

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, OCTOBER 14, 2019 AT 6:00 PM in the Council Chambers, 210 State Street,
Charlevoix, MI

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. September 9, 2019 Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Public Hearing: Special Land Use Permit: John and Linda Eaton, 206 W Carpenter St. – Bed and Breakfast
 - 2. Public Hearing: Rezoning Request: Robert J. Jess, 904 May St. – Conditional Rezoning
 - 3. Site Plan Review: Midtown Development, Inc., 115 Pine River Ln. – Residential Development
- H. Old Business
- I. Staff Updates
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment by 8:00 PM unless extended by a motion.

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: September 9, 2019 Minutes

DATE: October 14, 2019

ATTACHMENTS:

- ▣ Draft September 9, 2019 meeting minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, September 9, 2019 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain

Members Present: Ben Edwards, Toni Felter, Brian Gelb, David Gray, Dennis Halverson, Jennifer Muladore, RJ Waddell

Members Absent: Phillip Parr

Staff Present: Kathy Egan, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Gray, second by Member Edwards to approve the Agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. August 12, 2019 Meeting Minutes

Motion by Member Waddell, second by Member Gelb to approve the minutes of August 12, 2019 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

H. Old Business

1. Rooftop Usage Discussion

Planner Egan stated that she found rooftop usage type ordinances for much larger cities, but not for smaller cities. Commission members reviewed and discussed the listed items as prepared by Planner Egan – building types, building standards, and uses. Discussion also included existing construction, building and zoning requirements related to decks, porches and rooftop areas; screening of mechanical and HVAC units on building roofs; existing balconies overlooking Round Lake; allowable activities in the commercial district; impacts to neighboring properties; and the need for special use permits for various rooftops uses. Planner Egan stated that she would consolidate key points of the discussion for further consideration at the next meeting.

2. Sidewalk Use Report

Zoning Administrator Scheel stated that there were three different sections in the public safety ordinance and another in the zoning ordinance. He stated that Section 153.101 "basically says no merchandise". He stated that the bigger issue was the signs, table & chairs, and other items within the sidewalk area that walkers must dodge, and after talking to the City Manager the Zoning Administrator will start enforcing all the sidewalk restrictions. He stated that every one of the allowable uses on the public sidewalks requires a permit and there hasn't been a permit issued on sidewalk use for 3-4 years. He stated that he met with the DDA and he will be sending a letter out to the business/property owners within the next month indicating that in the spring the restrictions will be enforced. Zoning Administrator Scheel stated that the fourth ordinance dealt with sidewalk cafes which he would also enforce.

3. Site Plan Review Levels A and B

Planner Egan stated that Level A was a Zoning Administrator approval of a plan and Level B is the plan that comes to the Planning Commission for review. Chair Chamberlain stated that the standards were reasonable but there were issues with the Hotel Earl when there were changes to the site plan shortly after it was approved. There was the question if the changes constituted a two-phase approval.

Zoning Administrator Scheel stated that when he reviews a Level A on an existing project that has gone through the Planning Commission, he looks at the criteria and any issues that the Commission had especially with regard to the effect on

neighboring properties. Zoning Administrator Scheel stated that changes in use as to how a roof would be utilized or any change in use after the fact would be brought back before the Planning Commission.

I. Staff Updates

Zoning Administrator Scheel stated that they had a site plan review that is going to come before the Commission next month that is for a project on Pine River. He stated that several years ago condominiums were approved next to the Weathervane Hotel. He distributed copies of the site condominium plans to the Commission members.

J. Request for Next Month's Agenda or Research Items

Zoning Administrator Scheel stated that he had four Zoning Board of Appeals cases scheduled for next month.

K. Adjournment by 8:00 PM Unless Extended by Motion

Motion by Member Felter, second by Member Waddell to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:22 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Public Hearing: Special Land Use Permit: John and Linda Eaton, 206 W Carpenter St. – Bed and Breakfast

DATE: October 14, 2019

BACKGROUND

This request is for a Special Land Use Permit for a Bed and Breakfast operation.

ATTACHMENTS:

- B&B Special land Use Permit Request



**CITY OF
CHARLEVOIX**

Office of Planning and Zoning
210 State Street, Charlevoix, MI 49720
planner@charlevoixmi.gov
Phone: (231)547-3265
Cell: (231)631-0004
Fax: (231)237-0329

NOTICE OF PUBLIC MEETINGS
Charlevoix City Hall – Council Chambers 2nd Floor
210 State Street
Charlevoix, MI 49720

City Planning Commission

October 14, 2019 6:00PM

CASE NUMBER: SUP 2019-01
APPLICANT: John and Linda Eaton
SUBJECT PROPERTY: 206 W Carpenter Street
PROPERTY TAX NO.: 15-052-234-006-00

Dear Property Owner/Tenant:

You are receiving this notice because you are located within 300 feet of the above identified property for which a Special Use Permit hearing will take place before the Planning Commission on the respective date indicated above. The specific request is to **approve a Bed and Breakfast in a Single Family Residential zone district**. You are not required to respond to this notice.

The City of Charlevoix Planning Commission will hold a public meeting on **Monday October 14, 2019 at 6:00 p.m.** in the Charlevoix City Hall Council Chambers to evaluate the Rezoning application submitted by Robert Jess. The Planning Commission may approve the Rezone, deny the Rezone or table action on the Rezone. The Planning Commission then recommends their action to the City Council.

Written and oral comments from the public are welcome. Oral comments may be presented at the hearing. Written comments may be mailed, emailed, faxed or hand delivered to the City Planning Department no later than 4:00 PM on the evening of the hearings at the above address. The case file and plans may be viewed at the City Planning Office at City Hall. Please call or email with any questions or concerns you may have.

Jonathan D. Scheel
Zoning Administrator



CITY OF CHARLEVOIX

210 State Street Charlevoix, MI 49720
www.charlevoixmi.gov

Permit No.: _____
Date Received: _____
Decision Date: _____

Office of Planning and Zoning (231) 547-3265
Planner@Charlevoixmi.gov

Planning Commission Application

☐ Site Plan Review	☐ Rezoning
☒ Special Land Use Permit	☐ Zoning Ordinance Amendment
☐ Planned Unit Development	☐ Other _____

Applicant Name: John & Lynda Eaton

Street Address: 909 Devonshire Rd

City: Yorktown State: Indiana Zip code: 47396

Phone Number(s): 765-748-5188 & 734-642-5741 E-mail: John.R.Eaton@ardaghgroup.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: John R Eaton Lynda K Eaton Date: 9-16-19

Applicant is the: ☐ Owner ☐ Lessee ☐ Agent ☐ Contractor/Architect Prospective Owner

Property Owner's Name (if different from applicant): _____

Street Address: _____

City: _____ State: _____ Zip code: _____

Phone Number(s): _____ E-mail: _____

Signature: _____ Date: _____

I hereby grant permission for members of the City of Charlevoix (Planning Commission) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: _____ Date: _____

Project Location or Address: 206 Carpenter Street - Charlevoix, MI

Parcel Number: 052-234-006-00

Explanation of Request: The prospective owners (John & Lynda Eaton) request a Special Land Use Permit to allow for the operation of a Bed & Breakfast. The proposed Bed & Breakfast would be limited to 4 rental rooms & comply with all applicable ordinances. Final purchase by prospective owners is contingent on approval of this Special Land Use Request.

City of Charlevoix
Planning Commission Application
Page 2

Subject Parcel Information:

Project Location or Address: 206 Carpenter Street - Charlevoix, MI
Parcel Number: 052-234-006-00
Zoning District: R1
Current Use of Property: R1-Single Family Residential
Dimensions of Parcel: 50' x 214'
Parcel Size: 10,700sq ft
Please describe the type of construction proposed: None

Affidavit

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance.

I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her agent.

I agree the statements made above application and associated documents are true, and if found not to be true, the approval of the site plan and/or any zoning permit that may be issued may be void.

Further, I agree to comply with the conditions and regulations provided with the approved site plan and any permit that may be issued.

Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Charlevoix Zoning Ordinance will be complied with.

Further, I agree to notify the zoning administrator of City of Charlevoix for inspection before the start of construction and when locations of proposed uses are marked on the ground.

Further, I agree to give permission for officials of City of Charlevoix, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.

Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Property Owner or Agent Signature:

John R Eaton Lynda R Eaton
John Eaton Lynda Eaton (Prospective Owners)
Date: 9/16/19

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.

Rev: 3-2018





Data Search



© 2019 Charlevoix County

10,872 sq ft

NORTH



West



East





PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Special Land Use Permit Application. Project 2019-01 SU

206 W Carpenter

HEARING DATE: Monday, October 14, 2019 6:00 PM

PRESENTED BY: Jonathan Scheel City Zoning Administrator

ATTACHMENTS:	1. Application from the applicant 2. Project file 2019-01 SU and all contents 3. City of Charlevoix Zoning Ordinance.
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I. GENERAL INFORMATION:

Applicant: John and Linda Eaton

Property Owner: John and Linda Eaton
909 Devonshire Road
Yorktown, Indiana 47396

Requested Action: Special Land Use Permit Application Bed and Breakfast

Zoning: R-1 Low Density Residential

Project Location: 206 W. Carpenter

Project Site Size: 10,700 square feet

Existing Land Use: Single family detached residential

Adjacent Land Uses: The adjoining properties to the east and the west are single family residential. South of the property and across Carpenter Street to the north are single family homes.

Adjacent Zoning: East, west and north is all R-1 Single Family Residential. South of the property is zoned Industrial, in the West Carpenter/State Street Industrial Overlay District.

II. PROJECT DESCRIPTION/LOCATION

This is a request for a Bed and Breakfast which is an allowed use with a Special Use Permit in both the R-1 and the R-2 Zone Districts. This property is in the R-1 District.

The subject property is located at 206 Carpenter Street. The lot is approximately 10,700 square feet. A 1,200 square foot dwelling and a 780 square foot accessory building (garage) exist on the lot.

Aerial photo from 2016.





Photo taken 9/24/2019.

III. AUTHORITY AND REQUIREMENTS:

The Planning Commission is the governing authority in regard to Special Land Use applications. Special Land Use applications are not forwarded to the City Council under the Zoning Ordinance. A decision as to whether or not to grant approval for Special Land Use is a Planning Commission decision. Applicants applying for a Special Land Use are also required to submit a Site Plan which is subject to a Level B review. This hearing will cover both the Site Plan Review and the Special Use Permit.

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Section 153.250 "Special Land Use Review" of the City of Charlevoix Zoning Ordinance.

The Special Land Use application was submitted on September 16, 2019. The notice for the public hearing was advertised in the Charlevoix Courier on September 27, 2019. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet of the property on September 25, 2019.

The permitted uses by right and the Special Land Uses allowed in the R-1 Low Density Single Family Residential District are listed in Chapter 153.071 Table 153.071 Allowed Uses in Residential Zones.

The uses permitted by Right are as follows:

- a. Single Family Detached Dwellings.
- b. Rentals
- c. Churches,
- d. Public Parks/Playgrounds,
- e. Wind Energy Conversion Systems,
- f. Solar Panels,
- g. Accessory uses, buildings and structures, and
- h. Minor Home Occupations
- i. Site Condominium

The uses allowed as Special Land Uses are as follows:

- a. Bed and Breakfasts
- b. Boat Houses
- c. Day Care
- d. Foster Care
- e. Adult Foster Care Small Group Homes
- f. Major Home Occupations
- g. Boarding/Rooming Houses, and
- h. Day care center/nursery

IV. SITE PLAN REVIEW:

The following section is taken directly from Chapter 153.250 - 153.257 of the Ordinance with staff suggested findings of fact below each criterion in italics. The Planning Commission is under no obligation to follow the Staff suggested findings. Staff's suggested findings are developed with the thought of providing the Planning Commission members with potential ideas as to where to begin their discussions. The Planning Commission may delete, add to, or modify the findings of fact as they feel are appropriate. The Planning Commission must find that this proposal meets all of the following criteria before considering a motion to approve.

253.250. Intent

Special uses are uses of land specifically permitted within a zoning district only by the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. Special uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics,

may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis. This article establishes the review procedure for special uses and the general standards that must be met for all special uses. In addition, more specific standards and requirements, as found in 153.140 through 153.159 of this Chapter, are established for certain individual uses to mitigate their potential negative impacts.

253.253. Review Standards

A Special Land Use shall only be approved if all the following general standards are satisfied, in addition to any applicable requirements for specific special land uses, as found in 153.140 through 153.159 of this Chapter:

- (1) The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.

The Planning Commission finds that the proposed special use is a residential use and will be harmonious with the existing neighboring uses and the intended character of the general vicinity. This use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations; therefore the current appearance would remain unchanged. The applicant is not requesting a use that would result in an activity dissimilar from typical of residential areas throughout the City of Charlevoix in general and in this neighborhood specifically.

- (2) The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.

The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use and that this project will not require improvement to or expansion of city infrastructure or public services, including streets, water and sewer facilities, refuse disposal, or police and fire protection. This application was reviewed by appropriate City Department Heads and no concerns were expressed over the project.

- (3) The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

The Planning Commission finds that the proposed special use will not be hazardous or disturbing to existing or future nearby uses. The property will continue to be used for residential purposes. The expansion of the parking area from two to five parking spaces with the three point turn-around will reduce potential traffic hazards in that any vehicles exiting the property onto Carpenter Street will have the opportunity to turn around on the property and drive head first onto Carpenter Street.

- (4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

The Planning Commission finds that this proposal will not adversely affect the natural environment since this property is already developed. The only external alteration to the property will be the addition of three parking spaces.

- (5) The site plan proposed for the use demonstrates compliance with the Special Land Use specific design standards and all other applicable requirements of this ordinance.

The Planning Commission finds that minimal physical changes to the exterior of the site are being proposed by the applicant to address the issue of parking. The site already contains a single family dwelling, of which no changes are being proposed. The Special Land Use section of the Zoning Ordinance does not contain any specific design standards related to the proposed Bed and Breakfast but Chapter 153.116 Accessory Buildings and Uses does have specific standards. These standards include:

(C) Bed and breakfast establishments.

- (1) The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.

Meets standard

- (2) The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five rental rooms; however the Planning Commission may consider additional rooms based on the following criteria:

- (a) The existing single-family home has the capacity for more than five rental rooms;

- (b) It is a single-family home which has been operated as a bed and breakfast establishment in the past;

(c) There is sufficient parking on site, or within 300 feet of the property, to accommodate additional rooms; and(d) The Planning Commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.

Not applicable Request is for four rooms. Meets standard

(3) Off-street parking shall include a minimum of five parking spaces. Required parking spaces shall be accessible at all times.

Proposal shows 5 parking spaces. Meets standard

(4) The residence shall have at least two exits to the outdoors.

Meets standard

(5) One sign is permitted and shall be limited to four square feet. If the sign is a freestanding sign, it shall not exceed eight feet in height.

No sign is requested. Meets standard

(6) A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.

The Planning Commission finds that the proposed special use is a residential use and will be harmonious with the existing neighboring uses and the intended character of the general vicinity. This use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations; therefore the current appearance would remain unchanged. The applicant is not requesting a use that would result in an activity dissimilar from typical of residential areas throughout the City of Charlevoix in general and in this neighborhood specifically.

(7) A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a non-conforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.

The lot is 10,872 square feet in area. The R-1 District requires 9,000 square feet. The standard is met.

(6) The special land use will be consistent with the intent and purposes of this ordinance and the most recent updates to the master plan.

The Planning Commission finds that the proposed use of this property will continue to be residential and given the fact that a maximum of 4 persons will be residing in

the dwelling, the use will be lower than might be the case then if a single family were to reside in the residence. the commercial and office uses located on the south side of Petoskey Avenue, granting this Special Land Use Permit is found to be consistent with the existing uses in the area, is consistent with the current Zoning Ordinance and complies with the City Master Plan and it's promotion of the tenets of Smart Growth in that this use will assist in promoting a mixture of land uses as well as helping to provide a mixture of housing opportunities.

V. CONDITIONS OF APPROVAL:

153.252. Conditions of Approval

The Planning Commission may impose additional conditions and safeguards in order to achieve the following:

- (A) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected;
- (B) Ensure that the use is compatible with adjacent land uses and activities;
- (C) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (D) Ensure compatibility between the proposed use or activity and the rights of the city perform its governmental functions;
- (E) Meet the intent and purpose of this chapter, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and
- (F) Ensure compatibility with other uses of land in the vicinity

VI. PLANNING COMMISSION ROLE AND OPTIONS:

The City of Charlevoix Planning Commission has the following options for Project 2019-01 SU:

1. Deny Project 2019-01 SU based on specific findings of fact that the application does not meet the review criteria in Chapter 153.253.

2. Approve Project 2019-01 SU based on specific findings of fact that the application does meet the review criteria in Chapter 153.253
3. Approve Project 2019-01 SU based on specific findings of fact that the application does meet the review criteria in Chapter 153.253.with conditions as contained herein.
4. Table the decision based on the need for additional review time or information.

Way Building Contractors

---DESIGN-----BUILD-----MANAGE---

05768 Barnard RD. Charlevoix, MI 49720

PHONE 1-231-675-7764

To: City Planning Commission

RE: 206 W. Carpenter

Dear Board-

I am writing in support of the Bed & Breakfast zoning request by John & Linda Eaton.

I do not feel it will have an adverse impact on the neighborhood, there currently several rental units in this area as well.

We are in favor of the request.

Ron Way

WWW.WAYBUILDERS.COM

waystoneycroft@msn.com

FAX 1-231-547-5984

License # 2102186121

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

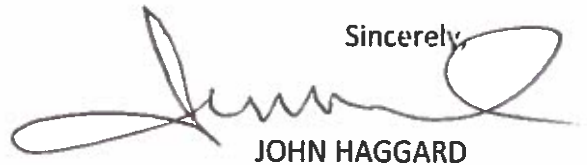
Date: September 30, 2019

To: Council Chambers 2nd Floor
210 State Street.
Charlevoix, MI 49720

RE: Special Use permit to approve a Bed and Breakfast in a Single Family Residential Zone District. Submitted by Robert Jess.

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view on the above case's request. Haggard's Plumbing & Heating is not opposed to the changed of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in any way possible.

Sincerely,

JOHN HAGGARD

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Public Hearing: Rezoning Request: Robert J. Jess, 904 May St. – Conditional Rezoning

DATE: October 14, 2019

BACKGROUND

This request is for a Conditional Zoning.

ATTACHMENTS:

- ▣ Conditional Zoning Request



**CITY OF
CHARLEVOIX**

Office of Planning and Zoning
210 State Street, Charlevoix, MI 49720
planner@charlevoixmi.gov
Phone: (231)547-3265
Cell: (231)631-0004
Fax: (231)237-0329

NOTICE OF PUBLIC MEETINGS
Charlevoix City Hall – Council Chambers 2nd Floor
210 State Street
Charlevoix, MI 49720

City Planning Commission

October 14, 2019 6:00PM

City Council

November 4, 2019 6:00 PM
Tentative upon PC approval

CASE NUMBER: RZ 2019-02
APPLICANT: Robert Jess
SUBJECT PROPERTY: 904 May Street
PROPERTY TAX NO.: 15-052-335-054-00

Dear Property Owner/Tenant:

You are receiving this notice because you are located within 300 feet of the above identified property for which a Rezoning hearing will take place before the Planning Commission on the respective date indicated above. The specific request is to Conditionally Rezone a Single Family Residential parcel R-1 to R-4 Multi Family. You are not required to respond to this notice.

The City of Charlevoix Planning Commission will hold a public meeting on **Monday October 14, 2019 at 6:00 p.m.** in the Charlevoix City Hall Council Chambers to evaluate the Rezoning application submitted by Robert Jess. The Planning Commission may approve the Rezone, deny the Rezone or table action on the Rezone. The Planning Commission then recommends their action to the City Council.

Written and oral comments from the public are welcome. Oral comments may be presented at the hearing. Written comments may be mailed, emailed, faxed or hand delivered to the City Planning Department no later than 4:00 PM on the evening of the hearings at the above address. The case file and plans may be viewed at the City Planning Office at City Hall. Please call or email with any questions or concerns you may have.

Jonathan D. Scheel
Zoning Administrator

CITY OF CHARLEVOIX
ORDINANCE AMENDMENT APPLICATION

Application Fee: \$325

sept 25, 2019
Fee Received

JP

To the City Planning Commission and City Council:

I(We) the undersigned, do hereby make application to and petition the City Council to amend the City Zoning Ordinance and/or change the Zoning Map of the City of Charlevoix as hereinafter requested, and in support of this application, the following facts are shown:

I. Applicant: Robert J. Jess
Address 10963 Boyne City Rd Chx, MI. 49720
Phone Number: (231) 881-1470
Property Address: 904 MAY Chx, MI. 49720
Property to be Effected: 904 MAY

II. Existing Ordinance Section: 153.007 Conditional Zoning

III. Proposed Language: Amendment of the official
zoning map (see rezoning application)

IV. Additional Information The property was

formerly used as a church & has

a 3 bedroom apartment attached.

(Use additional pages if necessary)

R. A. A.
Applicant's Signature

8-28-19
Date

THE PLAN IS TO USE THE EXISTING STRUCTURE & refurbish it. THE PLAN IS NOT TO ADD ANY NEW STRUCTURE. EXISTING SPACE WILL BE TURNED INTO 3-4 APARTMENTS ranging from micro units of 300 s.f. up to potentially larger units of 1,200 s.f. THE EXISTING POLE BARN WILL HAVE STORAGE SPACE AVAILABLE TO RENTERS OF APARTMENTS ONLY. THE "CHURCH" EXTERIOR WOULD BE RESIDED (REFRESHED) and landscaping would be added.

