

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, October 13, 2025 - 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, Christine Galbreath, Toni Felter, Kristin Jones, Maureen Radke

Members Absent: None

Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

None.

D. Approval of Agenda

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

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Minutes of September 8, 2025

Member Radke stated a correction was needed on page 4 to change the name in the first sentence from Member Boehmer to Member Radke.

Motion by Member Radke, seconded by Member Galbreath to approve the minutes of September 8, 2025 as corrected.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. Public Hearings

1. 115 Hurlbut W. Conditional Rezone

Director Scheel stated this was a request to conditionally rezone the parcel at 115 W. Hurlbut from Commercial Mixed Use to Central Business District. The parcel has a legal, non-conforming, single-story building that the owner would like to add two (2) stories of residential apartments to and convert the first floor to apartments and a family fun center. The applicant had applied to rezone the parcel a few months ago, which the Commission denied. A conditional rezone is project specific.

The public hearing opened at 6:05 p.m.

Shirley Gibson, resident of Charlevoix stated the project as proposed does not meet the

standards of the Master Plan, the Zoning Ordinance, and the Architectural Standards that the Planning Commission has been working on for the past two (2) years. Ms. Gibson recommended the Commission not relitigate this issue, but make a motion to deny the project.

Kirk Ikens, 108 W. Hurlbut, expressed his deep concerns regarding the plans for the property including multiple issues which he described in detail. Mr. Ikens encouraged the Commission to determine whether the project aligns with the character of the neighborhood, and he stated that the rezoning request was an attempt to get around the variances that were denied previously.

The public hearing was closed at 6:08 p.m.

H. New Business

1. Housing North Presentation of Charlevoix Housing Statistics

Zach Sompels, Housing Ready Program Coordinator for Housing North, stated that Director Scheel had asked for an update on housing stats for the City of Charlevoix. The main focuses of Housing North were awareness, advocacy, capacity and resources. Mr. Sompels proceeded with an update of housing statistics for Charlevoix County.

Director Scheel stated in 2025 he has issued three (3) permits for new houses and 13 for remodels, and he responded to questions from Members about any new or remodeled residential homes. Mr. Scheel stated that pre-2000, there were an average of 15 new homes built each year; since 2000, the City has been averaging three (3) new homes per year. Mr. Scheel stated that it was difficult to find any home in any condition for less than \$333,000.

Director Scheel stated that the poverty rate in the County was 9% compared to 28.9% poverty rate in the City; the homeowner rate in the County of Charlevoix was 81.8% compared to 50% in the City. The City is not on average with the County as the City has a much lower income, which reflects the senior population and younger service industry renters. Chair Muladore stated that ALICE stands for Access Limited Income Constrained & Employed, so those are households that earn more than the federal poverty level, but less than the basic cost of living for the County.

2. 115 W. Hurlbut Conditional Rezone

Director Scheel stated the agenda material for this item was similar to what was included from the August meeting, but some new drawings were provided. Mr. Scheel stated as part of the Master Plan this area was designated as a Commercial Mixed Use area, and added that the site plan review material was also a part of the agenda packet.

Paul Silva, applicant for the project, thanked the Commission for their feedback from the last meeting. Mr. Silva stated that when he first moved to Charlevoix 23 years ago he heard that young people graduated from high school and had to leave Charlevoix to find work and couldn't afford to live here. He stated he was proposing apartments that are affordable and that the renters can get to work downtown without a car. He referenced the Irene Project that was completed earlier in the year and half of those renters walk to work every day. He was proposing bringing in year-round housing with 25 apartments and making the units affordable (studios, 1–2 bedrooms — monthly rent between \$900- \$1,500). He referenced another project

with 24 apartments that he has in East Jordan.

Mr. Silva asked the Commission to consider this project as one that makes sense for the area. He addressed concerns that were expressed at the last meeting, including the pitch of the roof which has been changed to a flat roof, created more greenspace, added a sidewalk and curb along the building, and recessed the building in from the street. He responded to questions from Members.

Director Scheel reviewed the staff report in detail. Mr. Scheel stated that if the Commission were to recommend approval of the conditional rezone, there would be a firm conditional rezone agreement prepared by the City Attorney before this matter went before the City Council for final approval. Director Scheel stated the Commission's discussion should focus on Section 153.007, Conditional Zoning of the Zoning Ordinance, Subsection (G)(2).

Member Galbreath stated the project did not meet items (2) (c), (e) and (f) and she thought that the transition area was an important piece of the Master Plan. Chair Muladore stated that she also considered that they spent almost a year working on the commercial mixed-use standards and this property is the keystone of that buffer zone. **Member Beatty stated we need to give deference to the original zoning and that he agrees with Member Galbreath's analysis.** Member Boehmer stated that if somehow, the property could be developed and incorporated its own transition to residential, it could work, but because of the existing building, it was more complicated.

A discussion was held on the distinction between zoning and overlay districts, and how these may have been used to include non-Bridge Street buildings in the CDD. Director Scheel clarified that the project concerns the creation of structures, not permitted uses. Even with a conditional rezone, site plan approval would still be required.

Director Scheel began a review of the criteria for a conditional zoning agreement (Section 153.007, (G)(2) (a-f):

(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;

The Commission agreed that there was a connection.

