use District Ordinance amendment and to recommend legal review by the City Attorney and then approval by the City Council.

Motion carried by unanimous voice vote.

H. New Business

1. Site Plan Approval for Duplex Condominium Development 1002 May Street

Director Scheel stated that a site condominium duplex is being proposed for a vacant parcel at 1002 May Street. This is a large parcel about three times the size of a minimum R-1 lot. The proposal is for two stacked duplexes (4 units) and one ADU. The development will have one driveway off May Street serving all units. The neighborhood has a mix of single family homes, at least one duplex and multiple large apartment complexes. The R-1 Zoning District allows single family, duplexes and single multifamily homes.

Director Scheel stated this project would not normally come before the Planning Commission, but a site condominium requires Planning Commission review. Mr. Scheel proceeded to review the provided documents for the project. Mr. Scheel stated all the site review standards, height standards, and setbacks have been met. Mr. Scheel further reviewed the Findings of Fact including 153.235 *Standards for Site Plan Approval* and responded to questions from the Commission Members.

Matt Giuliani, Bella Casa Builders, Inc., stated the intent was to build the whole project all at one time and the plan is to reside in one of the units that will have the ADU legally bound to it and to sell the other three (3) units. Discussion followed regarding the trees on the subject and adjacent properties and how many trees would need to be removed for this project. Carrie May, P.E., Boyne Engineering and Design, further described the trees on the subject and adjacent properties and the location of the sewer line.

The public hearing was opened.

Richard B. Cross, 103 Hampton, referenced several questions about the project including proposed patios on the roofs of the buildings, screening, and potential tree removal. Director Scheel explained the difference between a traditional and a site condominium which involved the type of ownership, and these condominium units would be sold with no land except what the buildings would actually be on. The condominium association would own the common areas. Mr. Scheel stated the applicant would have to abide by the rooftop deck ordinance.

Chris Gengle, who lives in a single family home on the south side, stated that she had no objections to how the owner wants to use the property as long as it goes with the City guidelines. Ms. Gengle stated the project would impact her privacy in her backyard with the units being two stories, and in the interest of being good neighbors she wanted to request that the builder put up a privacy fence on the south side of the property line along the three (3)

homes similar to the fence that is located on the back of the property now. Ms. Gengle provided an example of 999 May Street, which has a privacy fence on the north side next to the single family home adjacent to it.

Michelle Putman, 101 Hampton, stated that she was the first house on the south side and she agreed with the previous speaker that they would like to see some type of privacy fence required. Ms. Putman's main concern was the rooftop patios, as she had a tri-level house where all the bedrooms would face the patios, and she asked for some type of privacy screening on the patios.

The public hearing was closed.

Member Beatty stated the project was 200' of solid wall without any architecture detail to break it up. Member Beatty stated that if the project was approved they could condition it upon the privacy fence being installed, appropriate visual barrier on the rooftop patios, and provide some trees along the back lot line.

Director Scheel proceeded to review each of the Standards for Site Plan Approval and the following changes were addressed:

153.235 Standards for Site Plan Approval.

B. Eliminate the word "both" in the third line.

E. Add the "south side of the parcel" as well.

Director Scheel reviewed the recommended conditions directly related to the condominium documents. Chair Muladore stated that the additional conditions would include a privacy fence and/or screening on the south property line, a privacy wall with additional height added to the rooftop decks on the south side, maintenance of the landscaping to be added to the condominium documents, and a survey of the property lines. Director Scheel stated that the landscape maintenance would be in the condominium documents and he would require a survey of the property lines so neither item needed to be a condition of approval. Member Kurtz questioned if they should include a condition that the developer be respectful of the neighbors when lighting their decks.

After discussion, Chair Muladore listed the conditions again including: condo documents provided to Director Scheel for review with street construction, paving and maintenance plan for all the private streets; utility plan with water/sewer lines and easements granted to the appropriate jurisdiction; incorporation of the provisions in the master deed; privacy fence on the south side with plans provided by the applicant for additional landscaping to break up the wall; and a wall on the deck same as the barrier wall in between the two separate properties' decks to shield the south side.

Motion by Member Chamberlain, seconded by Member Radke to approve Project 2024-3 SPA with conditions as outlined by Chair Muladore.

Motion carried by unanimous voice vote.

2. Sign Lighting Discussion

Director Scheel stated the Commission approved sign lighting ordinance changes along with a general lighting ordinance change. Mr. Scheel stated that those changes may have been lost in the larger document, and he provided a document showing the existing sign lighting ordinance language and the newly approved language.

No further action was taken.

3. Rooftop Decks, Ground Decks and Patio Discussion

Director Scheel stated rooftop decks/decks were on the 2024/25 priority list for review. Mr. Scheel stated it has been a few years since the existing rooftop deck ordinance was put in place as a result of the Hotel Earl's new rooftop deck. One residential rooftop deck has been built in the Central Business District since and is currently in use. Mr. Scheel offered one minor change to remove the word patio in the section dealing with decks.

Director Scheel stated that the earlier discussion in the meeting brought to light the issue of screening of rooftop decks from residential to residential or commercial to residential. Mr. Scheel stated the Commission may want to add some additional language that either the Planning Director or the Planning Commission have the authority to require screening as appropriate. Member Boehmer stated that a statement about lighting such as: "lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties" should be included.

Director Scheel stated that he will bring the proposed language to the Commission for their consideration at next month's meeting.

Chair Muladore stated that she wanted to discuss a couple of issues about Hotel Earl including that they have a huge string of lights around the deck that shine across the whole City and they are well above the wall height. Chair Muladore referenced the music from the Earl as well and Director Scheel stated that he and the Police Chief have responded to numerous complaints about the noise levels, and they were trying to get the fee schedule in the noise ordinance changed to get people's attention as to the violations.

General discussion followed regarding decks, rooftop decks, patios, noise violations, and lighting.

I. Old Business

J. Staff Updates

1. Zoning Administrator Report

Director Scheel reviewed his report with the Commission. Mr. Scheel stated he now has new code enforcement software through Civic Plus which will allow anyone to submit a complaint through the City's website and it will be directed to him, and it will include tracking of actions. Mr. Scheel stated he is also in training on short-term rental licensing software and business licenses and before January there will be zoning permits online as well.

Director Scheel provided updates on some of the current projects happening in the City.

Member Kurtz stated that he, Member Boehmer, and Director Scheel went to the Planning meeting in Grand Rapids and he'd like to call a meeting of the Housing Sub-Committee to share the housing information that was discussed at the Grand Rapids meeting.

K. Requests For Next Months Agenda or Research Items

Member Boehmer stated she had noted that when looking at the May Street proposal the ADU is as tall as the other buildings and she believed initially when the ADU's were being discussed that height was supposed to be shorter. Director Scheel stated that it used to be that all accessory buildings had a height restriction of 16' to the middle of the roof, but at some point, that height restriction was unintentionally removed. Mr. Scheel stated the ADU height was worth discussion at the next Commission meeting and the Commission concurred.

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

Meeting adjourned at 8:10 p.m.