CITY OF CHARLEVOIX
ORDINANCE AMENDMENTS

5.248 AMENDMENTS

- (1) When a proposed amendment, supplement, modification or change is initiated by a petition of any party with a legal interest in the property to be affected, it must be accompanied by a fee. The amount of the fee shall be established from time to time by resolution of the City Council, and it is to be used to defray the expense of publishing the required notices and other related expenditures.
- (2) All amendments, supplements, modifications and changes not arising in the Planning Commission must be referred thereto for a written report and recommendation prior to any action thereon by the City Council.
- (3) The Planning Commission shall at one or more of its meetings, study and evaluate the proposed amendments, supplement, modification or change and shall conduct a public hearing in accord with Section 4 (1) of P.A. 207 of 1921, as amended. The Planning Commission shall then submit its written report to the City Council of its recommendations and findings, either for or against the proposed change.
- (4) Once the City Council has received and accepted the Planning Commission's report on the proposed amendment, supplement, modification or change, it shall hold a hearing and give proper notice thereof as prescribed by P.A. 207 of 1921, as amended. This shall include notification of all property owners of property located within three hundred (300) feet of the premises in question.
- (5) Whenever the City Council shall receive a protest against a proposed amendment, signed by the requisite number of land owners as set forth in P.A. 207 of 1921, as amended, then such amendment, supplement, modification or change shall not be passed except by three-quarters (3/4) vote of the City Council.

(Ord. No. 589, 2/3/92)

CITY OF CHARLEVOIX
REZONING APPLICATION

REZONING FEE \$325.00

Fee Received By

To the City Planning Commission and City Council:

I (We) the undersigned, do hereby make application to and petition the City Council to amend the City Zoning Ordinance and change the Zoning Map of the City of Charlevoix as hereinafter requested, and in support of this application, the following facts are shown:

(Fill out item 1 or 2, whichever applies)

1. The property to be rezoned is part of a recorded plat and is located in Section _____ quarter Section _____, having an address of _____ between _____ Street and _____ Street, and is known as lot(s) number _____ of D. M. Eaton's Addition subdivision. (Attach legal description of property to be rezoned.)

2. The property to be rezoned is in acreage and is not therefore of a recorded plat, and is located in Section 35, a quarter Section _____, having an address of 904 May Street between Carpenter street and Eaton Ave. Assessor's Plat No. _____ total acreage .5 Tax Code Number 052-335-054-00 (Attach legal description of property to be rezoned.)

3. The property to be rezoned is owned by:

Bible Bapt. St
Name
5855 m-66 Chx 49720
Address City Zip Code
231 675 - 7520
Phone Number

If petitioner is other than owner, state nature of the
petitioner's interest Robert J. Jess sale
Pending. SALE conditional based on rezoning.

4. It is request that the foregoing property be rezoned from:

R-1 classification to R-4 classification.

5. It is proposed that the property will be put to the

following use: Rentals / office
Residential & office

Ordinance References:

MSA 5.2934

[Signature]
Signature of Applicant

8-28-19
Date

10963 Bayne city Rd. Chx, MI.
Address 49720

231 881-1470
Phone Number

REZONING STANDARDS:

1. Is the proposed rezoning reasonably consistent with surrounding uses?
2. Will there be an adverse physical impact on surrounding properties?
3. Will there be an adverse effect on property values in the adjacent area?
4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. Will rezoning grant a special privilege to an individual property, owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?

In considering the foregoing, it is important to recognize that the considerations are general in nature, may tend to overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to:

- (i) the general character of the area in which the subject property is located;
- (ii) the property itself and its attendant physical limitations and suitability to particular uses;
- (iii) the general desire to conserve property values; and
- (iv) the general trend and character of population development.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request. Rather, each of the factors should be taken into consideration in determining:

- (i) whether the present zoning classification is unreasonable;
- (ii) if so, which zoning classification is more reasonable for purposes of adopting an amendment.



Owner

BIBLE BAPTIST CHURCH 0

Address

904 MAY

Ma	BREMME...	FAMILY TRUS		 
	RAYMO...	KLOOSTER CAROLY...		
May St	ELZINGA L...	VAN LOO DAR REL A & DEB R...	MC DERM OTT PAUL NE A (AUS' N) ...	
	BIB... +			
	KLOOST...			
Eaton Ave				
	MC	BOSMAN	FOSTE	

Owner



BIBLE BAPTIST CHURCH 0

Address

904 MAY

Owner

BIBLE BAPTIST CHURCH 0

Address

904 MAY

Parcel ID

052-335-054-00

County

Charlevoix, MI

Municipality

Charlevoix

Place

Charlevoix city

Acreage

0.48 (calculated)

Land Use Class

Tax Exempt

Land Use Code

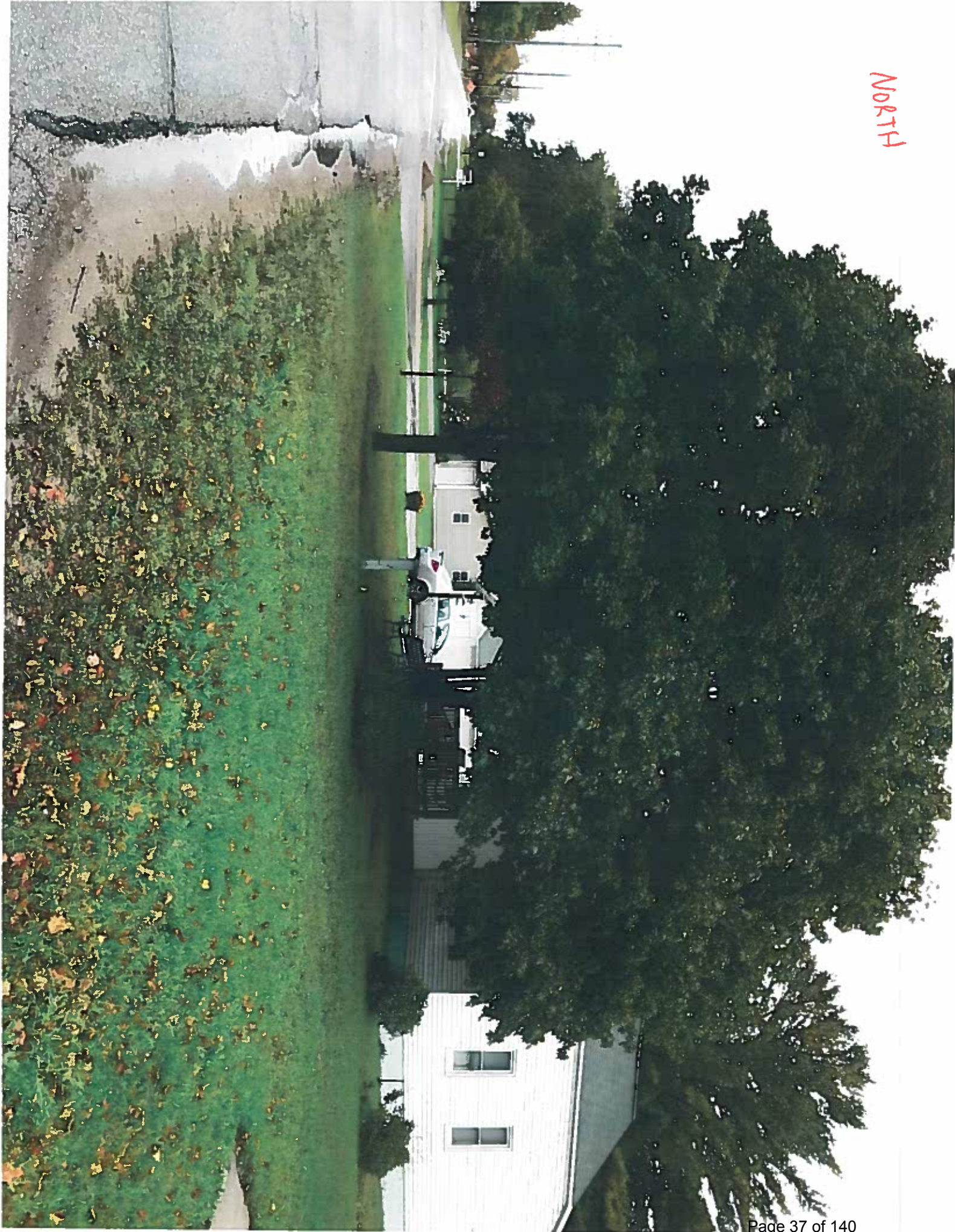
708.0000000000000000

Land Cover

Developed Low Intensity: 0.24ac (50.0%),

COUNTY LINK

NORTH



SOUTH





West

1002	112	100	106	104	102
1004	105	107	203		101

1100	1101	1102	1103
1104	1105	1106	1107
1108	1109	1110	1111
1112	1113	1114	1115

1300	1302	1306
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Public

[illegible]

KIPKELN

BRIDGE ST

MARATHA

HAMPTON RD

ST JAMES PL

ST JOHNS RD

HAMP TON RD

LEONARD ST

TERRACE ST

EATON AVE

EATON CT

ME

BR



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	<u>Conditional Rezone Application. Project 2019-01 RZ 904 May Street</u>
HEARING DATE:	Monday, October 14, 2019 6:00 PM
PRESENTED BY:	Jonathan Scheel City Zoning Administrator

ATTACHMENTS:	1. Application from the applicant 2. Project file 2019-01 RZ and all contents 3. City of Charlevoix Zoning Ordinance.
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I: GENERAL INFORMATION:

Applicant:	Robert Jess
Property Owner:	Bible Baptist Church 05855 M-66 N Charlevoix, MI 49720
Requested Action:	Conditional Rezone
Zoning:	R-1
Project Location:	904 May Street
Project Site Size:	21,100 Square feet
Existing Land Use:	Building used for storage with one apartment
Adjacent Land Uses:	All immediate surrounding property is single family detached homes. Multiple blocks to the northwest is the new elementary school complex. Multiple blocks to the southwest are apartments and condominiums.
Adjacent Zoning:	All immediate surrounding property is zoned R-1 Single Family Residential. Multiple blocks to the northwest is zoned Public. Multiple blocks to the southwest is zoned R-4 High Density Residential

II. PROJECT DESCRIPTION/LOCATION:

This is a request for a Conditional Rezone of a large R-1 Single Family lot located at 904 May Street to R-4 Multi Family High Density. The subject property is in the R-1 zone district. The lot is approximately 10,700 square feet. A 1,200 square foot building and a 780 square foot accessory building (pole barn) exist on the lot. The adjoining properties to the north and the south are used for single family residential purposes.

Aerial photo from 2016.



Feature Info
PIN: 032-234-005-00
Owner: RUSSELL GORDON C & SHARON TTEE
Owner2: RUSSELL GORDON&SHARON TRUST
Owner Address: 206 W CARPENTER
CHARLEVOIX, MI 49720-1614
Property Address: 204 CARPENTER W
CHARLEVOIX, MI 49720
Property Class: 402
School District: 15050
PRE: 100%
2019 SEV: \$11,700
2019 Taxable: \$9,044
GIS Estimated Acreage: 0.4
Parcel Link: [032-234-005-00](#)

Photo taken 9/24/2019.



The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Section 153.007 of the City of Charlevoix Zoning Ordinance.

III. TIMING AND AUTHORITY:

The Special Land Use application was submitted on September 16, 2019. The notice for the public hearing was advertised in the Charlevoix Courier on September 27, 2019. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet of the property on September 25, 2019.

The permitted uses by right and the Special Land Uses allowed in the R-1 Low Density Single Family Residential District are listed in Chapter 153.071 Table 153.071 Allowed Uses in Residential Zones. The uses permitted by Right are as follows:

- a. Single Family Detached Dwellings.
- b. Rentals

- c. Churches,
- d. Public Parks/Playgrounds,
- e. Wind Energy Conversion Systems,
- f. Solar Panels,
- g. Accessory uses, buildings and structures, and
- h. Minor Home Occupations
- i. Site Condominium

The uses allowed as Special Land Uses are as follows:

- a. Bed and Breakfasts
- b. Boat Houses
- c. Day Care
- d. Foster Care
- e. Adult Foster Care Small Group Homes
- f. Major Home Occupations
- g. Boarding/Rooming Houses, and
- h. Day care center/nursery

The Planning Commission is the governing authority in regard to Special Land Use applications. Special Land Use applications are not forwarded to the City Council under the Zoning Ordinance. A decision as to whether or not to grant approval for Special Land Use is a Planning Commission decision. Applicants applying for a Special Land Use are also required to submit a Site Plan which is subject to a Level B review. This hearing will cover both the Site Plan Review and the Special Use Permit.

IV.

The following section is taken directly from Chapter 153.250 - 153.257 of the Ordinance with staff suggested findings of fact below each criterion in italics. The Planning Commission is under no obligation to follow the Staff suggested findings. Staff's suggested findings are developed with the thought of providing the Planning Commission members with potential ideas as to where to begin their discussions. The Planning Commission may delete, add to, or modify the findings of fact as they feel are appropriate. The Planning Commission must find that this proposal meets all of the following criteria before considering a motion to approve.

253.250. Intent

Special uses are uses of land specifically permitted within a zoning district only by the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. Special uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis. This article establishes the review procedure for special uses and the general standards that

must be met for all special uses. In addition, more specific standards and requirements, as found in 153.140 through 153.159 of this Chapter, are established for certain individual uses to mitigate their potential negative impacts.

153.252. Conditions of Approval

Reasonable conditions may be imposed on the approval of a special land use in order to achieve the following:

- (A) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected;
- (B) Ensure that the use is compatible with adjacent land uses and activities;
- (C) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (D) Ensure compatibility between the proposed use or activity and the rights of the city perform its governmental functions;
- (E) Meet the intent and purpose of this chapter, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and
- (F) Ensure compatibility with other uses of land in the vicinity

253.253. Review Standards

A Special Land Use shall only be approved if all the following general standards are satisfied, in addition to any applicable requirements for specific special land uses, as found in 153.140 through 153.159 of this Chapter:

- (1) The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.

The Planning Commission finds that the proposed special use is a residential use and will be harmonious with the existing neighboring uses and the intended character of the general vicinity. This use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations; therefore the current appearance would remain unchanged. The applicant is not requesting a use that would result in an activity dissimilar from typical of

residential areas throughout the City of Charlevoix in general and in this neighborhood specifically.

- (2) The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.

The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use and that this project will not require improvement to or expansion of city infrastructure or public services, including streets, water and sewer facilities, refuse disposal, or police and fire protection. This application was reviewed by appropriate City Department Heads and no concerns were expressed over the project.

- (3) The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

The Planning Commission finds that the proposed special use will not be hazardous or disturbing to existing or future nearby uses. The property will continue to be used for residential purposes. The expansion of the parking area from two to five parking spaces with the three point turn-around will reduce potential traffic hazards in that any vehicles exiting the property onto Carpenter Street will have the opportunity to turn around on the property and drive head first onto Carpenter Street.

- (4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

The Planning Commission finds that this proposal will not adversely affect the natural environment since this property is already developed. The only external alteration to the property will be the addition of three parking spaces.

- (5) The site plan proposed for the use demonstrates compliance with the Special Land Use specific design standards and all other applicable requirements of this ordinance.

The Planning Commission finds that minimal physical changes to the exterior of the site are being proposed by the applicant to address the issue of parking. The site already contains a single family dwelling, of which no changes are being proposed. The Special Land Use section of the Zoning Ordinance does not contain any specific design standards related to the proposed Bed and Breakfast but Chapter 153.116 Accessory Buildings and Uses does have specific standards. These standards include:

(C) Bed and breakfast establishments.

(1) The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.

Meets standard

(2) The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five rental rooms; however the Planning Commission may consider additional rooms based on the following criteria:

(a) The existing single-family home has the capacity for more than five rental rooms;

(b) It is a single-family home which has been operated as a bed and breakfast establishment in the past;

(c) There is sufficient parking on site, or within 300 feet of the property, to accommodate additional rooms; and (d) The Planning Commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.

Not applicable Request is for four rooms. Meets standard

(3) Off-street parking shall include a minimum of five parking spaces. Required parking spaces shall be accessible at all times.

Proposal shows 5 parking spaces. Meets standard

(4) The residence shall have at least two exits to the outdoors.

Meets standard

(5) One sign is permitted and shall be limited to four square feet. If the sign is a freestanding sign, it shall not exceed eight feet in height.

No sign is requested. Meets standard

(6) A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.

The Planning Commission finds that the proposed special use is a residential use and will be harmonious with the existing neighboring uses and the intended character of the

general vicinity. This use will not change the essential character of the area. The applicant is not proposing any exterior structural alterations; therefore the current appearance would remain unchanged. The applicant is not requesting a use that would result in an activity dissimilar from typical of residential areas throughout the City of Charlevoix in general and in this neighborhood specifically.

(7) A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a non-conforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.

The lot is 10,872 square feet in area. The R-1 District requires 9,000 square feet. The standard is met.

(6) The special land use will be consistent with the intent and purposes of this ordinance and the most recent updates to the master plan.

The Planning Commission finds that the proposed use of this property will continue to be residential and given the fact that a maximum of 4 persons will be residing in the dwelling, the use will be lower than might be the case then if a single family were to reside in the residence. the commercial and office uses located on the south side of Petoskey Avenue, granting this Special Land Use Permit is found to be consistent with the existing uses in the area, is consistent with the current Zoning Ordinance and complies with the City Master Plan and it's promotion of the tenets of Smart Growth in that this use will assist in promoting a mixture of land uses as well as helping to provide a mixture of housing opportunities.

V. CONDITIONS OF APPROVAL:

The Planning Commission may impose additional conditions and safeguards based on Section 5.132 which reads:

Reasonable conditions may be imposed on the approval of a special land use in order to achieve the following:

- A. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- B. Ensure that the use is compatible with adjacent land uses and activities.
- C. Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- D. Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- E. Meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

F. Ensure compatibility with other uses of land in the vicinity.

VI. PLANNING COMMISSION ROLE AND OPTIONS:

The City of Charlevoix Planning Commission has the following options for Project 2019-01 SU:

1. Deny Project 2019-01 SU based on specific findings of fact that the application does not meet the review criteria in Sections 5.25 and 5.133.
2. Approve Project 2019-01 SU based on specific findings of fact that the application does meet the review criteria in Sections 5.25 and 5.133.
3. Approve Project 2019-01 SU based on specific findings of fact that the application does meet the review criteria in Sections 5.25 and 5.133 with conditions as contained herein.
4. Table the decision based on the need for additional review time or information.

REZONING PROCEDURES

1. Application to be completed by applicant and filed with Zoning Administrator.
2. Applicant to provide legal description of property to be rezoned.
3. A scaled drawing must be presented showing the parcel to be rezoned. If the parcel is currently vacant, a scaled drawing must be presented showing all buildings, parking facilities, landscaping, elevations and all setbacks from the property line.
4. Property to be staked
5. Fee paid to Treasurer.

Interoffice Procedures:

4. Planning Commission and City Council Public Hearing dates set.
5. Notices sent to all property owners within 300 feet of subject property.
6. Rezoning request materials sent to City Attorney who must write the proposed ordinance to be adopted by Council.
7. Planning Commission Public Hearing. Recommendation given to City Council.
8. City Council Public Hearing and decision made.
9. If Protest Petition is filed pursuant to MSA 5.2934 (5), the Protest Petition is reviewed by the City Clerk and City Attorney for sufficiency. City Code Section vote requirements are observed.

Ordinance References:

Statutory References: MSA 5.2934

153.006 AMENDMENTS.

(A) *Initiation of rezoning and chapter text amendments.* The city may from time to time amend, modify, supplement or delete any provision of this chapter (text amendment) or change the zoning district boundaries shown on the Official Zoning Map (rezoning) pursuant to the provisions of the state=s Zoning Enabling Act (Public Act 110 of 2006, being M.C.L.A. ' 125.3101 to 125.3702).

(1) *Initiation of rezoning.* An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning) may be initiated by the City Council, the Planning Commission, the owner or owners of property or with permission of the owner which is the subject of the proposed amendment.

(2) *Initiation of text amendment.* Amendments to the text provisions of this chapter may be initiated by the City Council, the Planning Commission or by petition of one or more residents or property owners of the city.
(Prior Code, ' 5.190)

(B) *Application procedure.* A rezoning or text amendment request, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs and fees for any consultant reviews. Such fees and escrow amounts shall be established from time to time by resolution of the City Council.

(1) *Application for rezoning.* The following information shall accompany the rezoning application form:

- (a) A legal description and street address of the subject property;
- (b) A map identifying the subject property in relation to surrounding properties;
- (c) The name, signature and address of the owner of the subject property; a statement of the applicant=s interest in the subject property, if not the owner in fee simple title, and proof of consent from the property owner;
- (d) The existing and proposed zoning district designation of the subject property;
- (e) A site analysis at a scale not less than one inch equals 100 feet or aerial photography illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations and access points on both sides of the streets within 200 feet of the subject site;
- (f) A written evaluation to support that the request addresses consistency with the city=s Master Plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area and other similar factors; and
- (g) The Planning Commission and/or City Council may require a traffic impact analysis for a rezoning that results in potential uses that would be expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily.

(2) *Application for text amendment.* An application for a text amendment shall include a general description and indication of the purpose of the proposed amendment.
(Prior Code, ' 5.191)

(C) *Rezoning and chapter amendment procedure.*

(1) *Pre-application conference (optional).* An optional pre-applicant conference with the Zoning Administrator to review the amendments, discuss the level of environmental information, land uses and the need for a traffic study may be requested by the applicant.