(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; **The Commission agreed that there were** increased negative impacts with height, setbacks, lighting, traffic circulation;

(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;

The Commission denied a rezone of the same property a few months earlier in the year.

(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;

The Commission agreed that the existing zoning classification would not allow the extra height or a third story so it is less compatible;

(f) is clearly in the public interest and not inconsistent with the recommendations of the City's Master Plan; it also is not consistent with the recommendations of the City's Master Plan;

The Commission agreed that even though the proposed plan develops much needed housing, the importance of preserving the character of the City and deference to the underlying zoning are reasons to deny the proposed rezone.

Motion by Felter, seconded by Jones to deny the Conditional Rezone 2025-01 RZ based on specific findings of fact that the application does not meet the review criteria in Section 153.007.

Yeas: Beatty, Felter, Galbreath, Jones, Muladore, Radke

Nays: Boehmer

Motion carried.

I. Old Business

1. 119 W. Hurlbut Ave. Site Plan Approval

Director Scheel stated the Commission had reviewed a preliminary proposal at the September meeting. The applicant, 105 Hurlbut LLC, (Uptown Village) is proposing a site condominium infill development on the vacant lot at the NW corner of Hurlbut Ave and State Street. The proposed plan includes 14 site condominium units, consisting of two-seven-unit buildings. The applicant has submitted revised plans and other requested documents for the Commission to review.

Austen Lobenherz, Applicant, responded to questions from Members regarding project details.

Motion by Galbreath, seconded by Jones to extend the meeting until 8:30 p.m.

Motion carried by unanimous voice vote.

Kirk Ikens, 108 W. Hurlbut, stated he appreciated the fact the developer is trying to meet all the ordinance requirements without requesting variances. He was concerned that he would like to see the green space areas preserved and breaking up the look of a monolithic building.

Shirley Gibson stated she wished the new drawings had been in the agenda packet prior to the meeting and questioned the price point for the condos. Ms. Gibson expressed concerns about the area being congested with traffic and people.

Leah Selph, 403 State Street, stated the buildings would be in her view from her dining and living room windows and her concerns were whether the condominiums could be used as short-term rentals.

Sherm Chamberlain expressed three points: 1) Olesons is in the Central Business District, and they could build the building a lot taller than it currently is and historically, there used to be a hotel there; and 2) architectural elements that could create more dimensions; and 3) recommended Members visit Emmet Street in Petoskey where they built modern apartments in an older established neighborhood.

Director Scheel stated the project does meet all the standards for site plan approval, and he explained in more detail the specifics of the standards. The Commission must find that this proposal meets all the ordinance standards based on findings of fact before considering a motion to approve or deny.

Mr. Scheel reviewed the Findings of Fact and the Commission 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:

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 then found that the site plan proposal complies with the Zoning Ordinance.

The Planning Commission finds that the site plan proposal complies with the Zoning Ordinance, which states that the parcel is zoned Commercial Mixed Use.

The Commission then went through the following findings of fact that includes the site plan meets all other applicable laws and regulations. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

Member Beatty was not in agreement with the appearance of the building and blank walls as seen from the lower elevation. Member Boehmer stated the project was not harmonious to the surrounding neighborhood.

Chair Muladore requested an informal vote on whether the Commission found that the project is harmonious with the character of the existing neighborhood. The vote was 4 to 3 in the positive.

The Planning Commission finds that the proposed development is harmonious with the character of the existing neighborhood. The proposed project will fit into the neighborhood which has commercial, single family, duplexes and multifamily housing. This proposal is designed to the similar maximum height, setbacks and lot coverage as the large existing homes that exist to the south.

The site is 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. Chair Muladore requested an informal vote on whether the Commission found that the project meets that standard. The vote was 4 to 3 in the positive.

The Planning Commission finds that the proposal adds no hazards to adjacent properties. The plan shows one curb cut and a driveway.

The site plan does not have a negative impact on the provision of human services, housing, transportation needs, and access to food in the community.

The Planning Commission finds that the proposed development is infill, on an existing parcel and will have no negative impact.

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

The existing parcel has no vegetation but will be landscaped to meet current ordinance standards. Storm water will be held on site as much as possible to meet the city storm water ordinance.

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 Zoning Ordinance, unless otherwise provided.

Yes, the proposed plans have been reviewed and meet the current CMU standards and CMU regulations.

Motion by Member Jones, seconded by Member Galbreath to extend the meeting until 9:00 p.m.

Motion carried by unanimous voice vote.

The Commission then went through the remaining site plan approval standards, agreeing with and approving the Director's proposed findings.

Motion by Member Felter, seconded by Member Boehmer to approve case 2025-01 SPR 2019 W. Hurlbut with conditions including the following: a concrete apron in front of the dumpster, providing the Zoning Administrator with a final landscape plan showing all plantings, walkways, and ground covers that meet the zoning ordinance and a utility plan showing any easements.

Motion carried by a 6 to 1 vote.

J. Staff Updates

1. Zoning Administrator's Report September 2025

Director presented the September Zoning Administrator's Report.

K. Requests For Next Months Agenda or Research Items

Residential Design Standards and Maximum Residential Structure discussion will be on the agenda in November.

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

Chair Muladore adjourned the meeting at 8:43 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair