

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, May 11, 2026 - 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. The Commission, staff, and members of the public rose and recited the Pledge of Allegiance.

B. Roll Call

Chair: Jennifer Muladore
Members Present: Scott Beatty, Shelley Boehmer, Christine Galbreath, Maureen Radke
Members Absent: Kristin Jones
Staff Present: Jonathan Scheel, Director of Planning and Zoning

C. Inquiry into Potential Conflicts of Interest

None.

D. Approval of Agenda

Motion by Member Boehmer, seconded by Member Galbreath to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Approval of draft March 9, 2026, Planning Commission Minutes
Approval of draft April 13, 2026, Planning Commission with City Council Minutes
Member Boehmer stated on page 7 (end of #2) of the April 13th meeting minutes that they should note that one favorable comment was received about the Guidebook, and that they also had moved to place the Design Guidebook on the City's website.

Motion by Member Radke, seconded by Member Boehmer to approve the minutes of March 9, 2026 as presented, and the minutes of the joint meeting of the Planning Commission and City Council held on April 13, 2026 as amended.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

None.

G. New Business

1. Central Business District Building Height and Density discussion

Director Scheel noted that building height and downtown density have remained Commission priorities from 2025 into 2026. He opened a general discussion on these topics, explaining that the current 40-foot height limit may prevent developers from adding a third story, which typically requires 44 feet.

Member Beatty supported reducing both height and density downtown. Member Boehmer **and**

Member Radke expressed a middle position, emphasizing the historic value of downtown and noting that many buildings are already close to three stories. Chair Muladore requested more detailed information on existing downtown buildings—overall height, floor heights, and variations between structures—and asked how density would change. Director Scheel confirmed that an additional story would increase density.

H. Old Business

1. Data Center Ordinance

Chair Muladore stated that the Commission was working on figuring out a data center ordinance and one of the things in the Zoning and Planning Enabling Act is that a local government cannot outright ban that use in the whole City. They could place restrictions on the use in order to ensure that a data center doesn't harm either the environment or area residents.

Director Scheel stated that he had prepared proposed Data Center Development Standards for an Ordinance, and he was ready for the Commission's review and oversight. Discussion followed regarding cryptocurrency, data centers, data mining facilities and AI.

Ellis Boal, Attorney, stated that he was litigating against the data center in Saline near Ann Arbor which would be the largest data center in the State if it goes through. He stated that he had sent two documents to Director Scheel including one regarding a moratorium on such uses. He stated he had given a lot of thought to the Michigan Zoning Enabling Act, particularly Section 125.3207, the exclusionary zoning provision. He disagreed that a local government cannot exclude such a use as he felt that it could be excluded under the Zoning Enabling Act including that a developer would have to prove that there is a demonstrated public need for that use in the City or the surrounding area. He referenced euclidean zoning - if a use is not specifically permitted in the Zoning Ordinance, then it is automatically prohibited. He stated that he had also sent the papers he had written to City Attorney Scott Howard.

LuAnne Kozma, paralegal and Master Citizen Planner, agreed that a moratorium was a smart move and a number of municipalities were taking that step first. She stated that she was wondering if the current zoning ordinance already allowed data centers or if anyone in the City had signed non-disclosure agreements. She noted that the proposed ordinance limited the centers to 10mg, which might seem small, but ChatGpt, according to some research she did that day, took less than 10mg of power to create that. She said that they were also seeing that data centers were built in clusters. She further explained the data center issue in Saline, including the conditional zoning issue. She referenced concerns regarding 500 acres in Hayes Township (Big Rock) owned by Consumers Energy.

Director Scheel stated that with this new information he would like to talk to Scott Howard and have him review the white papers from Mr. Boal. He stated that he will share the papers from Mr. Boal with the Commission as soon as he had discussed the matter with Mr. Howard.

Motion by Member Beatty, seconded by Member Radke to table this discussion until the June Planning Commission Meeting.

Motion carried by unanimous voice vote.

2. 153.185 Off Street Parking, Loading, Access and Circulation Ordinance changes
Director Scheel identified the changes he had made since the last meeting to the proposed ordinance relative to Off Street Parking, Loading, Access and Circulation.

Motion by Member Radke, seconded by Member Galbraith to schedule a public hearing for the proposed ordinance changes to Section 153.185, Off Street Parking. Loading, Access and Circulation for June 8, 2026.

Motion carried by unanimous voice vote.

I. Staff Updates

1. Zoning Administrator's Report March and April 2026

Director Scheel referenced the details in the Zoning Administrator Reports for March and April.

Chair Muladore questioned if there were any updates on the Andy's Party Store sign and Director Scheel responded that he had forced the issue and told them he was going to give them a citation. Mr. Scheel stated that they would take the very large Andy's sign down and that it was going to go up on the top as a marquee, and they would shrink the wall sign to a 16 sq. ft. sign and then add a ground sign as well.

J. Requests For Next Month's Agenda, Commissioner Comments or Research Items

General discussion regarding citizen surveys related to the Master Plan update, year-round businesses, short-term rentals, density, housing affordability, young people leaving the area, and decreases in school population.

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

Chair Muladore adjourned the meeting at 7:35 p.m.

Sarah J. Dvoracek/fgm City Clerk

Jennifer Muladore Chair