(2) *Public hearing.* Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be provided in accordance with the Zoning Act.

(3) *Planning Commission review and recommendation.* Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. In the case of a rezoning request, the Planning Commission shall consider the criteria in making its finding and recommendation.

(4) *City Council review and action.* Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment.

(a) In the case of a rezoning request, the City Council shall approve or deny the request, which may be based on the consideration of the criteria for amendment of the Official Zoning Map (rezoning).

(b) In the case of a text amendment, the City Council may modify or revise the proposed amendment prior to enactment.

(5) *Notice of adoption.* Following adoption of a zoning map amendment (rezoning) or text amendment by the City Council, a notice will be published in accordance with the provisions of the Zoning Act and the city.

(6) *Resubmittal.* A petition for a rezoning or zoning ordinance text amendment that has been denied by the City Council shall not be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission. (Prior Code, ' 5.192)

(D) *Criteria for amendment of the official zoning map (rezoning).*

(1) In considering a rezoning application, the Planning Commission and the City Council shall consider the following criteria in making their findings, recommendations and decisions:

(a) Consistency with the goals, policies and future land use map of the Charlevoix Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, then consistency with recent development trends in the area shall be evaluated;

(b) Whether development under current zoning is impractical or less reasonable than the requested or desired zoning district given factors such as development trends;

(c) Capability of the site's physical, geological, hydrological and other environmental features to accommodate the potential uses allowed in the proposed zoning district;

(d) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning and potential influence on property values;

(e) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city;

(f) The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need; and

(g) Other factors as determined by the Planning Commission and the City Council.

(2) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another or by amending the list of permitted or special land uses within a district.
(Prior Code, ' 5.193)

(E) *Amendments required to conform to court decree.* An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published without necessity of a public hearing or a referral to any other commission or agency.
(Prior Code, ' 5.194)
(Ord. 795, passed 11-5-2018)

' 153.007 CONDITIONAL ZONING.

(A) An applicant requesting a rezoning may voluntarily offer a conditional zoning agreement along with an application for rezoning before, or following, the public hearing for a proposed rezoning. A decision to submit a conditional zoning agreement shall be pursuant to the Zoning Act and this chapter.

(B) The conditional zoning agreement shall be in writing, executed by the applicant and the city and recorded with the county=s Register of Deeds.

(C) The conditional zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use; may impose greater restrictions on the location, size, height or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features; or may provide for financing and installation of public works necessary to serve the proposed project.

(D) (1) The conditional zoning agreement shall not authorize uses or developments of greater intensity or density, or uses and developments that are not permitted in the proposed zoning district.

(2) The conditional zoning agreement may not permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district; however, any variance approved by the Zoning Board of Appeals in accordance with ' 153.035 through 153.042 of this chapter may be allowed as part of a conditional rezoning agreement.

(3) If a special land use or site plan review is required by this chapter for the use proposed or subject to conditions within the rezoning agreement, the use(s) shall comply with the review and approval requirements as applicable prior to establishing or commencing the use(s).

(E) The conditional zoning agreement shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:

(1) Serve the property with improvements including, but not limited to, the extension, widening or realignment of streets; construction or extension of utilities and other infrastructure improvements serving the site; or the construction of recreational facilities serving the site or uses thereon;

(2) Minimize the impact of the development on surrounding properties and the city overall; or

(3) Preserve natural features and open space beyond what is normally required.

(F) In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the conditional zoning agreement shall also include the following:

(1) An acknowledgment that the conditional zoning agreement was proposed voluntarily by the applicant;

(2) A statement that the property shall not be developed or used in any manner that is not consistent with the conditional zoning agreement;

(3) A statement that the approval of the rezoning and the conditional zoning agreement shall be binding upon and inure to the benefit of the property owner and the city, and also their respective heirs, successors, assigns, receivers or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement;

(4) A statement that, if a rezoning with a conditional zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established;

(5) A statement that no part of the conditional zoning agreement shall permit any activity, use or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district;

(6) A legal description of the land to which the agreement pertains; and

(7) Any other provisions as are agreed upon by the parties.

(G) The conditional zoning agreement shall be reviewed concurrently with the petition for rezoning following the process in ' 153.006(C) above and the following.

(1) The conditional zoning agreement may be submitted prior to or following the Planning Commission public hearing. If the agreement is provided following the public hearing it must be reviewed by the Planning Commission prior to the Planning Commission making its recommendation on the rezoning to the City Council. The conditional zoning agreement shall be reviewed by the City Attorney to determine that the conditional zoning agreement conforms to the requirements of this section and the Zoning Act and shall confirm that the conditional zoning agreement is in a form acceptable for recording with the county=s Register of Deeds.

(2) Following the public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in division (D)(1) above. In addition, the Planning Commission shall consider whether the proposed conditional zoning agreement:

(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;

(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;

(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;

(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; and

(f) Is clearly in the public interest and not inconsistent with the recommendations of the city=s Master Plan.

(3) If a conditional zoning agreement has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve the conditional zoning agreement as a condition to the rezoning if it meets all requirements of division(G)(2) above. The conditional zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.

(4) If the rezoning and conditional zoning agreements are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned and a reference to the conditional zoning agreement. The Official Zoning Map shall specify the new district, plus a parenthetical ACZ@ to indicate that the property is subject to a conditional zoning agreement (i.e., AR1 (CZ)@). The City Clerk shall maintain a listing of all properties subject to conditional zoning agreements and shall provide copies of the agreements upon request.

(5) The approved conditional zoning agreement shall be recorded with the county=s Register of Deeds.

(6) Any uses proposed as part of a conditional zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of ' ' 153.230 through 153.239 and 153.250 through 153.257 of this chapter.

(H) (1) The rezoning and conditional zoning agreement shall expire one year after adoption of the rezoning and conditional zoning agreement, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the city commences within the one-year period and proceeds diligently to completion, unless extended by the City Council for good cause.

(2) In the event that substantial construction on the approved development has not commenced within one year, the conditional zoning agreement shall be void.

(3) Should the conditional zoning agreement become void, all development on the subject property shall cease and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with the conditional zoning agreement, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to, or in lieu of, any other lawful action to achieve compliance.

(4) Notwithstanding the above, if the property owner applies in writing for an extension of the conditional zoning agreement at least 30 days prior to the expiration date, the City Council may grant an extension of up to one year. Further extensions may be granted by the City Council, although the number of previous extensions granted to a particular conditional zoning agreement shall be considered in relation to the diligent effort of the land owner to satisfy the conditions of the agreement.

(I) If the rezoning and conditional zoning agreement becomes void as previously outlined, then the land shall revert back to its prior zoning classification as set forth in the Zoning Act. The Zoning Administrator or designee shall initiate the rezoning to the prior zoning classification and notify the land owner and/or developer of the reversion of zoning by registered letter.

(J) Provided that, all development and/or use of the property in question is in compliance with the conditional zoning agreement, an authorized use or development may continue indefinitely; provided that, all terms of the conditional zoning agreement continue to be met.

(K) The conditional zoning agreement may be amended by the city with the landowner=s consent in the same manner as was prescribed for the original rezoning and conditional rezoning agreement.

(L) Nothing in the conditional zoning agreement, nor any statement or other provision shall prohibit the city from later rezoning all or any portion of the property that is the subject of the conditional zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Zoning Act.

(M) The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner=s rights under this chapter.

(N) The city is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional zoning agreement the basis for requiring the city to approve a rezoning application.

(Ord. 795, passed 11-5-2018)

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Site Plan Review: Midtown Development, Inc., 115 Pine River Ln. – Residential Development

DATE: October 14, 2019

BACKGROUND

This is a Site Plan Review for a residential development.

ATTACHMENTS:

- ❑ Site Plan Review: Pine River Lane
- ❑ Pine River Lane drawings
- ❑ Pine River new submission
- ❑ Floor Plan - 1st floor
- ❑ Floor Plan - 2nd floor
- ❑ Elevation drawing
- ❑ Public comment
- ❑ Public comment #2, letter
- ❑ Public comment #2, photo #1
- ❑ Public comment #2, photo #2
- ❑ Public comment #2, photo #3
- ❑ Public comment #2, photo #4
- ❑ Public Comment #3
- ❑ Public Comment #3, drawing
- ❑ Public Comment #4
- ❑ Applicant updated drawings 10-14-19 - elevation
- ❑ Applicant updated drawings 10-14-19 - 1st floor plan
- ❑ Applicant updated drawings 10-14-19 - 2nd floor plan
- ❑ Public comment #5
- ❑ Public comment #6
- ❑ Email from the Chair



**CITY OF
CHARLEVOIX**

Office of Planning and Zoning
210 State Street, Charlevoix, MI 49720
planner@charlevoixmi.gov
Phone: (231)547-3265
Fax: (231)237-0329

NOTICE OF PUBLIC MEETINGS
Charlevoix City Hall – Council Chambers 2nd Floor
210 State Street
Charlevoix, MI 49720

City Planning Commission
October 14, 2019 6:00PM

CASE NUMBER: 2019-2 SP
APPLICANT: Midtown Development Inc.
SUBJECT PROPERTY: 115 Pine River Lane
PROPERTY TAX NO.: 15-052-100-001-00, 100-002, 100-003, 100-004, 100-005, 100-006, and 100-007

Dear Property Owner/Tenant:

You are receiving this notice because you are located within 300 feet the above identified property for which a Site Plan Review will take place before the Planning Commission and the City Council on the respective dates indicated above. The specific request is to construct a 14 unit site condominium. You are not required to respond to this notice.

The City of Charlevoix Planning Commission will hold a public meeting on **Monday October 14, 2019 at 6:00 p.m.** in the Charlevoix City Hall Council Chambers to evaluate a site plan application submitted by Midtown Development. The Planning Commission may recommend approval of the Site Plan, recommend approval with modifications, recommend denial of the Site Plan or table action on the Site Plan.

Written and oral comments from the public are welcome. Oral comments may be presented at the hearing. Written comments may be mailed, emailed, faxed or hand delivered to the City Planning Department no later than 4:00 PM on the evening of the hearings at the above address. The case file and plans may be viewed at the City Planning Office at City Hall. Please call or email with any questions or concerns you may have.

Jonathan D. Scheel
Zoning Administrator



CITY OF CHARLEVOIX

210 State Street Charlevoix, MI 49720
www.charlevoixmi.gov

Permit No.: _____
Date Received: _____
Decision Date: _____

Office of Planning and Zoning (231) 547-3265
Planner@Charlevoixmi.gov

Planning Commission Application

☒ Site Plan Review	☐ Rezoning
☐ Special Land Use Permit	☐ Zoning Ordinance Amendment
☐ Planned Unit Development	☐ Other _____

Applicant Name: Middleton Development Inc
Street Address: 138 Fairway Hills Dr
City: Traverse City State: MI Zip code: 49684
Phone Number(s): 231-218-4983 E-mail: Tim.k.burdon@gmail.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: [Signature] Date: 7/22/19

Applicant is the: ☒ Owner ☐ Lessee ☐ Agent ☒ Contractor/Architect

Property Owner's Name (if different from applicant): Charlevoix Pointe LLC
Street Address: 138 Fairway Hills Dr
City: Traverse City State: MI Zip code: 49684
Phone Number(s): 231-218-4983 E-mail: Tim.k.burdon@gmail.com
Signature: [Signature] Date: 7/22/19

I hereby grant permission for members of the City of Charlevoix (Planning Commission) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: [Signature] Date: 7/22/19

Project Location or Address: 115 PINE RIVER LN. CHARLEVOIX MI
Parcel Number: 15-052-100-008-00 / 162/003/004/005/006/007

Explanation of Request: Plan approval additional units

City of Charlevoix
Planning Commission Application
Page 2

Subject Parcel Information:

Project Location or Address: 115 Pine River Lane
Parcel Number: 15-052-100-001-00 1/2/3/4/5/6/7/
Zoning District: R 4
Current Use of Property: VACANT
Dimensions of Parcel: Irregular - 176' ^{WEST} ~~North~~ Line, 160' N. Line, 109' S. Line
Parcel Size: 1.69 acres
Please describe the type of construction proposed: Wood frame residential

Affidavit

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance.

I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her agent.

I agree the statements made above application and associated documents are true, and if found not to be true, the approval of the site plan and/or any zoning permit that may be issued may be void.

Further, I agree to comply with the conditions and regulations provided with the approved site plan and any permit that may be issued.

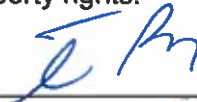
Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Charlevoix Zoning Ordinance will be complied with.

Further, I agree to notify the zoning administrator of City of Charlevoix for inspection before the start of construction and when locations of proposed uses are marked on the ground.

Further, I agree to give permission for officials of City of Charlevoix, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.

Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Property Owner or Agent Signature:


Date: 7/22/19

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.

Rev: 3-2018



Midtown Development, Inc.

Jonathan Scheel

City of Charlevoix Planner

Answers and Clarifications.

1. Professional seal – Done

EXISTING CONDITIONS

2. Abutting street ROW width

- From curb to curb approximately 58 feet.

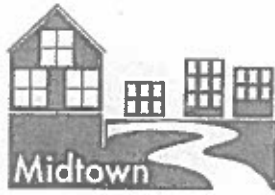
3. Location of Existing structures driveways and parking within 300'

- Driveways to the West:
 - To Condo's approximately 70 feet from our proposed drive, ten feet from property.
 - Single Family Home approximately 90 feet from our proposed drive.
 - Single Family Home - Pine River Lane provides street parking about 200 ft.
- Driveways to the East
 - The Weathervane west drive approximately 140 feet from our proposed drive.
 - The Weathervane east drive approximately 260 feet from our proposed drive.
- Municipal parking provides over 60 parking spaces within 300 feet.
- To the north there is no access to this property, the Weathervane and 2 single family homes are adjacent to the north.

4 Size and location of existing utilities

- Pine River Lane.

PROPOSED DEVELOPMENT



Midtown Development, Inc.

5. Show curbing at driveway and parking
 - See drawings
6. Common use areas dedicated open space.
 - The driveway and turn areas and the set back areas are the common use areas.
7. Deed restrictions or covenants.
 - We will be revising the master deed and condominium documents to reflect the changes to the site.
8. Brief narrative description of the project.

Proposed Property Name - Riverwalk Cottages of Charlevoix

The development consists of 12 single family homes and one duplex for sale as site condominiums. They are 1,100 square feet as we are trying to present an affordable price point to the market. These homes offer 3 bedrooms and 2 baths with a full mini kitchen and a kitchenette on the upper level. The homes feature counter tops of Quartz and high-quality cabinets and windows.

We have selected a dark blue siding with white trim and windows. There is a nautical theme to the look and we believe that they will be quite attractive and fit in with Charlevoix.

9. Location and size of proposed utilities. Sewer, water, Electrical needs. The site plan shows water, sewer and water retention under the driveway. Electrical will be underground and we will coordinate with the provider for locations. We will utilize 14 – 100 amp panels.



Midtown Development, Inc.

Tim Burden

Midtown Development INC

Zimbra

planner@charlevoixmi.gov

Re: 115 Pine River Lane

From : Pat Elliott <pate@charlevoixmi.gov>

Tue, Sep 17, 2019 02:03 PM

Subject : Re: 115 Pine River Lane**To :** tim <timkburden@gmail.com>**Cc :** City of Charlevoix Planner
<planner@charlevoixmi.gov>External images are not displayed. [Display images below](#)

Tim,

I spoke with Johnathan today regarding utilities etc. Johnathan, if you need more information from me regarding utilities, let me know.

Thanks,

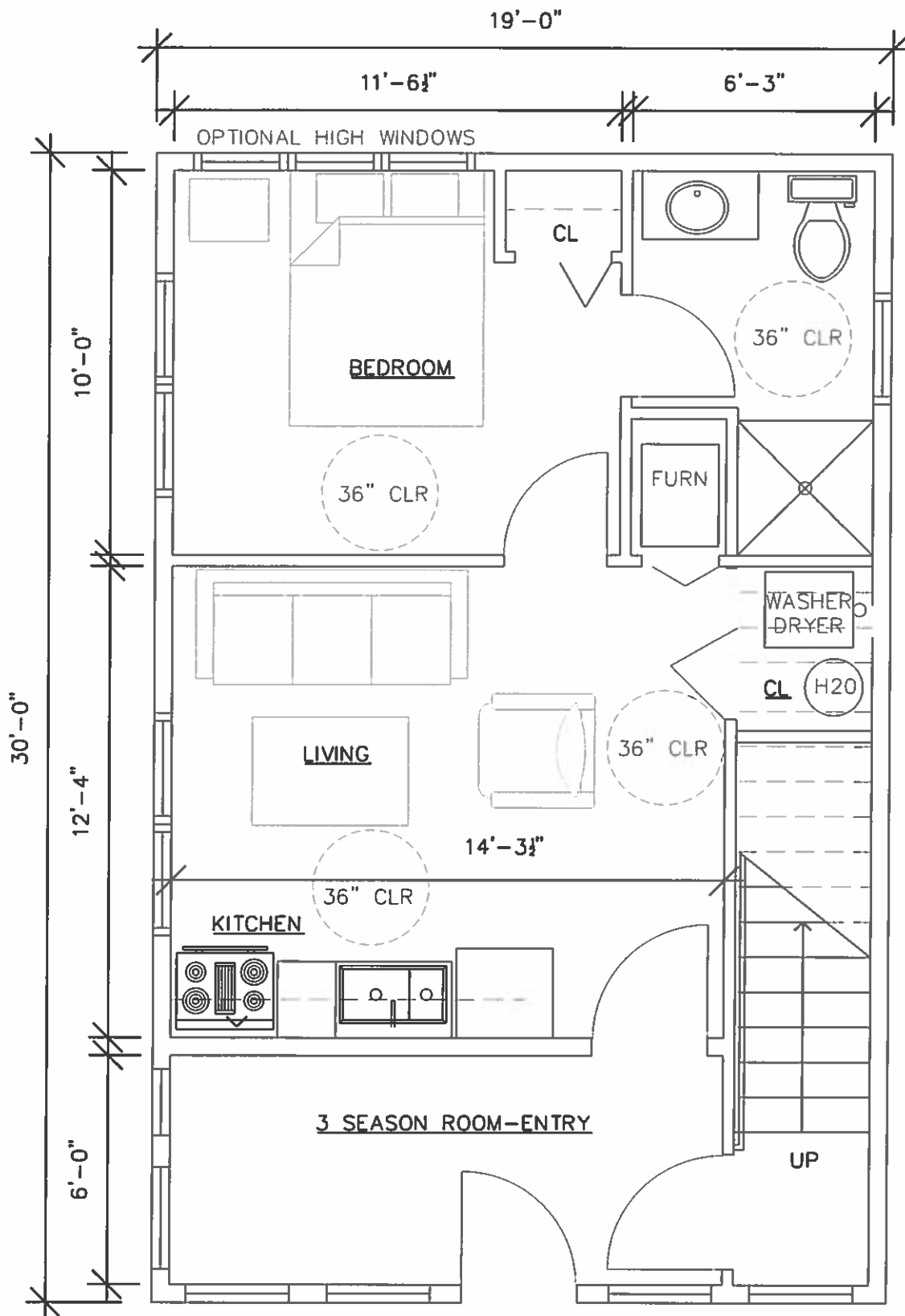
Pat Elliott
Supervisor, Department of Public Works
Pate@charlevoixmi.gov
231.547.3276

From: "tim" <timkburden@gmail.com>**To:** "Pat Elliott" <pate@charlevoixmi.gov>**Sent:** Tuesday, September 17, 2019 11:42:54 AM**Subject:** 115 Pine River Lane

Hi Pat

Jonathan Scheel is asking where existing infrastructure is coming from and what exists. Can you please provide some narrative for me to submit with other clarification and details.

Thank You



REVISED CONCEPTUAL FIRST FLOOR PLAN

1/4" = 1'-0"

CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
CHARLEVOIX, MICHIGAN

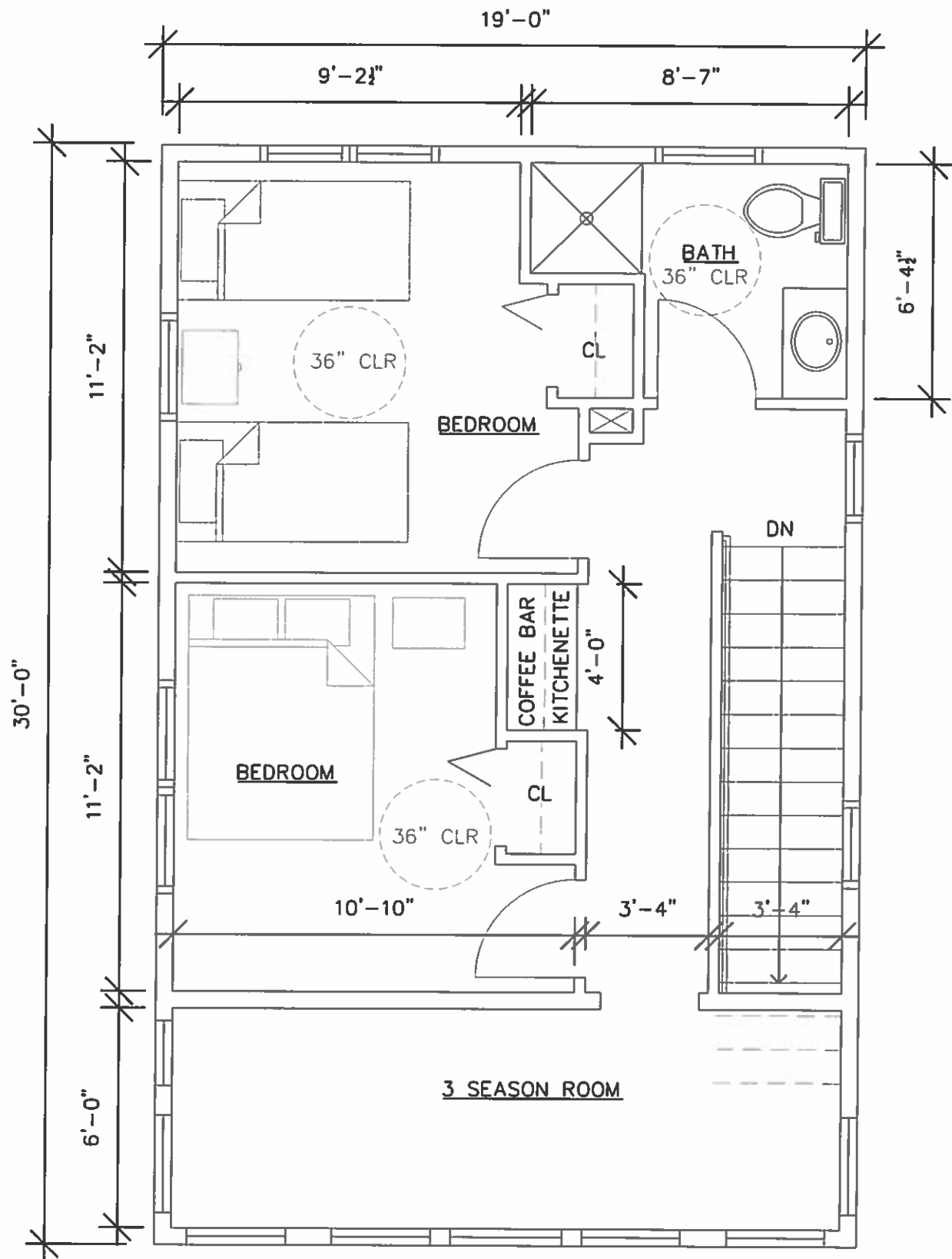
MIDTOWN DEVELOPMENT, INC.

138 FAIRWAY HILLS DRIVE
TRAVERSE CITY, MICHIGAN

PROJECT NO.
BURDEN

SK1

DATE:
8-16-2019



REVISED CONCEPTUAL SECOND FLOOR PLAN

1/4" = 1'-0"

CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
CHARLEVOIX, MICHIGAN

MIDTOWN DEVELOPMENT, INC.

138 FAIRWAY HILLS DRIVE
TRAVERSE CITY, MICHIGAN

PROJECT NO.
BURDEN

SK2

DATE:
8-16-2019



REVISED CONCEPTUAL ELEVATION – FRONT
 1/4" = 1'-0"

CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
 CHARLEVOIX, MICHIGAN

MIDTOWN DEVELOPMENT, INC.

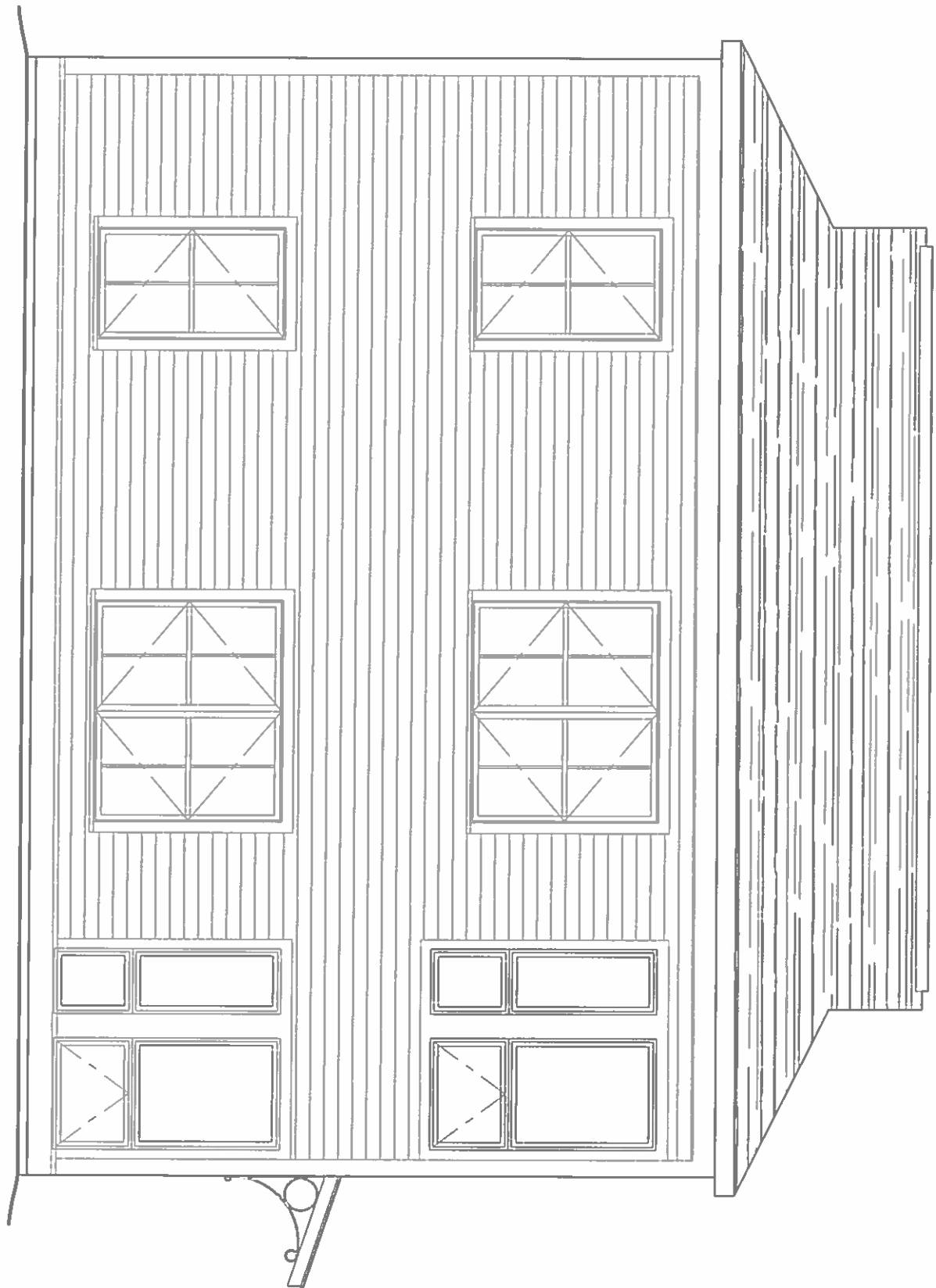
138 FAIRWAY HILLS DRIVE
 TRAVERSE CITY, MICHIGAN

PROJECT NO.
 BURDEN

SK3

DATE:
 8-16-2019

1/4" = 1'-0"
 REVISED CONCEPTUAL ELEVATION - SIDE



CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
 CHARLEVOIX, MICHIGAN

MIDTOWN DEVELOPMENT, INC.

138 FAIRWAY HILLS DRIVE
 TRAVERSE CITY, MICHIGAN

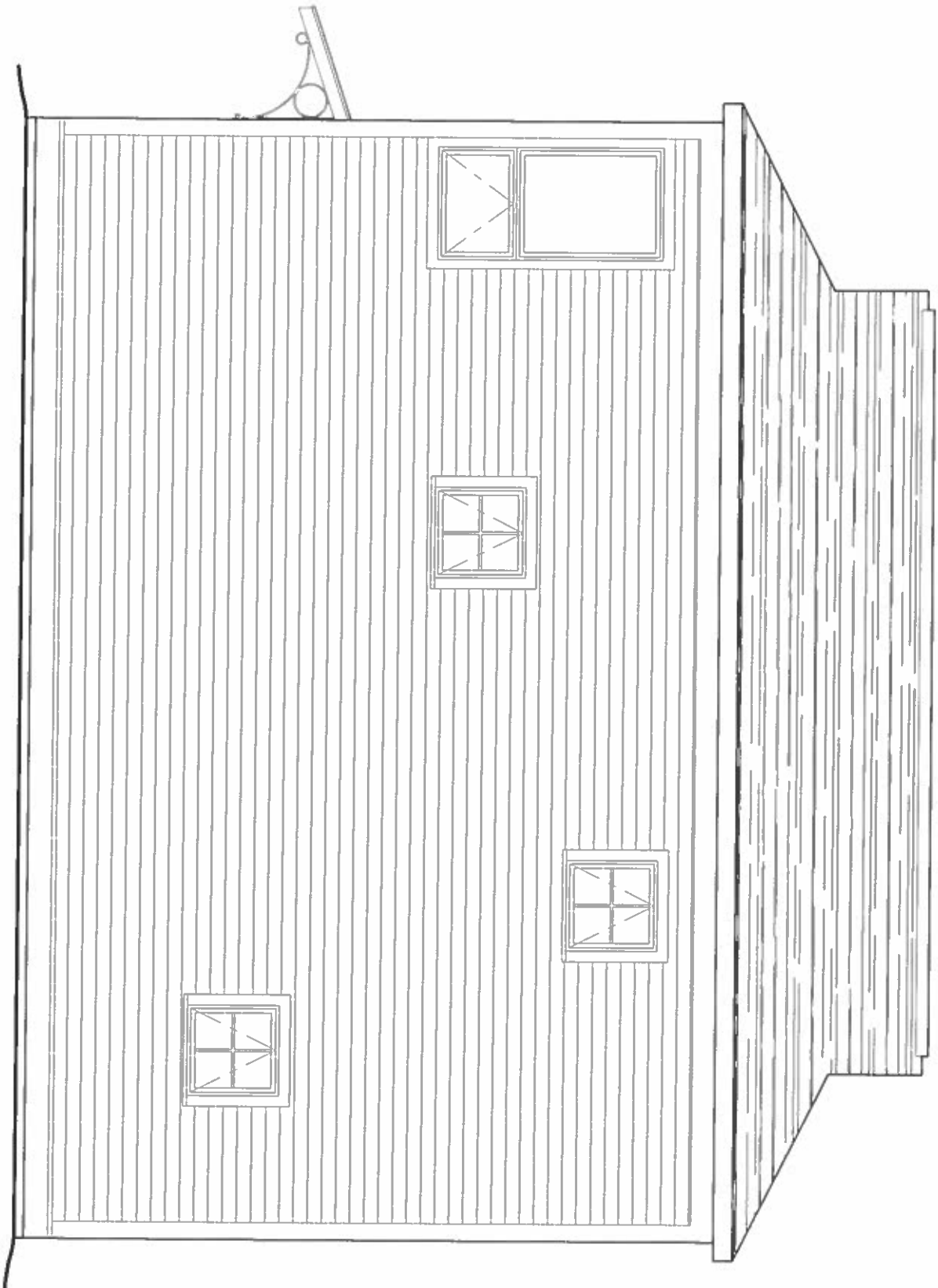
PROJECT NO.
 BURDEN

SK4

DATE:
 8-16-2019

1/4" = 1'-0"

REVISED CONCEPTUAL ELEVATION – SIDE



CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
CHARLEVOIX, MICHIGAN

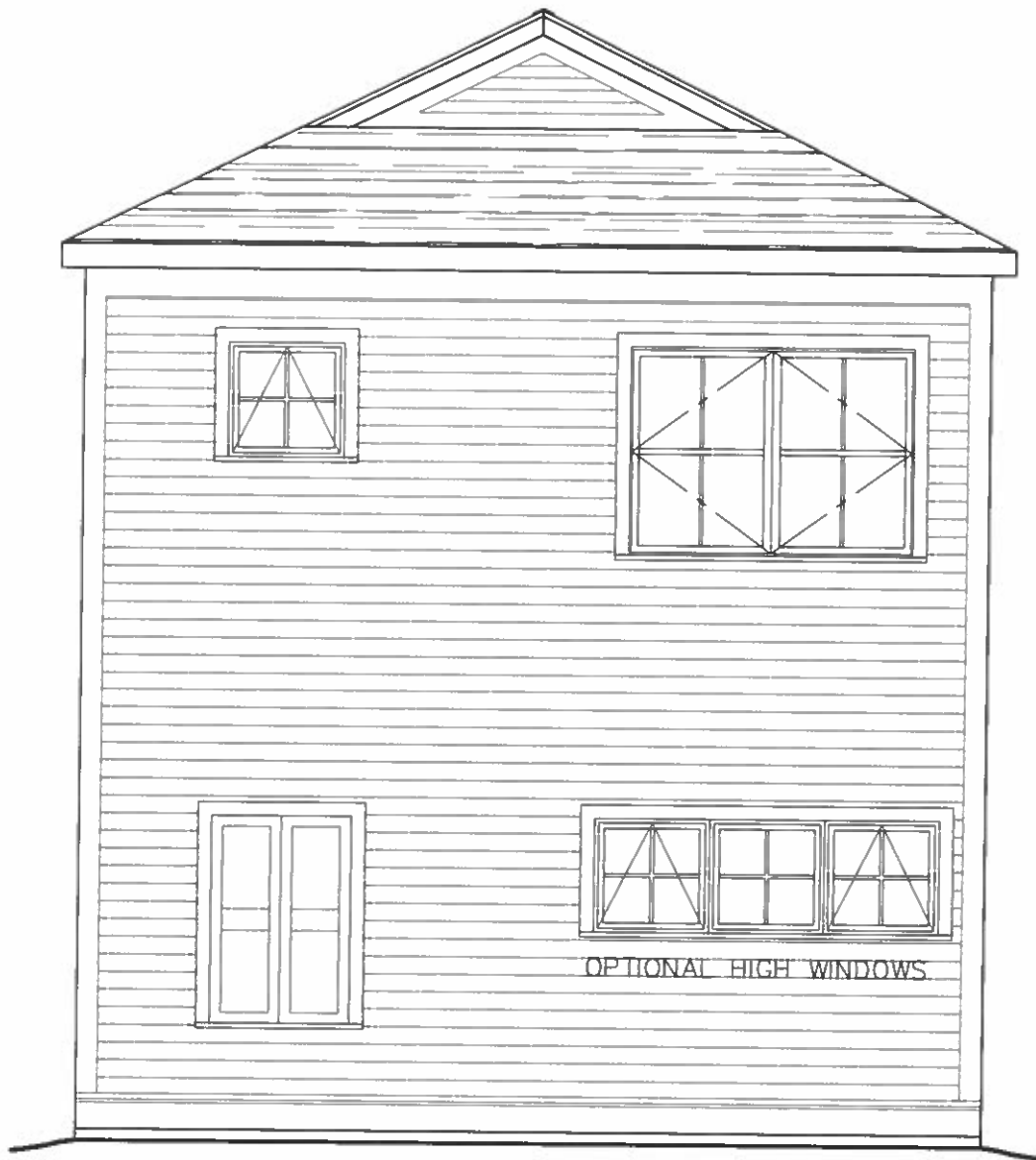
MIDTOWN DEVELOPMENT, INC.

138 FAIRWAY HILLS DRIVE
TRAVERSE CITY, MICHIGAN

PROJECT NO.
BURDEN

SK5

DATE:
8-16-2019



REVISED CONCEPTUAL ELEVATION – FRONT
 1/4" = 1'-0"

CHARLEVOIX POINT CONDOMINIUMS

PINE RIVER LANE
 CHARLEVOIX, MICHIGAN

MIDTOWN DEVELOPMENT, INC.

138 FAIRWAY HILLS DRIVE
 TRAVERSE CITY, MICHIGAN

PROJECT NO.
 BURDEN

SK6

DATE:
 8-16-2019



East



South of property





PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review 2019-2 SP: Pine River Lane Site Condominium

PUBLIC MEETING DATE: **October 14, 2019** **6:00PM**

EXHIBITS:	1. Site Plan Review application. 2. Site Plan provided by applicant. 3. Department Head statements 4. City of Charlevoix Zoning Ordinance.
------------------	--

I. GENERAL INFORMATION:

Applicant: Midtown Development Inc.

Property Owner: Charlevoix Pointe LLC.
311 E 8th Street
Traverse City, MI 49684

Requested Action: Level B Site Plan Approval for Site Condominium

Zoning: Residential High Density R-4

Project Location: 115 Pine River Lane

Project Site Size: 39,436 Square feet

Existing Land Use: None

Adjacent Land Uses: The property to the north is a bed and breakfast with single family residential to the east and west. The property that is adjacent to the north east corner of the subject property is a hotel.

Adjacent Zoning: Residential High Density to the east and west, Single Family Residential to the north. The Channel is to the south

II. PROJECT DESCRIPTION/LOCATION:

The applicant is requesting a site plan approval for a 14 unit site condominium which requires a Level B Site Plan Review. The applicant is proposing building ~~12 two story 1,100 square foot single family units~~ and ~~one~~ **seven** two unit 2,200 square foot duplexes.

Aerial photo from 2016.



Source: Charlevoix County Website, property boundary lines are approximate.



Subject property photo taken 9/30/2018

III. MASTER PLAN CONSIDERATIONS: *Please note that Site Plan Review is not based on consistency with the City Master Plan, this section is included only for general reference.

The 2016 Land Use Master Plan identifies this area of Charlevoix as being Hospitality Commercial

IV. SITE PLAN REQUIREMENTS:

The Zoning Administrator has been granted the authority to waive portions of the information that is typically required in a site plan by the Zoning Ordinance. Table 153.234 below indicates what items are included on the site plan as submitted and what items the Zoning Administrator has waived. The key for the responses on the right hand side of Table 153.234 are noted below.

- X Information Provided on Site Plan
- SA See Attached Information
- PI Partial Information Provided on Site Plan
- NA Not Applicable, Requirement Waived by Zoning Administrator
- M Missing

Submittal Requirements

(1) Required Content. Each site plan submitted shall contain the information detailed in Table 153.234, as applicable:

Table 153.234: Required Site Plan Content

<u>Required Information</u>	<u>Level “B”</u>
------------------------------------	-------------------------

General Information

<u>Date, north arrow and scale</u>	<u>X</u>
<u>Name and firm address of the professional individual responsible for preparing the site plan</u>	<u>X</u>
<u>Name and address of the property owner or petitioner</u>	<u>X</u>
<u>Location sketch</u>	<u>X</u>
<u>Legal description of the subject property</u>	<u>X</u>
<u>Size of subject property in acres or square feet</u>	<u>X</u>
<u>Boundary survey</u>	<u>X</u>
<u>Preparer’s professional seal</u>	<u>X</u>
<u>Revision block (month, day and year)</u>	<u>X</u>

Existing Conditions

<u>Existing zoning classification of subject property</u>	<u>X</u>
<u>Property lines and required setbacks (dimensioned)</u>	<u>X</u>
<u>Location, width and purpose of all existing easements</u>	<u>X</u>
<u>Location and dimension of all existing structures on the subject property</u>	<u>X</u>
<u>Location of all existing driveways, parking areas and total number of existing parking spaces on subject property</u>	<u>X</u>
<u>Abutting street right-of-way width</u>	<u>X</u>
<u>Location of all existing structures, driveways and parking areas within three hundred (300) feet of the subject property’s boundary</u>	<u>PI</u>
<u>Existing water bodies (rivers, creeks, wetlands, etc.)</u>	<u>X</u>
<u>Existing landscaping and vegetation on the subject property</u>	<u>PI</u>
<u>Size and location of existing utilities</u>	<u>X</u>
<u>Location of all existing surface water drainage facilities</u>	<u>X</u>

Proposed Development

<u>Location and dimensions of all proposed buildings</u>	<u>X</u>
<u>Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas</u>	<u>X</u>
<u>Setbacks for all buildings and structures</u>	<u>X</u>

<u>Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use</u>	<u>X</u>
<u>Flood plain areas and basement and finished floor elevations of all buildings</u>	<u>X</u>
<u>Landscape plan (showing location of proposed materials, size and type)</u>	<u>X</u>
<u>Layout and typical dimensions of proposed parcels and lots</u>	<u>X</u>
<u>Number of proposed dwelling units (by type), including typical floor plans for each type of unit</u>	<u>X</u>
<u>Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units</u>	<u>X</u>
<u>All deed restrictions or covenants</u>	
<u>Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and any change in the number of parking spaces</u>	<u>X</u>

Engineering

<u>Proposed method of handling sanitary sewage and providing potable Water</u>	<u>X</u>
<u>Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems</u>	<u>X</u>
<u>Location and spacing of fire hydrants</u>	<u>X</u>
<u>Location and type of all proposed surface water drainage facilities</u>	<u>X</u>
<u>Grading plan at no more than two (2) foot contour intervals</u>	<u>X</u>
<u>Proposed streets (including pavement width, materials and easement or right-of-way dimensions)</u>	<u>X</u>

Building Details

<u>Typical elevation views of all sides of each building</u>	<u>X</u>
<u>Gross and usable floor area</u>	<u>X</u>
<u>Elevation views of building additions</u>	<u>X</u>
<u>Building height</u>	<u>X</u>

(1) Information Waiver. Specific requirements of either a Level "A" or "B" site plan may be waived by the Zoning Administrator where it is determined that such information is not applicable to the request.

(2) Additional Reports/Study: The Zoning Administrator or Planning Commission may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The Zoning Administrator or Planning Commission shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

The Zoning Administrator believes there is no need to require additional information in regard to this site plan.

153.072 (D) R4 District; additional requirements for multiple-family dwellings.

(1) *Development standards.* The general plan for multiple-family dwellings shall include evidence and facts showing that it has considered and made provisions for and the development shall be executed in accordance with, the following essential conditions.

(a) The proposed development shall be constructed in accordance with an overall plan and shall be designed as the unified architectural unit (each building, excluding accessory structures, shall have consistent roof lines, roof pitch, architectural features and building materials) with appropriate landscaping meeting the requirements of ' 153.171 of this chapter.

Submitted plans show common and consistent design elements with all buildings including landscaping that meets 153.171 of the zoning ordinance.

(b) If the development of the R4 Zone is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this subchapter shall be fully complied with at the completion of any stage and the development of each stage shall take place in sequential order as designated by the plan.

The development is not to be built in stages

(2) Development requirements.

(a) *Distance between buildings.* The horizontal distance measured between buildings, forming courts and courtyards, shall not be less than 40 feet.

NA see Table 153.072(E) 10 feet

(b) *Parking.* A parking area shall be placed so that it does not interfere with any recreation or service area and shall be set back at least 20 feet from property lines.

The plan shows parking for each unit between buildings. PC to decide if the parking setback standard applies to single family detached homes.

(c) *Paving.* All areas provided for use by vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete or similar materials and be properly drained.

Plan shows asphalt and permeable pavers in all vehicle and pedestrian areas.

(e) *Access.* Provision shall be made for safe and efficient ingress and egress to the public streets and highways servicing the R4 Zone without undue congestion to, or interference with, normal traffic flow.

Plan shows a 20 foot wide access road and 5 foot sidewalks meeting ordinance standards

(f) *Utilities.* All buildings within the R4 Zone shall be serviced by a public sanitary sewer disposal system and public water supply system. All utility lines within the subject property including, but not limited to, power, water, sewer and telephone shall be placed underground by the developer for new developments. Each unit will be considered as a separate dwelling for the purpose of utility connections.

City public works department has reviewed the proposed plan and has approved size and location of all utilities.

(g) *Open space.* The developer shall be required where possible to preserve or incorporate natural features such as wooded areas, streams and open space areas, which add to the overall cohesive development of the R4 Zone and overall community development.

This project involves 7 small adjacent existing lots with little to no open space natural features.

(E) *Dimensional requirements, clustered housing.* Building height, setbacks, lot coverage and minimum floor area for single-family attached, single-family detached, two-family dwellings or any combination in an R4 District clustered housing development shall conform to the requirements of Table 153.072(e).

153.117 Residential Uses

(A) Dwellings, single-family attached or detached (outside manufactured home communities). All dwelling units located outside a licensed manufactured home community shall comply with the following.

(1) A dwelling unit shall conform to the minimum floor area requirements of the district in which it is located.

Meets standard

(2) A dwelling unit shall have a minimum floor to ceiling height of seven feet, six inches; or, if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective 6-15-1976, as amended.

Meets standard

(3) The minimum width of a single-family dwelling unit shall be 22 feet for at least 67% of its length, measured between the longest exterior walls.

New plan with duplexes meets standard

(4) All dwelling units shall comply with the state's Construction Code as promulgated by the state's Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being M.C.L.A. "125.1501 et seq. or the *Mobile Home Construction and Safety Standards*, as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time such standards may be amended.

Meets standard

(5) A dwelling unit shall be attached to a permanent foundation constructed in accordance with the State Construction Code and shall have the same perimeter dimensions as the dwelling. In the case of a manufactured home, it shall be installed per the manufacturer's set-up instructions and shall be secured to a foundation by an anchoring system or device complying with the rules and regulations of the states Manufactured Housing Commission or the states Construction Code, whichever is stricter.

Meets standard

(6) If provided, the wheels of a manufactured home shall be removed and the towing mechanism, undercarriage and chassis shall not be exposed.

NA

(7) All dwellings shall be connected to city sanitary sewer and water utilities.

Meets standard

(8) Any addition to a dwelling shall meet all the requirements of this chapter.

NA

(9) A dwelling may have either a roof overhang of not less than six inches on all sides or, alternatively, a roof drainage system that concentrates water at collection points and discharges it away from the dwelling.

Meets standard

Area, Height and Placement Requirements

<u>Maximum building height</u>	<u>30 feet</u>	<u>Proposed building roof is at 21.5 feet</u>
<u>Minimum Yard setbacks</u>	<u>front 25 feet</u>	<u>Proposed buildings is at 25 feet</u>
<u>Minimum Yard setbacks</u>	<u>side 10 feet</u>	<u>Proposed buildings is at 10 feet</u>
<u>Minimum Yard setbacks</u>	<u>rear 25 feet</u>	<u>Proposed buildings is at 25 feet</u>
<u>Lot Coverage</u>	<u>NA note 2</u>	<u>Submit grading and drainage plan</u>

² Applicants are required to submit a grading and drainage plan, in accordance with the requirements of 153.230 through 153.239 of this chapter, demonstrating storm water can be contained and managed on the subject property if no municipal storm water system exists. If a municipal storm water system exists, the Director of Public Works, or consulting engineer representing the city, shall review the grading and drainage plan to determine if the existing infrastructure can adequately handle the storm water runoff. Applicants may be required to install storm water management features to mitigate impacts to the municipal storm water system.

V. SITE PLAN REVIEW:

The following section is taken directly from the Site Plan Review Section of the Zoning Ordinance. The Planning Commission must make findings of fact to determine if the proposal meets each of the following standards. The Planning Commission must find that this proposal meets all of the following standards based on findings of fact before considering a motion to approve or deny. Staff has written the following recommended findings of fact as a starting point. The Planning Commission may add, modify, or delete any of the following draft findings at the meeting. The draft 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:

- A. 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 finds that the site plan proposal complies with the Zoning Ordinance, which states that R4, Planned High Density Residential. This district allows for higher density developments such as condominiums, apartment buildings, site condominiums, townhouses and clustered housing units. The following findings of fact will show that the site plan meets all other applicable laws and regulations.

- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

The Planning Commission finds that the proposed development is harmonious with the character of the existing neighborhood. The use proposed is for dense single family residential units. There are numerous condominiums in the immediate area. This proposal is less dense than those properties.

- C. The site must be 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.

The Planning Commission finds adequate measures have been taken to limit hazards to adjacent properties. The proposal allows for sufficient parking, as required by the Zoning Ordinance. The project is on a dead end street which limits traffic issues at the driveway entrance. The PC will review if there are any potential traffic issues at the Pine River Lane/Bridge Street intersection.

- D. Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

Traffic Circulation

The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

Off-Street Parking, Loading, Access and Circulation.

Table 153.187(H) of the Zoning Ordinance addresses the number of Off-Street Parking spaces needed and access requirements. 1.5 spaces per dwelling unit.

The Planning Commission finds that the proposed development will have 14 units needing 21 parking spots. The proposal is for the development to have 26 parking spots. The parking requirement has been met for minimum spaces but exceed 153.187(G) which states "Minimum parking space requirements shall not be exceeded unless approved by the Planning Commission based on

documented evidence that additional spaces are required to accommodate parking demand on a typical day."

Off Street Parking Facility Design

Section 153.189(A)(1) Off-Street Parking shall meet the side and yard setback requirements and not be closer than fifteen (15) feet to the rear lot line.

*The plan does not show any snow storage capacity or language showing how snow will be dealt with. Verbally the Zoning Administrator was told a snow blower will be used instead of plowing and excess snow will be removed from the property. The Planning Commission finds that the proposed development **does or does not** meet this requirement.*

Section 153.189(A)(3)(a) Required off-street parking facilities for single and two-family dwellings shall be located on the same property as the premises they are intended to serve and shall consist of a driveway, a parking apron and/or a garage.

The Planning Commission finds that the proposed development meets this requirement.

(C) Pavement Unless alternative materials are specifically permitted as provided in this division (C), all parking lots and vehicle and equipment storage areas shall be hard-surfaced using asphalt, concrete or concrete or brick pavers and shall be appropriately graded and drained. The Planning Commission may approve permeable paving for all or part of a parking lot.

The Planning Commission finds that the proposed development meets this requirement.

(D) Curbs. A Parking lot shall be surrounded by a six (6) inch curb...

The Planning Commission finds that the proposed development meets this requirement.

(E) Dimensions. Table 153.189 specifies applicable parking space and aisle dimension requirements.

*The proposed development shows one type of parking pattern. 90 degree parking which requires 9 foot width and 18 foot length and a maneuvering width of 24 feet. The proposal shows 9 foot, 18 foot, and 20 foot respectively. The access road pavement width of 20 feet does not meet the 24 foot maneuvering lane width requirement by itself. There is an additional 7 to 10 feet of sidewalk that could be considered as maneuvering width. The Planning Commission finds that the proposed development **does or does not** meet this requirement.*

(2) The length of a parking stall may be reduced by up to two feet if the parked vehicle can overhang an unobstructed landscaped area or sidewalk by not less than two feet. In such instances a sidewalk shall be at least seven feet wide.

The Planning Commission finds that the proposed development meets this requirement.

(3) At least seven feet shall be maintained between a parking lot and building.

The Planning Commission finds that the proposed development meets this requirement.

(4) All parking lots shall be striped and maintained showing individual parking bays in accordance with the following dimensions:

The Planning Commission finds that the proposed development meets this requirement.

(G) Ingress and Egress. Clearly defined and limited driveways shall provide adequate vehicular access to a parking lot. Interior access and circulation aisles for all parking spaces shall be provided. A public street shall not be used as a maneuvering space for a vehicle to get into or out of an off-street parking space.

The Planning Commission finds there would be sufficient vehicular access to the property, as well as maneuvering area on the parcel.

(H) Landscaping. Off-street parking areas shall be landscaped in accordance with the requirements of 153.171(H) of this chapter.

Table 153.171(a) and (b) requires a 10 foot width landscape buffer between R-4 and R-1 districts which exist at the rear of this property. The proposed plan shows a four foot wide area. Additionally the ordinance requires one tree and 12 shrubs for every 50 lineal feet of buffer area at the rear of the property. ~~None seem to exist.~~ Verbally the Zoning Administrator was told that 15 bushes and two trees will be added to the rear the buffer area. (C) (9) 9c) does allow a fence in lieu of 75% of the buffer. A fence is proposed. The Planning Commission finds that the proposed development ~~does or does not~~ meet this requirement.

Stormwater

Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.

The Planning Commission finds that there are no known existing drainage issues affecting this parcel or adjoining parcels. The proposed plan shows two rain garden holding areas for all storm water. The PC should require an engineered plan. This standard has been met.

Landscaping

(A). This section promotes the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping. Landscaping and landscaped buffers help

protect and enhance land uses and the visual image of the community. They further preserve natural features, improve property values and can alleviate the impacts of noise, traffic and visual distractions. Landscaped buffers protect less intense uses from noise, lighting and other impacts associated with more intensive land uses. Specifically, the intent of these provisions is to:

(1) Improve the appearance of off-street parking and storage areas and property abutting public rights-of-way;

(2) Protect and preserve the appearance, character and value of the neighborhoods, which abut non-residential areas, parking lots and other potentially obtrusive uses;

(3) Reduce soil erosion and depletion;

(4) Increase soil water retention, thereby helping to prevent flooding, erosion and sedimentation and enhancing ground water recharge;

(5) Remove air pollutants and reduce, eliminate or control glare, reflection and heat island effects; and

(6) Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts.

(B) *General requirements.* These regulations apply to all new uses and the expansion of existing uses requiring site plan approval.

(4) All plants shall be hardy per climatic conditions in the city.

Meets requirement

(5) All landscaped areas shall be mulched and those not containing trees and shrubs must be planted with ground cover. Mulch of any type is not considered groundcover, nor is it a substitute for ground cover.

Meets requirement

(6) The overall landscape plan shall not contain more than 25% of any one plant species.

Meets requirement

(7) Trees and shrubs shall not be placed closer than four feet to a fence, wall or property line.

Meets requirement

(10) Landscaping shall not obstruct sight distance, per ' 153.142 of this chapter.

Meets requirement

(11) Landscaping plans are subject to Planning Commission review and approval.

(12) The Planning Commission may allow a deviation from the requirements of this section under any of the following circumstances:

(a) Existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve;

(c) Modification of requirements will clearly result in a superior design that could not be otherwise achieved;

(e) Where the required landscaping may interfere with view corridors, such as developments along water bodies, the Planning Commission may require planting of specific species in locations where the height or canopy will not compromise view corridors; and

(13) The Planning Commission may impose conditions on landscaping as part of site plan review.

(15) Where landscaping requirements are based on a distance measured along a property line and result in a fractional requirement, the required landscaping for just that area shall be multiplied by the fraction. For example, when a fractional area is equal to 30% of the required distance the number of required plants shall be multiplied by 0.30. A fraction less than 25% may be disregarded.

There is 200 feet +- of adjacent R-1 property line

(16) To ensure that all landscaping is installed, as a condition of approval a letter of credit or some other performance guarantee may be required in accordance with ' 153.237 of this chapter.

(17) Low impact design, such as use of native vegetation, rain gardens and vegetated swales is encouraged.

(C) Buffer areas.

(1) A buffer area may be required where any use in a business or industrial district is adjacent to residentially zoned land and where multiple-family residential land uses are adjacent to land in the R1, R2, R2A and R4 Districts.

This property is adjacent to R-4 on the west and R-1 on the north and northwest. The applicant has proposed a fence and vegetation along the R-1 adjacent parcels but minimal additional vegetation on the adjacent R-4 parcels.

(3) A buffer area shall be parallel to and follow the property line tangent to the qualifying zoning district.

(4) A buffer area shall be required even when the adjacent property is undeveloped.

NA

(5) Except for access drives or private streets determined by the Planning Commission to be necessary to provide safe access to a property, a building, structure or parking lot shall not encroach within a required buffer area.

*The Planning Commission finds that the proposed development **does or does not** meet this requirement.*

(9) Buffer Area Alternatives

(c) A screen wall or fence, located within a buffer area, may be used in lieu of some landscaping.

1. A screen wall or fence shall be six feet tall and constructed of architectural block, brick, wood, vinyl or textured concrete.

Meets requirement

2. A screen wall or fence shall be located at least two feet from a property line.

Meets requirement

3. To maximize the effectiveness of screening, openings shall not exceed 20% of the surface of a wall or fence.

Meets requirement

4. When a screen wall or fence has both a finished and unfinished side, the finished side shall face either outward from the development site or to the side most visible to the general public, as determined by the Planning Commission.

Meets requirement

5. Landscaping requirements may be reduced by 75% when a screen wall is constructed in a buffer area.

*- Verbally the Zoning Administrator was told that 15 bushes and two trees will be added to the rear the buffer area. The Planning Commission finds that the proposed development **does or does not** meet this requirement.*

(E) Residential development.

(1) For each dwelling unit in a residential subdivision, land division or site condominium.

(a) One canopy tree shall be planted between the right-of-way line and the street.

Meets requirement

(b) Trees shall be evenly spaced, except where site conditions warrant otherwise.

Meets requirement

(5) In the R4 Zone, the Planning Commission may require berms, fencing or vegetative screening (or any combination thereof) along property lines for reasons including, but not limited to, protection of public safety, preservation of neighborhood character or the creation of privacy buffers for single-family zones.

PC review and possible condition

(J) *Landscape site plan requirements.*

(1) Proposed landscaping shall be shown on a separate drawing at the same scale as the site plan. To ensure that landscaping is not affected by, nor interferes with utilities, the plan shall indicate any existing or proposed utilities and easements.

(2) Planting plans shall show all landscaped areas and plants listed in a table by common and botanic name and show quantities, size at planting and anticipated mature height and spread. Anticipated mature height and spread shall be shown with circles indicating anticipated plant size at maturity.

(3) Text shall accompany the landscape plan, providing calculations for the proposed landscaping and describing how the plan successfully complies with the regulations of this section.

(4) Existing natural and human-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated

(5) Contours shall be shown at intervals no greater than two feet.

(6) Irrigation systems shall be shown. *Applicant stated plan will be complete by meeting date*

(7) All other site development plan review standards, as set forth in ' ' 153.230 through 153.239 of this chapter, shall be followed.

Lighting

The following lighting requirements shall apply to all uses requiring site plan review, as stated in 153.230 through 153.239 of this chapter.

(A) *Exemptions.* The following lighting applications are exempt from regulation under this section:

(1) Lighting for all agricultural, single and two-family residential uses; provided, the level of illumination at any property line adjoining an agricultural use shall not exceed 0.1 footcandles;

Utility Service

All utility service shall be underground, unless impractical due to engineering difficulties

The Planning Commission finds that the any new utilities that are being proposed will be underground therefore this item the development meets this requirement.

Exterior uses

Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

Trash Receptacles

Trash receptacle enclosures shall be required for all uses except single family detached and two family dwellings, where an outdoor trash receptacle is stored.

Exterior Uses

No mechanical units are shown on the plan

Emergency Access

All building and structures shall be readily accessible to emergency vehicles.

The Planning Commission finds that the site plan has been reviewed and preliminarily approved by the Police Chief and Charlevoix Township Fire Chief. They both have stated public safety vehicles have adequate access to the development.

Water and Sewer

Water and sewer installation shall comply with all city specifications and requirements.

City of Charlevoix Public works has reviewed the proposed development and finds that the City has sufficient capacity for any additional water or sewer needs based upon the current and proposed uses. The Planning Commission finds that the proposed development meets these requirements.

Signs

Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

The Planning Commission finds that there is no signage being proposed for the property nor is none necessary on the property or on the building.

VI. CONDITIONS OF APPROVAL

The following section is taken directly from the Section 153.236 of the Zoning Ordinance. The PC may impose conditions of approval on the site plan based on the following criteria.

5.121. Conditions of Site Plan Approval.

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval.

Conditions imposed shall be based on the following criteria:

- (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- (2) Ensure that the Use is compatible with adjacent land uses and activities.
- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

Planning Commission Recommendation to City Council: (choose one)

- A. **Approve** Project 2019-2 SP **without conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.235
- B. **Approve** Project 2019-2 SP **with conditions**, based on specific findings of fact that prove the project does meet the review standards in Section 153.235
- C. **Deny** Project 2019-2 SP based on specific findings of fact that prove the project does not meet the review standards in Section 153.235
- D. **Table** the decision on Project 2019-2 SP. (Usually this option is only used when additional information is needed to assist the Planning Commission in making the decision.

October 4, 2019

J. Larry White
Susan Sturtevant
Charlevoix Country Inn
106 W. Dixon

Members of the City Planning Commission
Office of Planning and Zoning
210 State Street
Charlevoix, MI 49720

Dear Committee Members:

My wife and I have owned and operated the Charlevoix Country Inn since 1987. The Inn itself is historic. It's original structure dates back to 1896 and has always been what it was designed to be—an Inn to accommodate visitors to our city.

I recently received a notice from the City Planning Commission for a meeting to be held on Monday, Oct. 14 regarding the proposed development at 115 Pine River Lane. As you know, there have been previous attempts to develop this property including building a hotel (2006) and cluster housing (2013). As I understand it, the plans for the hotel were not approved by the city and the plans for cluster housing were approved but never implemented due to market conditions.

It is important to note that we realize that some form of development is necessary both because of appearance and lost tax revenues. However, we are very opposed to the current plans under consideration which would need considerable modification for them to be acceptable. We have reviewed the design and lay out of the proposed development and found there are three major problems with the current plans:

1. INCREASED DENSITY:

- **Traffic will be extremely congested due to the increased density.** There are appears to be 14 units, each of which has the capability of being used separately by an upstairs and downstairs tenant—i.e., there could be 28 units in total which suggests the most probable use would be vacation housing. Even 14 units would cause serious congestion problems on Pine River Lane in terms of traffic flow and parking given the lane is the only ingress/egress to the development. When I met with the Zoning Administrator he mentioned that there are typically three to four ingress/egress's per unit each day. This would equate to as many as fifty, sixty or even 100 additional ingress/egress's every day on a small lane which also serves the Weathervane hotel (it's only ingress), the Weathervane restaurant (only ingress and egress) and residents of Pine Rive Lane including a small condominium and three private residences. Pine River Lane exits onto

I hope you will consider the issues of density, green space and propriety to the neighborhood. While our goal is not to eliminate any development at 115 Pine River Lane, we would ask the Members of the Commission to require the developer to submit new plans that correct these three significant problems.

Sincerely,

J. Larry White

Susan Sturtevant

CC: Jonathan Scheel
Zoning Administrator

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

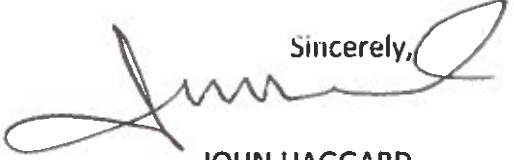
Date: September 30, 2019

To: Council Chambers 2nd Floor
210 State Street.
Charlevoix, MI 49720

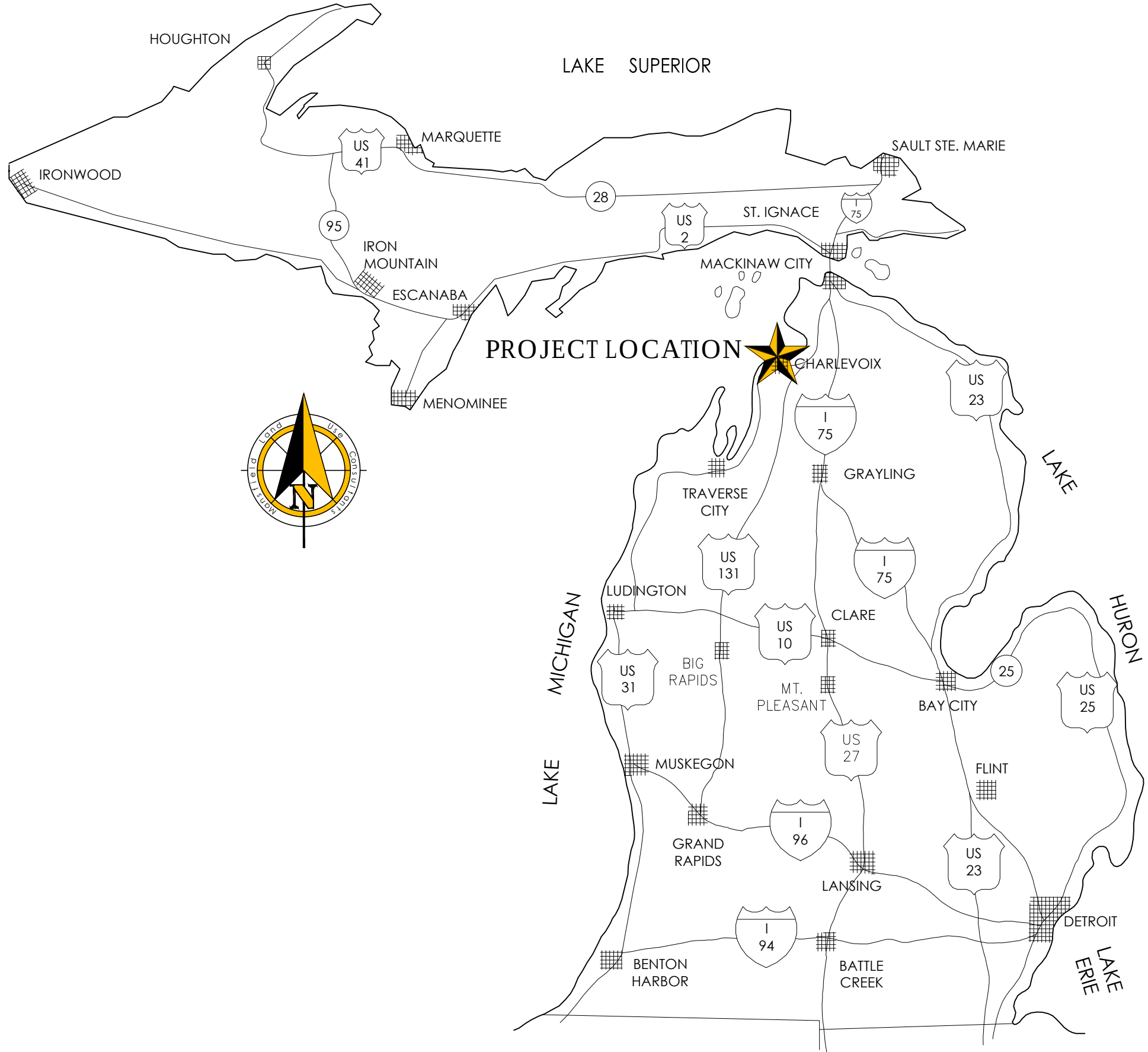
RE: Application submitted by Midtown Development. Located at 115 Pine River Ln. Case#2019-2SP Parcel#15-052-100-001-00, 100-002,100,003, 100-005,100-006, and 100-007

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view on the above case's request. Haggard's Plumbing & Heating is not opposed to the changed of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in any way possible.

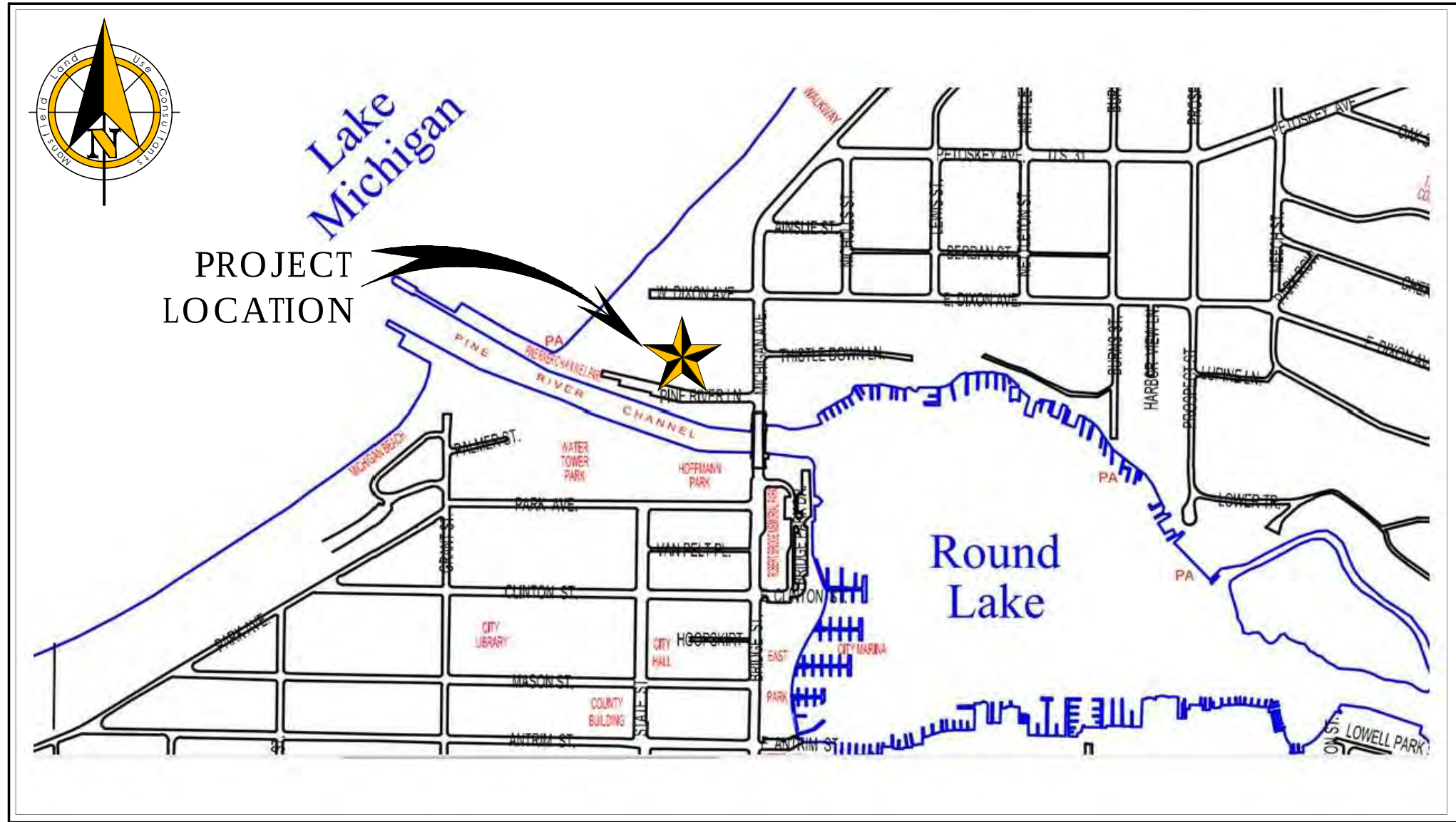
Sincerely,

JOHN HAGGARD

C:\Users\luser\AppData\Local\Temp\AcSubPlot_11176\19072.plt002.dwg (C:\D:\COVER) - Sep 17, 2019 3:38pm - Michigan



MICHIGAN LOCATION MAP

VICINITY MAP



STANDARD PLAN LEGEND		
DESCRIPTION	EXISTING	PROPOSED
GROUND CONTOUR	605	
SPOT ELEVATION	613.2	613.50
CONTOUR FROM USGS TOPOGRAPHIC MAP		
TOP OF CURB ELEVATION	613.5	613.50
PAVEMENT (OR GUTTER FLOW LINE) ELEVATION	613.0	613.00
DIRECTION OF SURFACE FLOW		
DRAINAGE HIGH POINT		HP.
DRAINAGE LOW POINT		LP.
WATER MAIN		
SANITARY FORCE MAIN		
SANITARY SEWER		
STORM SEWER		
GAS MAIN		
OVERHEAD ELECTRIC		
PROPERTY LINE		
TREE LINE		
PINE LINE		
EDGE OF WETLAND		
EDGE OF WATER		
C/L OR DRAINAGE DITCH OR WATER LINE		
SILT FENCE		
DETENTION BASIN BERM		
MANHOLE (MH)		
CATCH BASIN (CB)		
CLEAN OUT (CO)		
RISER		
GATE VALVE		
FIRE HYDRANT ASSEMBLY		
CURB STOP & BOX		
POLE, POWER OR ELECTRIC		
LIGHT POLE		
SIGN		
BENCH MARK (BM)		
U/G UTILITY SIGN		
GUY ANCHOR		
SOIL EROSION CONTROL MEASURE (MICHIGAN UNIFIED KEYING SYSTEM) P=PERMANENT T=TEMPORARY		6
IRON FOUND / IRON SET		
CONCRETE MONUMENT		
GOVERNMENT CORNER		
NAIL FOUND / NAIL SET		
RECORD / MEASURED	(R)	(M)
FENCE		
WOOD STAKE		

PROJECT DATA:

Proprietor:	Midtown Development, Inc.
Address:	Tim Burden, President 311 E. Eighth St. Traverse City, MI 49684
Email:	timburden@gmail.com
Phone:	231-281-4983
Parcel ID:	052-127-002-00
Location:	115 Pine River Lane
Tax Description:	Beg N line Pine River Lane 387 ft NW W ll bridge N10°E 150 ft S77°E 50 ft N10°E 92.88 ft W 160 ft S10°W 222 ft to N line Pine River Ln E 110 ft to beg being pt of Gov Lot 1 Sec 27 T34N R8W & of Gov Lot 2 Sec 26-34-8
Parcel Zoned:	R-4 Zone Planned High Density Residential
Setbacks:	Front = 25' Side = 10' Rear = 25'
Flood Plain:	Per the National Flood Insurance Program FIRM Flood Insurance Rate Map Community Panel Number 260057 0005 B, Effective Date: February 11, 1983. Said parcel is located within Zone "C", area of minimal flood hazard.
Existing Use:	Vacant Land
Proposed Use:	14 Multi-Family, Detached Units
First Floor Structure Gross Square Footage:	570 s.f.
Second Floor Structure Gross Square Footage:	570 s.f.
Parking Required:	1.5 spaces per unit = 21 total required
Parking Provided:	26 provided (12 Units have 2-spaces)(2 Units have 1-space)
Drive Lane:	To be surfaced with asphalt or concrete pavement.
Parking:	All parking to be surfaced with pervious pavers.
Sidewalks-City:	To be concrete.
Sidewalks-Residential:	To be pervious pavers, except for Units 7 & 8 which will be concrete.
Parcel Acreage:	0.69 acres
Trash Removal:	Trash to be individual trash receptacles.
Utilities:	Proposed utilities shown schematically, final design shall be in accordance with City of Charlevoix standards.
Lighting:	All lights within the site will be mounted on the buildings and will meet dark sky requirements
Hazardous Materials:	No toxic or hazardous materials shall be used or stored on the site.
Storm Water:	Storm water detention system to be designed in accordance with the Charlevoix County Drain Commissioner. All roof drains and impervious surfaces to be directed toward detention system. Basement drains shall drain into the storm system. All storm run off on the site will be directed to the storm system with eaves troughs and catch basins, as required.
Survey:	Survey and topography performed by Ferguson and Chamberlain, and verified by Mansfield Land Use Consultants.



PLAN INDEX

- * C1.0 COVER SHEET
- * C2.0 EXISTING CONDITIONS AND DEMOLITION PLAN
- * C4.0 SITE & DIMENSION PLAN
- * C6.0 UTILITY PLAN
- * L1.0 LANDSCAPE PLAN
- * (PURSUANT TO SITE PLAN APPROVAL ONLY - NOT FOR CONSTRUCTION)

830 Cottageview Dr. Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Mansfield
Land Use Consultants

REV#	DATE	DES	DSN	CHK	DESC
01	04-12-19	dim	mmmm	dim	Original design
02	06-18-19	dim	mmmm	dim	Revised per client
03	06-21-19	dim	mmmm	dim	Revised per client
04	08-15-19	dim	mmmm	dim	Revisions per Fire Department Review

Tim Burden
Proposed Residential
COVER SHEET
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

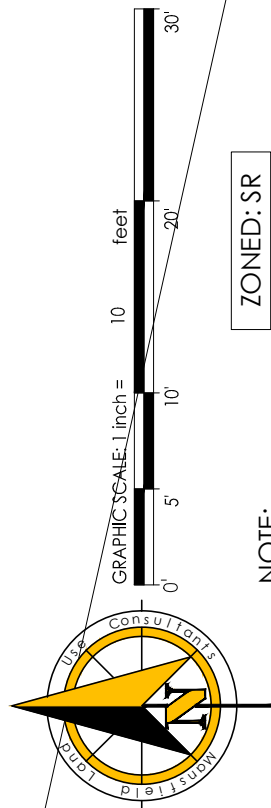
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JOB NO.: 19072

C1.0



PRELIMINARY

JOB NO.: 10070

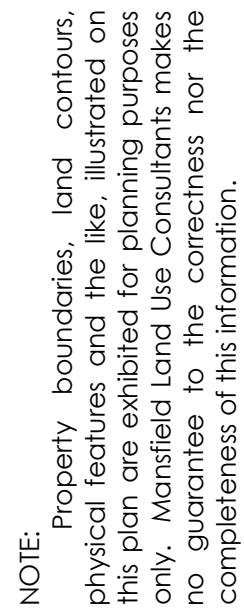
C2.0

Tim Burden

REV#	DATE	DWG	CWK	BISC
01	04-12-19	dmm	mnmf	Original design
02	06-18-19	dmm	mnmf	Revised per client
03	07-21-19	dmm	mnmf	Revised per client
04	08-15-19	dmm	mnmf	Revisions per the Department Review

Mansfield
— **co** —
Land Use Consultants

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Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com



REV#	DATE	DES	DEN	CHK	DESC
01	04-12-19	din	mmnt	din	Original design
02	06-18-19	din	mmnt	din	Revisé per client
03	06-21-19	din	mmnt	din	Revisé per client
04	08-12-19	din	mmnt	din	Revisions per Fire Department Review

PRELIMINARY

P.M.: dlm

DR.: mmm CKD.: dlm CREATED: 04.12.19

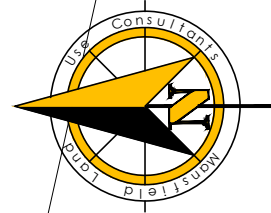
JOB NO.: 19072

C4.0

Mansfield
— **Co.** —
Land Use Consultants



NOTE: Property boundaries, land contours, physical features and the like, illustrated on this plan are exhibited for planning purposes only. Mansfield Land Use Consultants makes no guarantee to the correctness nor the completeness of this information.



Tim Burden
Proposed Residential
UTILITY PLAN
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

PRELIMINARY		
P.M.: clm		
DR.: mmm	CKD.: clm	CREATED: 04.12.19
JOB NO.: 19072		
C6.0		

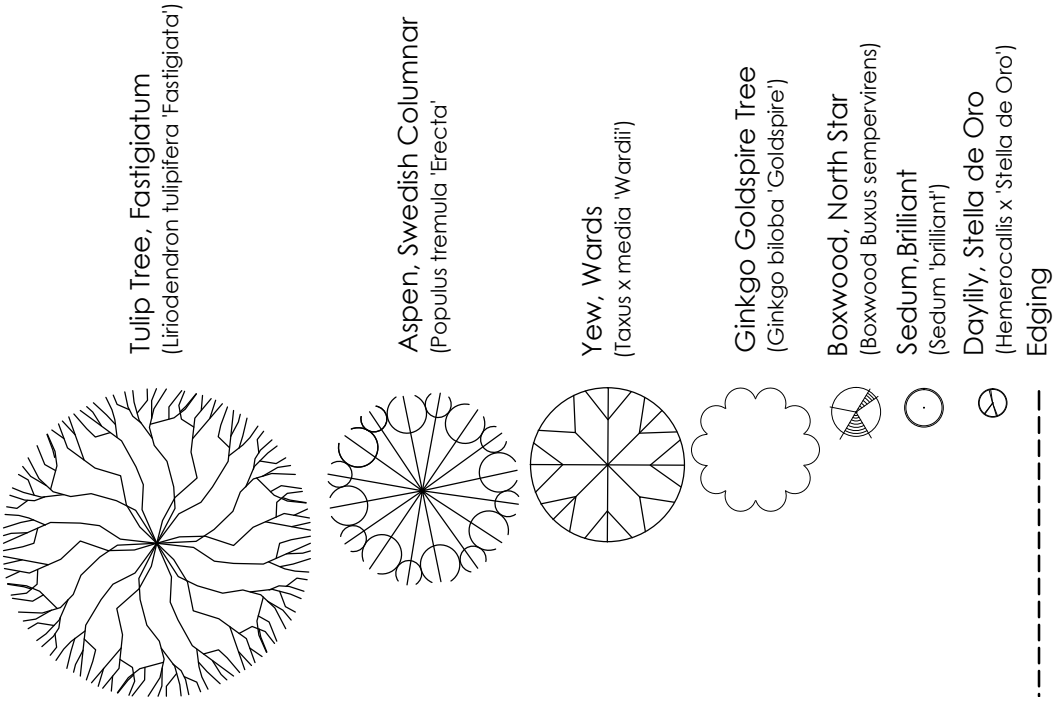
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Mansfield
— **co** —
Land Use Consultants

PLANT LIST

TREES			
common name	botanical name	size	quantity
Aspen, Swedish Colummar	Populus tremula 'Erecta'	2 1/2' B&B	12.00
Ginkgo Goldspire Tree	Ginkgo biloba 'Goldspire'	2 1/2' B&B	7.00
Tulip Tree, Fastigiatum	Liriodendron tulipifera 'Fastigiata'	6' B&B	8.00
SHRUBS			
common name	botanical name	size	quantity
Boxwood, North Star	Buxus sempervirens 'North Star'	1 quart	36.00
Yew, Wards	Taxus x media 'Wardii'	5 gallon	8.00
PERENNIALS			
common name	botanical name	size	quantity
Daylily, Stella de Oro	hemerocallis x 'Stella de Oro'	1 gallon	40.00
Sedum, Brilliant	Sedum 'brilliant'	1 gallon	34.00



RAIN GARDEN

common name	botanical name	size	estimated quantity (s.f.)
Cupplant	Sulphium perfoliatum	cell (typ.)	71
Early Sunflower	Helopsis helianthoides	cell (typ.)	71
Mountain Mint	Pycnanthemum virginianum	cell (typ.)	71
Prairie Blazing Star	Liatris pycnostachya	cell (typ.)	71
Smooth Blue Aster	Aster laevis	cell (typ.)	71
Spotted Joe-Pye Weed	Eupatorium maculatum	cell (typ.)	71
Sweet Black-eyed Susan	Rudbeckia sbloomentosa	cell (typ.)	71
Wild Bergamot	Monarda fistulosa	cell (typ.)	71
Coneflower, Yellow	Ratibida pinnata	cell (typ.)	71
			638



PRELIMINARY

19072

L1.0

Tim Burden

Proposed Residential LANDSCAPE PLAN

Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

REV#

DATE

DES

DWN

CHK

DESC

01

04-12-19

dim

mmmm

dim

Original design

02

06-18-19

dim

mmmm

dim

Revise per client

03

06-21-19

dim

mmmm

dim

Revise per client

04

08-15-19

dim

mmmm

dim

Revisions per File Department Review

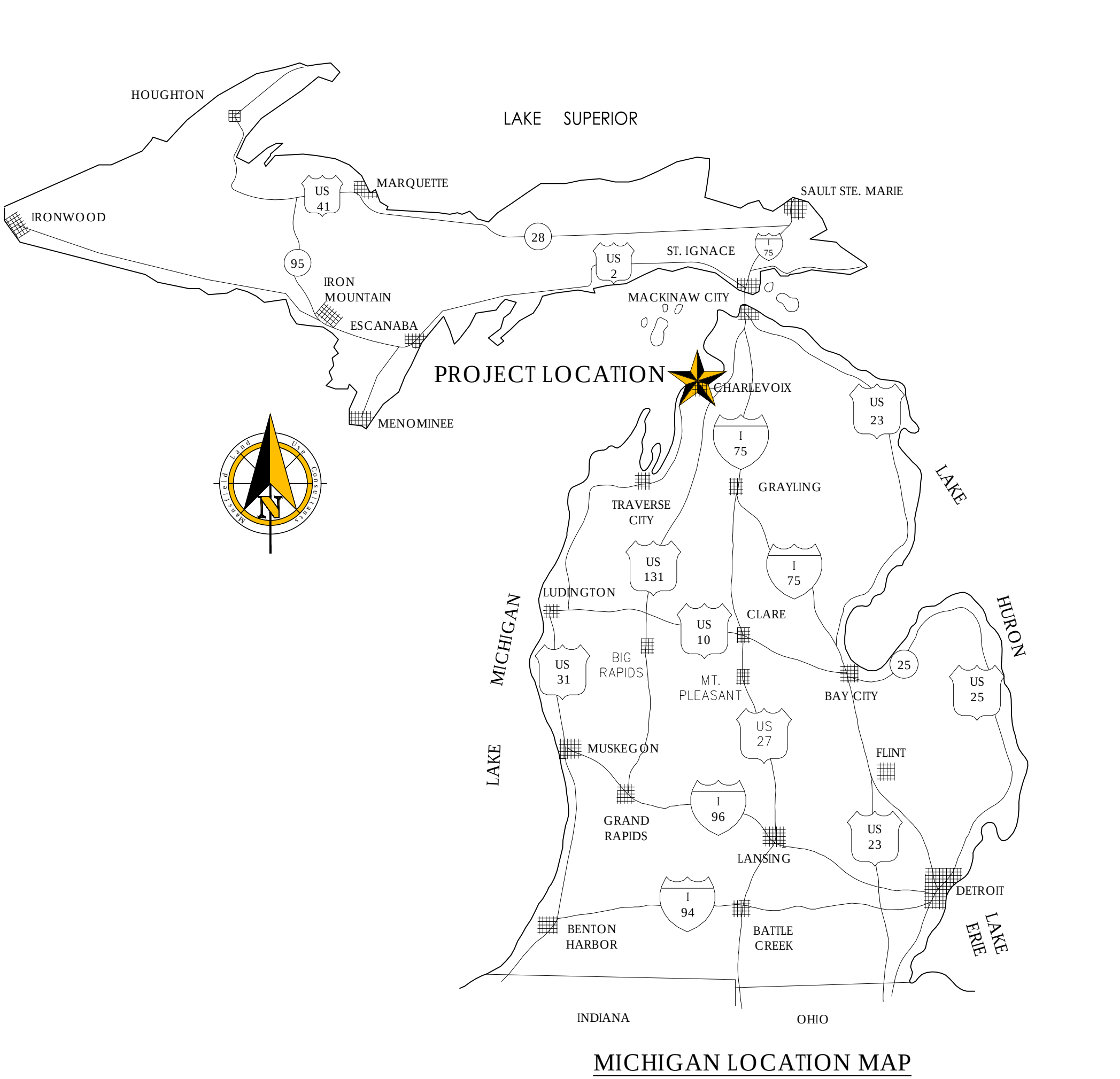
830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Mansfield

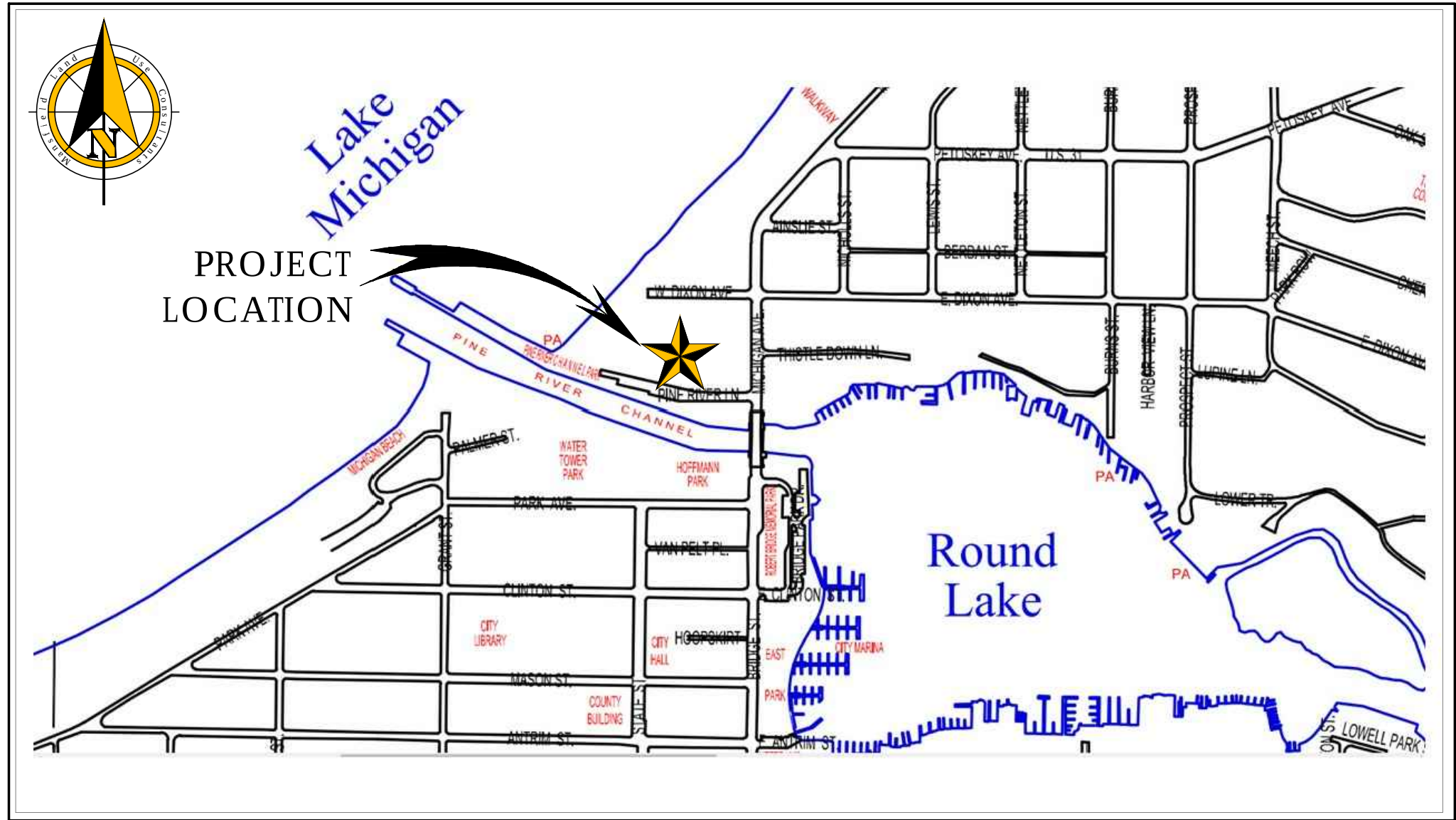
Land Use Consultants

Page 97 of 140

C:\Users\luser\AppData\Local\Temp\AcSubPlot_5727\19072.dwg [1:0 COVER] - Oct 09, 2019 11:31am - AutoCAD



VICINITY MAP



STANDARD PLAN LEGEND		
DESCRIPTION	EXISTING	PROPOSED
GROUND CONTOUR	605	
SPOT ELEVATION	613.2	613.50
CONTOUR FROM USGS TOPOGRAPHIC MAP		
TOP OF CURB ELEVATION	613.5	613.50
PAVEMENT (OR GUTTER FLOW LINE) ELEVATION	613.0	613.00
DIRECTION OF SURFACE FLOW		
DRAINAGE HIGH POINT		HP.
DRAINAGE LOW POINT		LP.
WATER MAIN		
SANITARY FORCE MAIN		
SANITARY SEWER		
STORM SEWER		
GAS MAIN		
OVERHEAD ELECTRIC		
PROPERTY LINE		
TREE LINE		
PINE LINE		
EDGE OF WETLAND		
EDGE OF WATER		
C/L OR DRAINAGE DITCH OR WATER LINE		
SILT FENCE		
DETENTION BASIN BERM		
MANHOLE (MH)		
CATCH BASIN (CB)		
CLEAN OUT (C/O)		
RISER		
GATE VALVE		
FIRE HYDRANT ASSEMBLY		
CURB STOP & BOX		
POLE, POWER OR ELECTRIC		
LIGHT POLE		
SIGN		
BENCH MARK (BM)		
U/G UTILITY SIGN		
GUY ANCHOR		
SOIL EROSION CONTROL MEASURE (MICHIGAN UNIFIED KEYING SYSTEM) P=PERMANENT T=TEMPORARY		6
IRON FOUND / IRON SET		
CONCRETE MONUMENT		
GOVERNMENT CORNER		
NAIL FOUND / NAIL SET		
RECORD / MEASURED	(R)	(M)
FENCE		
WOOD STAKE		

PROJECT DATA:	
Proprietor:	Midtown Development, Inc.
Address:	311 E. Eighth St. Traverse City, MI 49684
Email:	timburden@gmail.com
Phone:	231-281-4983
Parcel ID:	052-127-002-00
Location:	115 Pine River Lane
Tax Description:	Beg N line Pine River Lane 387 ft NW 1/2 bridge N10°E 150 ft S77°E 50 ft N10°E 92.88 ft W 160 ft S10°W 222 ft to N line Pine River Ln E 110 ft to beg being pt of Gov Lot 1 Sec 27 T34N R8W & of Gov Lot 2 Sec 26-34-8
Parcel Zoned:	R-4 Zone Planned High Density Residential
Setbacks:	Front = 25' Side = 10' Rear = 25'
Flood Plain:	Per the National Flood Insurance Program FIRM Flood Insurance Rate Map Community Panel Number 260057 0005 B, Effective Date: February 11, 1983, Said parcel is located within Zone "C", area of minimal flood hazard.
Existing Use:	Vacant Land
Proposed Use:	14 Multi-Family, Detached Units
First Floor Structure Gross Square Footage:	570 s.f.
Second Floor Structure Gross Square Footage:	570 s.f.
Parking Required:	1.5 spaces per unit = 21 total required
Parking Provided:	26 provided (12 Units have 2-spaces)(2 Units have 1-space)
Drive Lane:	To be surfaced with asphalt or concrete pavement.
Parking:	All parking to be surfaced with pervious pavers.
Sidewalks-City:	To be concrete.
Sidewalks-Residential:	To be pervious pavers, except for Units 7 & 8 which will be concrete.
Parcel Acreage:	0.69 acres
Trash Removal:	Trash to be individual trash receptacles.
Utilities:	Proposed utilities shown schematically, final design shall be in accordance with City of Charlevoix standards.
Lighting:	All lights within the site will be mounted on the buildings and will meet dark sky requirements
Hazardous Materials:	No toxic or hazardous materials shall be used or stored on the site.
Storm Water:	Storm water detention system to be designed in accordance with the Charlevoix County Drain Commissioner. All roof drains and impervious surfaces to be directed toward detention system. Basement drains shall drain into the storm system. All storm run off on the site will be directed to the storm system with eaves troughs and catch basins, as required.
Survey:	Survey and topography performed by Ferguson and Chamberlain, and verified by Mansfield Land Use Consultants.



PLAN INDEX

- C1.0 COVER SHEET
- * C2.0 EXISTING CONDITIONS AND DEMOLITION PLAN
- * C4.0 SITE & DIMENSION PLAN
- * C6.0 UTILITY PLAN
- * L1.0 LANDSCAPE PLAN
- * (PURSUANT TO SITE PLAN APPROVAL ONLY - NOT FOR CONSTRUCTION)

PROPOSED RESIDENTIAL
CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Mansfield
Land Use Consultants

REV#	DATE	DES	DSN	CHK	DESC
01	04-12-19	dim			Original design
02	06-18-19	dim			Revised per client
03	06-21-19	dim			Revised per client
04	08-15-19	dim			Revisions per Fire Department Review
05	10-08-19	dim			Revised to duplex units

Tim Burden
Proposed Residential
COVER SHEET
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

PRELIMINARY	
PM:	dim
DR:	mm
CD:	dim
CREATED:	04.12.19
JOB NO.:	19072
C1.0	



NOTE: Property boundaries, land contours, physical features and the like, illustrated on this plan are exhibited for planning purposes only. Mansfield Land Use Consultants makes no guarantee to the correctness nor the completeness of this information.



Tim Burden
Proposed Residential
EXISTING CONDITIONS & DEMOLITION PLAN
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Chateaufort County, Michigan

PRELIMINARY

DATE:	04-12-19	DESIGNER:	dim	DATE:	04-12-19	DESIGNER:	dim
DATE:	06-18-19	DESIGNER:	dim	DATE:	06-18-19	DESIGNER:	dim
DATE:	06-21-19	DESIGNER:	dim	DATE:	06-21-19	DESIGNER:	dim
DATE:	08-15-19	DESIGNER:	dim	DATE:	08-15-19	DESIGNER:	dim
DATE:	10-08-19	DESIGNER:	dim	DATE:	10-08-19	DESIGNER:	dim

19072

C2.0

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.mansfield.com
info@mansfield.com

Mansfield
Land Use Consultants



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IMPERVIOUS SURFACE CALCULATIONS			
sf	ac		
30,213.49	0.69	Parcel Area	
15,106.75	0.35	Lot Coverage Allowed	50%
14,933	0.34	Lot Coverage Proposed	49.43%
15,280	0.35	Pervious Proposed	50.57%
Note:	0.12	of pervious area proposed is in pervious pavement(all parking spaces & sidewalks)	

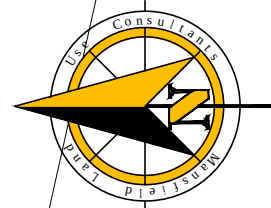
10 EACH PUBLIC PARKING SPACES
(CITY OF CHARLEVOIX) 10'± X 18'±
UNLESS OTHERWISE NOTED.

Tim Burden
Proposed Residential
SITE AND DIMENSION PLAN
 Sections 26 & 27, Town 34 North, Range 8 West
 City of Charlevoix, Charlevoix County, Michigan

PRELIMINARY		
P.M.: dlm		
DR.: mmmm	CKD.: dlm	CREATED: 04.12.19
JOB NO.: 19072		
C4.0		

Mansfield
— **CS** —
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com



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EAST LINE OF SECTION 27, T34N.
R8W EAST LINE OF GOV'T LOT 1

WEST LINE OF SECTION 26, T34N,
R8W WEST LINE OF GOV'T LOT 2

EXISTING CITY STREET PARKING

PINE RIVER LANE
(VARIABLE ROW)
AKA RIVER STREET

10 EACH PUBLIC PARKING SPACES
(CITY OF CHARLEVOIX) 10'± X 18'±
UNLESS OTHERWISE NOTED.

Tim Burden
Proposed Residential
UTILITY PLAN
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

PRELIMINARY

P.M.:	d1m
DR.:	mm
CKD.:	d1m
CREATED:	04.12.19

JOB NO.: 10072

C6.0

Tim Burden

Proposed Residential

UTILITY PLAN

Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

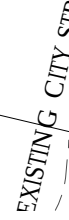
REV#	DATE	DES	DGN	CHK	DESC
01	04-12-19	dim	mm	dim	Original design
02	06-10-19	dim	mm	dim	Revised per client
03	06-21-19	dim	mm	dim	Revised per client
04	08-12-19	dim	mm	dim	Revisions per Fire Department Review
05	10-08-19	dim	mm	dim	Revised to duplex units

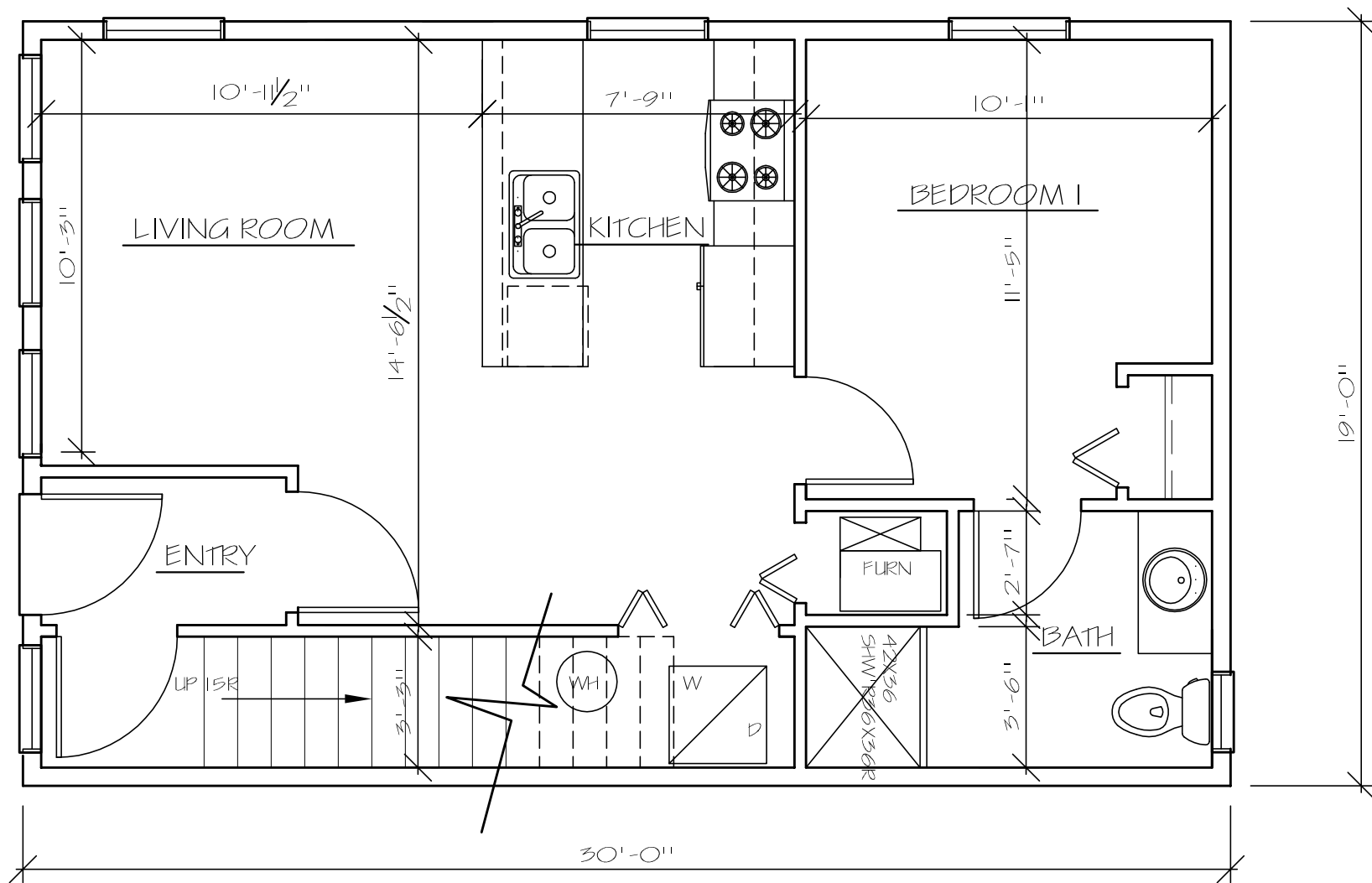
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Traverse City, MI 49685
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www.maaeps.com
info@maaeps.com

Mansfield
— **co** —
Land Use Consultants

TREES

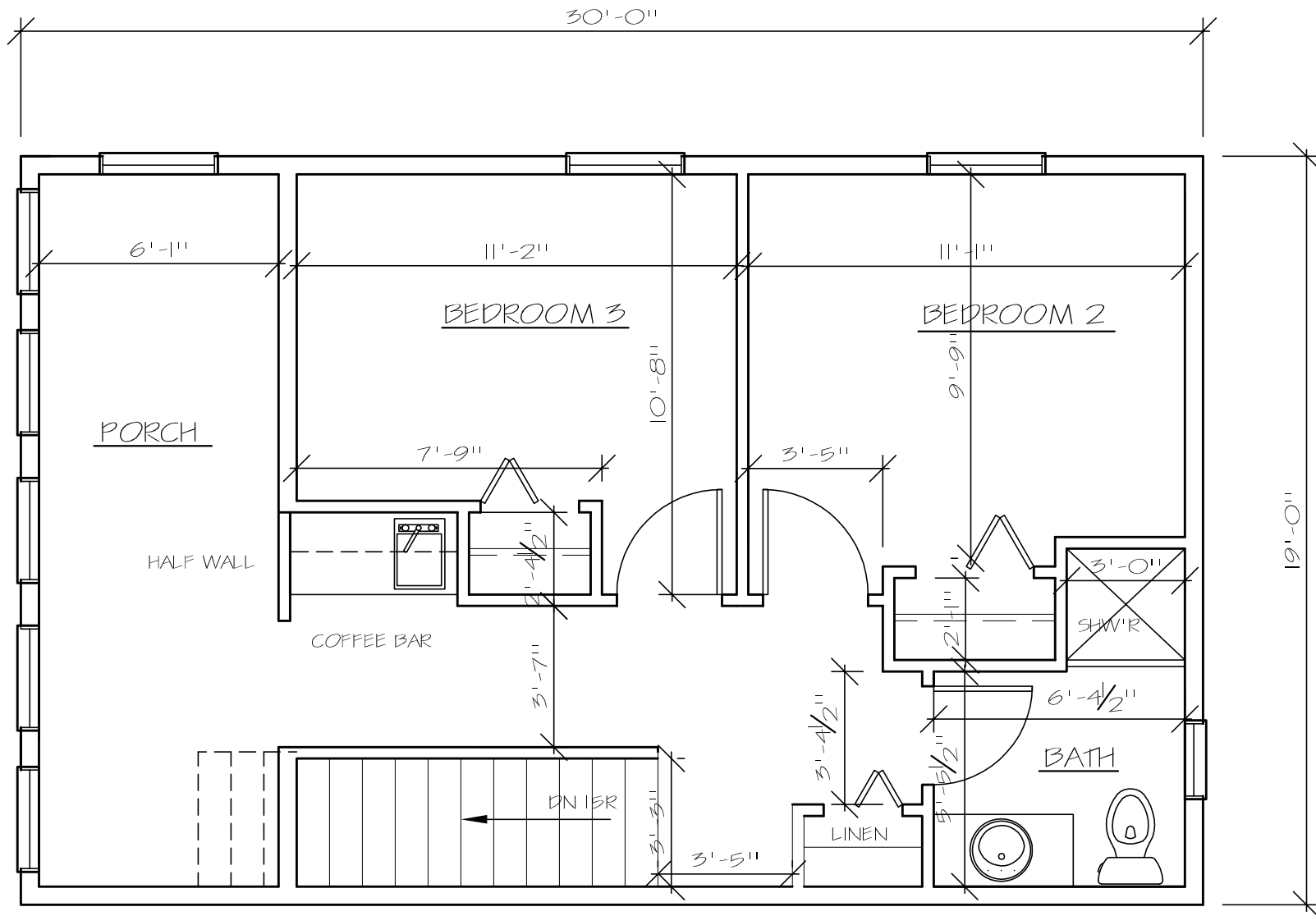
common name

[illegible][illegible][illegible]



FIRST FLOOR PLAN

570 SQ. FT.



SECOND FLOOR PLAN

570 SQ. FT.



FRONT ELEVATION



Kathy Egan <kathy.egan@networksnorthwest.org>

Fwd: Case 2019-2 SP, 115 Pine River Lane

1 message

City of Charlevoix Planner <planner@charlevoixmi.gov>

Fri, Oct 11, 2019 at 8:26 AM

To: kathy.egan <kathy.egan@networksnorthwest.org>

Jonathan D. Scheel
Zoning Administrator

210 State Street
Charlevoix, MI 49720
(231) 547-3265
CharlevoixMi.gov

----- Forwarded Message -----

From: "Sandy Hermanoff" <SandyH@hermanoff.net>
To: "City of Charlevoix Planner" <planner@charlevoixmi.gov>
Sent: Thursday, October 10, 2019 10:56:00 PM
Subject: RE: Case 2019-2 SP, 115 Pine River Lane

October 10, 2019

Office of Planning and Zoning
210 State Street
Charlevoix, MI 49720

Members of the Planning Commission and City Council,

My husband and I have been coming to Charlevoix for over 40 years. Eight years ago, we bought a condo in the Lake House. We are here every month of the year – it is a beautiful, magical place. Now I hear that there is a proposed 28-unit development at 115 Pine River Lane which will cause a complete, devastating change to our neighborhood.

I am concerned for several reasons:

1. The traffic and parking on Pine River Drive is crowded on most days and nights. It is packed on weekends and almost impossible to navigate from Bridge Street to Lake Michigan during events and parades. The traffic is tearing up a deteriorating street. There are potholes and cracks everywhere. We walk that street almost every day we are in Charlevoix. It is a hazard now! Can you imagine what it would be like with the proposed building on that street?

1. I suggest you ask yourself: how would you feel, if your children or grandchildren wanted to walk or play outside the proposed development? Would you allow them to play in the street? There is literally no room! I can assure you they won't be allowed to play in our driveway area. And where would renters store water gear, barbeque equipment or bicycles? How would you control animals and their waste in such a small space? What about their safety?

1. The proposed development is not consistent with Charlevoix ordinances. The width between the Lake House and your building is so close, there is absolutely no esthetic value – and it is dangerous. Why not rethink your development that is consistent with the history and beauty of Charlevoix? Why not consider the safety issues for children, animals and seniors?

We are proud of all the new retail areas, our downtown, a lovely, new hotel and our Charlevoix neighborhoods.

The proposed plan is disturbing and unrealistic. I urge you to please vote again it.

Let's keep Charlevoix beautiful!!

Yours most sincerely,

[page1image66362688]

Sandra M. Hermanoff, APR, SAGE, Fellow PRSA

Hermanoff Public Relations^[1]_[SEP]

P: 248.330.7829^[1]_[SEP]

email. Sandyh@hermanoff.net<mailto:Sandyh@hermanoff.net>^[1]_[SEP] web. www.hermanoff.net<http://www.hermanoff.net/>^[1]_[SEP]

23537 Shagwood Drive^[1]_[SEP]

Bingham Farms, Michigan 48025



image001.png

139K

Edward R Shaw	
Primary/Winter address	Summer address
75 West Cove View Trail	119 Pine River Lane #1
The Woodlands, TX 77389	Charlevoix, MI 49720

Office of Planning and Zoning
210 State Street
Charlevoix, MI 49720
planner@charlevoixmi.gov
Phone: 231-547-3265
Fax: 231-237-0329

RE: Case 2019-2 SP, 115 Pine River Lane

Members of the Planning Commission and City Council,

I am the co-owner of unit 1 at the Lakehouse condominium. I am retired now, but worked 45+ years as a geophysicist, where I made and studied maps on a routine basis.

I have reviewed the case file and plans, and wish to point out several technical issues.

Erosional difficulties:

First, after studying the plat I note that there is 20 feet of relief on this 0.694-acre lot (first picture). That and aggressive building density will leave a large part of that lot with an imperviable surface that will cause an extraordinary amount of erosion due to the large relief. While the legal constraint on that surface is normally 50%, a smaller number is more appropriate due the large elevation change. This type of relief has caused pot holes on Pine River Lane down dip of the Weathervane Terrace and nearby hotel. The city has repaired Pine River Lane many times. **Accordingly, I request the Planning Commission study any storm drainage plans drawn up by a professional engineering firm for this property carefully.** Underground drainage to storm sewer lines is likely needed. Specifically, there is concern along the western boundary adjacent to the Lakehouse. Six new condominiums are proposed only 10 feet from that boundary. They have a higher elevation than our driveway. The next three pictures show just how close to the Lakehouse property they are. In this case, fast flowing surface water could erode the nearby Lakehouse driveway and garage foundation. It is not clear that the planning commission is aware of this elevation difference and closeness of the new condominiums to our driveway and garage. **The developer is requested to share a professional drainage engineering plan that deals with this problem.**

Safety Problems at the development lot line with the Lakehouse:

Second, the new condominiums are less than ten feet from our property line, and the developer does not intend to put a fence or landscaping between our properties. This represents a safety problem because there is no barrier or fence to prevent small children from playing on our driveway or using it for their purposes. **This needs to be corrected in the plan.**

Additionally, I have studied the plat sent to us and have determined that all five of the parking stalls for units 1 to 5 at 115 Pine River Lane may have a falling hazard. The plat includes existing elevation

contours and new proposed elevation contours. So, I can simply subtract the ground level elevation from parking space elevation to estimate the falling drop. In this case, the drop ranges from 3 feet to 1 foot with the largest two being at unit 4's and unit 5's parking spaces. These are large enough that a child or elderly person could fall and tumble down the hill towards our driveway and be injured. **I believe the developer should develop a plan to mitigate this safety hazard also.**

Fencing and Landscape Shielding at the lot line with the Lakehouse:

Third, because there is no storage space on their development, they may have tools and equipment that are not shielded from our view. Their parking spaces are between each condominium and need shielding also. This may be excessive due to their ability to rent out downstairs and upstairs units separately and increase the number of cars even more (ie. from 14 to 28). Consider that each parking space has a retaining wall of unknown height that may or may not be aesthetically pleasing. Perhaps these should be partially shielded with bushes.

For all these reasons, the developer needs to provide adequate drainage, landscaping, and safety plans to address these issues at the western property line with the Lakehouse.

Excessive traffic on Pine River Lane:

Fourth, 14 to 28 more cars to manage on Pine River Lane is a dangerous situation. The road is in poor condition and drivers attempt to avoid hazards. Pedestrians are often walking in the street, and it is especially dangerous for children. Because there is little green space on this property for children to play, I am concerned they may spend some of their time unsupervised on Pine River Lane. Occasionally, drivers back out of their parking spaces without looking, and the number of near misses is high. Finally, it is dangerous to turn left onto US31 from Pine River Lane. People wait at that intersection for many minutes to make the turn. It is frustrating. Again, the near misses are high.

In summary, while my goal is not to eliminate development at 115 Pine River Lane, I would ask the Members of the Commission require the developer to submit new plans that better address these four concerns. The Planning Commission should look at this proposal carefully because there are many safety aspects that need to be mitigated before a decision is made. One child harmed on my driveway, the cramped and steep 115 driveway, or on Pine River Lane is too many.

Please table this request until more is understood and concerns are mitigated.

Thank you.

A concerned neighbor,

Edward R Shaw
75 West Cove View Trail
The Woodlands, Texas 77389
shawedwardr@prodigy.net
281-516-9662 (home phone)
281-687-7191 (cell)

115 Pine River Lane Relief and Imperviable Surface Calculations

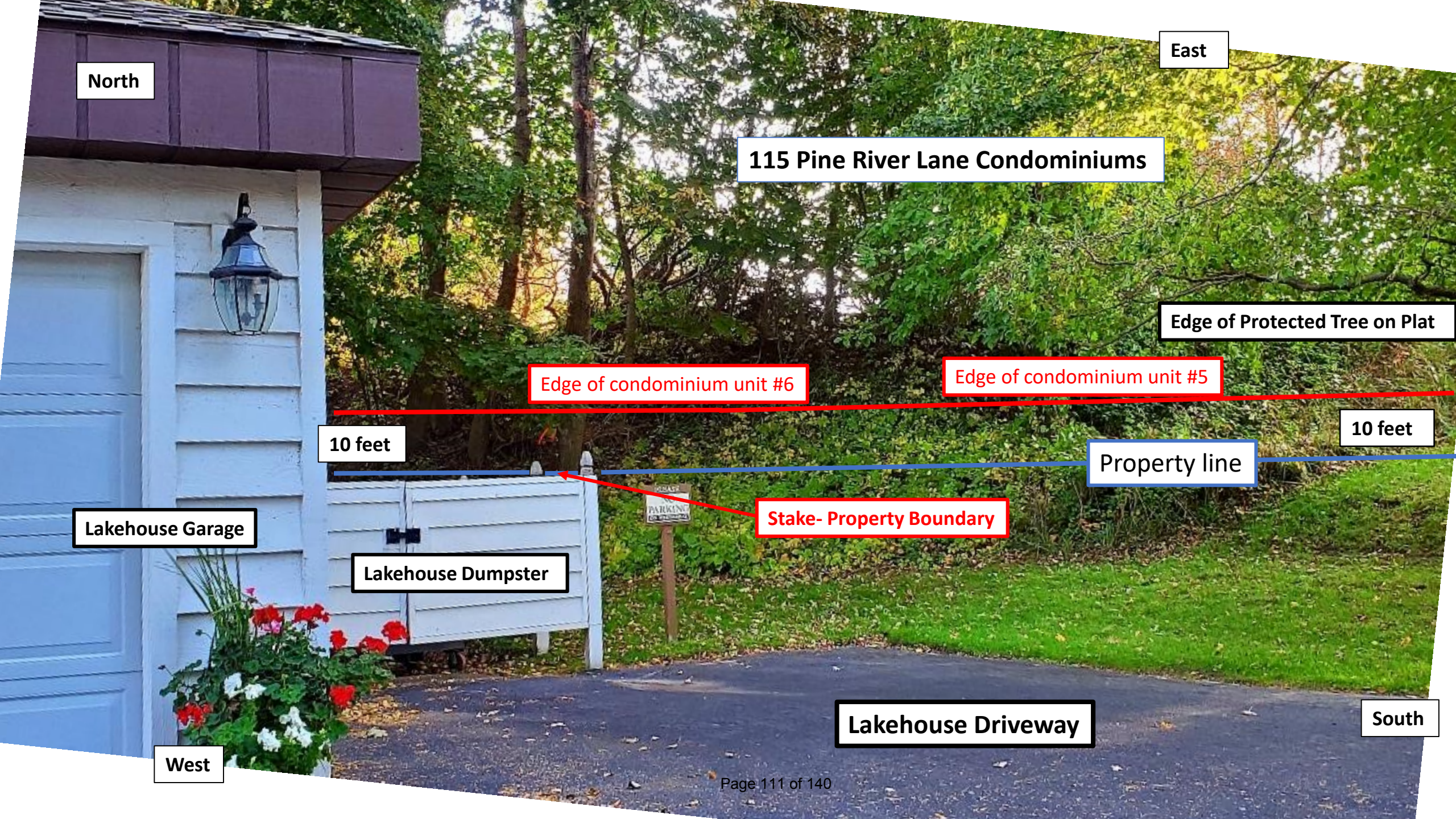
Parcel Size: 30,214 square feet or 0.694 acres

The legal limit for imperviable surfaces on this property is 50% of the parcel size. So that would mean the limit is 15,107 square feet. This should be demonstrated on a plat. Current estimates by the developer are about 48%. However, surfaces that may not of been considered are roof soffits, car port covers, utility closets, dumpster pads, storage sheds, or AC pads. So the actual number may be larger.

Furthermore, this property has considerable elevation changes. Elevation from the street to the back of the lot is about 20 feet (see plat). Therefore, runoff is expected to be much larger than a flat parcel. The erosion on Pine River Lane illustrates this happening and many repairs have been made by the city. So a number like 30% is much more reasonable.

20 feet





115 Pine River Lane Condominiums

East

North

Edge of Protected Tree on Plat

Edge of condominium unit #6

Edge of condominium unit #5

10 feet

10 feet

Property line

Stake- Property Boundary

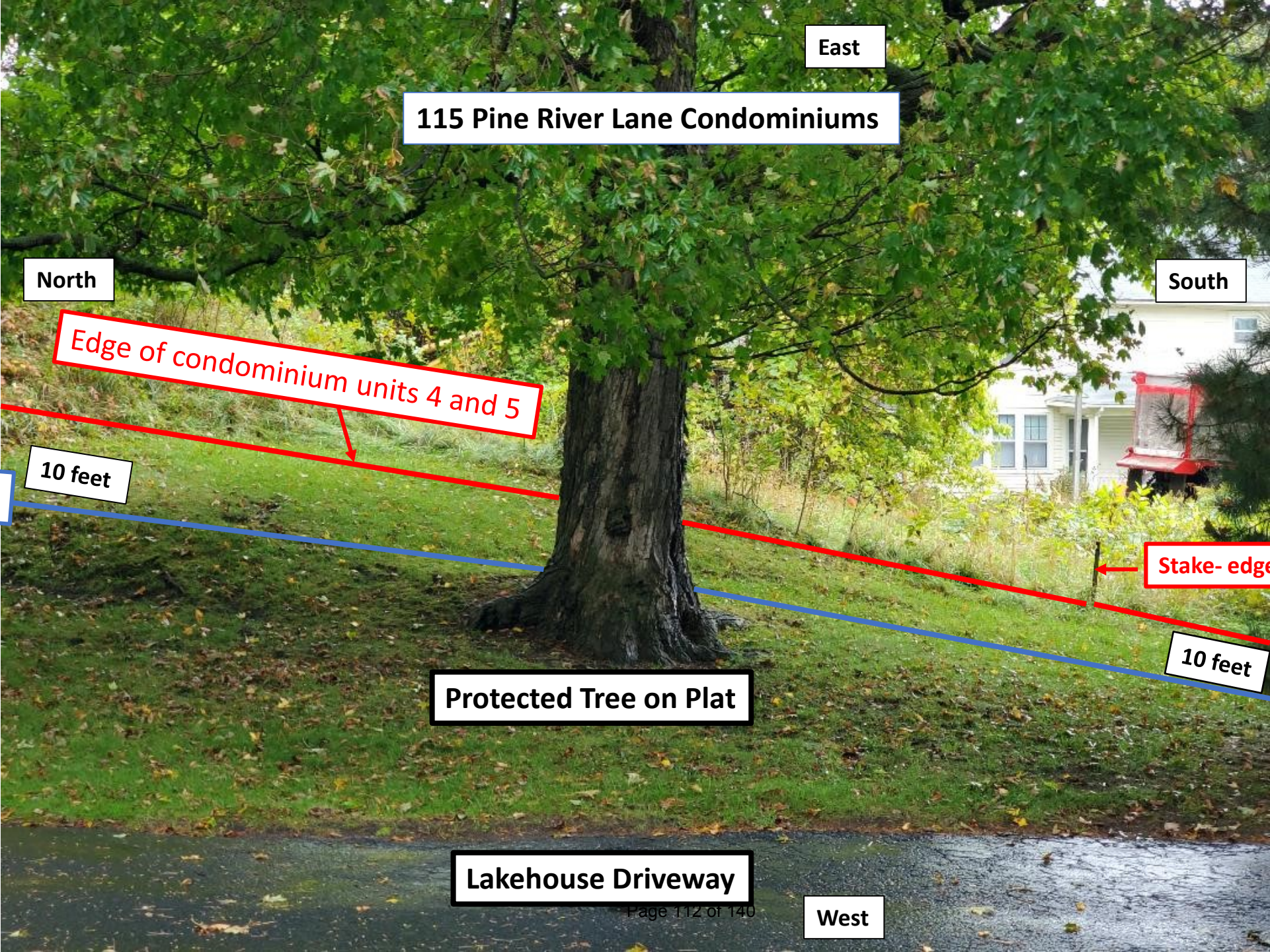
Lakehouse Garage

Lakehouse Dumpster

Lakehouse Driveway

South

West



East

115 Pine River Lane Condominiums

North

South

Edge of condominium units 4 and 5

Property line

10 feet

Stake- edge of condo??

10 feet

Protected Tree on Plat

Lakehouse Driveway

West

East

115 Pine River Lane Condominiums

Edge of condominium units 1, 2, and 3

Property line

South

10 feet

North

Lakehouse Driveway

West



Edward R Shaw	
Primary/Winter address	Summer address
75 West Cove View Trail	119 Pine River Lane #1
The Woodlands, TX 77389	Charlevoix, MI 49720

Office of Planning and Zoning
210 State Street
Charlevoix, MI 49720
planner@charlevoixmi.gov
Phone: 231-547-3265
Fax: 231-237-0329

RE: Case 2019-2 SP, 115 Pine River Lane

Members of the Planning Commission and City Council,

As you know, I sent an email to the Planning Commission and City Council last week. However, a revised plan using duplexes and different parking was posted on Friday. Because of this, I am providing follow up details concerning that revised plan.

Again, I am the co-owner of unit 1 at the Lakehouse condominium. I am retired now, but worked 45+ years as a geophysicist, where I made and studied maps on a routine basis.

I have reviewed the revised plans that use a 7-duplex design, and wish to point out several technical issues. The plats had very good resolution, so I could evaluate the contours more easily than before.

Based on careful study of the new Duplex Design Plans, I found the following things to consider:

Drainage:

1. Drainage at the west edge of the property line with Lakehouse is still an issue. Dipping beds in that area on the west side remain steep and storm water may erode the Lakehouse driveway and garage foundation. **Accordingly, I request the Planning Commission study any storm drainage plans drawn up by a professional engineering firm for this property that deal with the west side. I have included a picture demonstrating the dense contours, steep dip, and red drainage path ways leading to our driveway and garage from the hill.**

Destabilization on steep slopes:

2. The picture, I mentioned above, shows the 20+ foot elevation changes on the lot in map view with contours, and identifies the high and low spots. But even more important, it shows the areas of steep slope on the hill (which show up as dense contours). These are labeled. **Several of the new units and their parking spaces are located in these steep dip (dense contoured) areas and may become unstable quickly. For example, this could take the form of loose and tilted paver stones and non-level and cracked foundations. Note that units 5, 6, and 11, and parking stalls 4, 5, 10, and 11 are at risk.**

Therefore, drainage assessment from a reputable engineering firm is recommended so the Planning Commission can evaluate the risks and act accordingly. Also, I wonder about using paver stones in a sloped area that may settle. If so, they will create a tripping hazard in some of the parking areas. That coupled with the drop offs at the parking space retaining walls concerns me.

Parking Spaces and Safety:

3. As a result of the new plan, many of the parking spaces are for four cars and are 20 feet wide. The retaining walls at the end of these parking locations are a little bigger about 24 feet by 2 1/2 feet. The drop from these retaining walls is from 1 to 5 feet because of the 24 feet length and the ground below them dipping. The drop could be bigger or smaller because the current plans do not include a revised grading plan, elevations of the parking slots, elevations for each side of these duplexes, or the height of the retaining walls. Children and seniors are at risk of falling every time they use the parking stalls. So, the falling hazard remains with the new design.

Children Playing on the Lakehouse Driveway while unattended:

4. Children can still climb down the hill because the drop off at the parking stalls is variable which allows children to climb down at the smallest relief. And because our driveway is low relief and close by, it is tempting for children to play there. Additionally, the driveway has a sharp curve which does not let drivers see the children. Currently, none of the plans show a barrier or fencing. Please see the pictures from the previous note that show just how close the duplexes and parking stalls are to our driveway. This is a safety issue.

Shielding Retaining Walls:

5. The landscaping plans show minimal attempts to plant bushes on the west side in the ten-foot green area near our property line. However, it would be a good idea to plant bushes as shielding near the retaining walls because the retaining walls are at a higher elevation than the Lakehouse driveway.

The Protected Tree and its Retaining Wall:

6. The retaining wall for the protected tree is 32 feet long by 10 feet wide, and it goes all the way to our property line. We do not know any details about its height and depth. Whether it affects the roots of that old and big tree, we do not know. It lies well within the 10 foot set back area. Details about the retaining wall for the protected tree are requested.

Therefore, for safety, unauthorized use of our property, and shielding reasons, I request a fence at the property line be considered. Bushes should also be considered in front of the retaining walls. Professional engineering drainage and stability evaluations are requested before an approval is granted.

In summary, while my goal is not to eliminate development at 115 Pine River Lane, I would ask the Members of the Commission require the developer to submit new plans that better address these six concerns. The Planning Commission should look at this proposal carefully because there are many safety aspects that need to be mitigated before a decision is made. One child harmed on my driveway, the

cramped and steep 115 driveway, the potentially unstable 115 parking areas, or on Pine River Lane is too many.

Please table this request until more is understood and these concerns are mitigated.

Thank you.

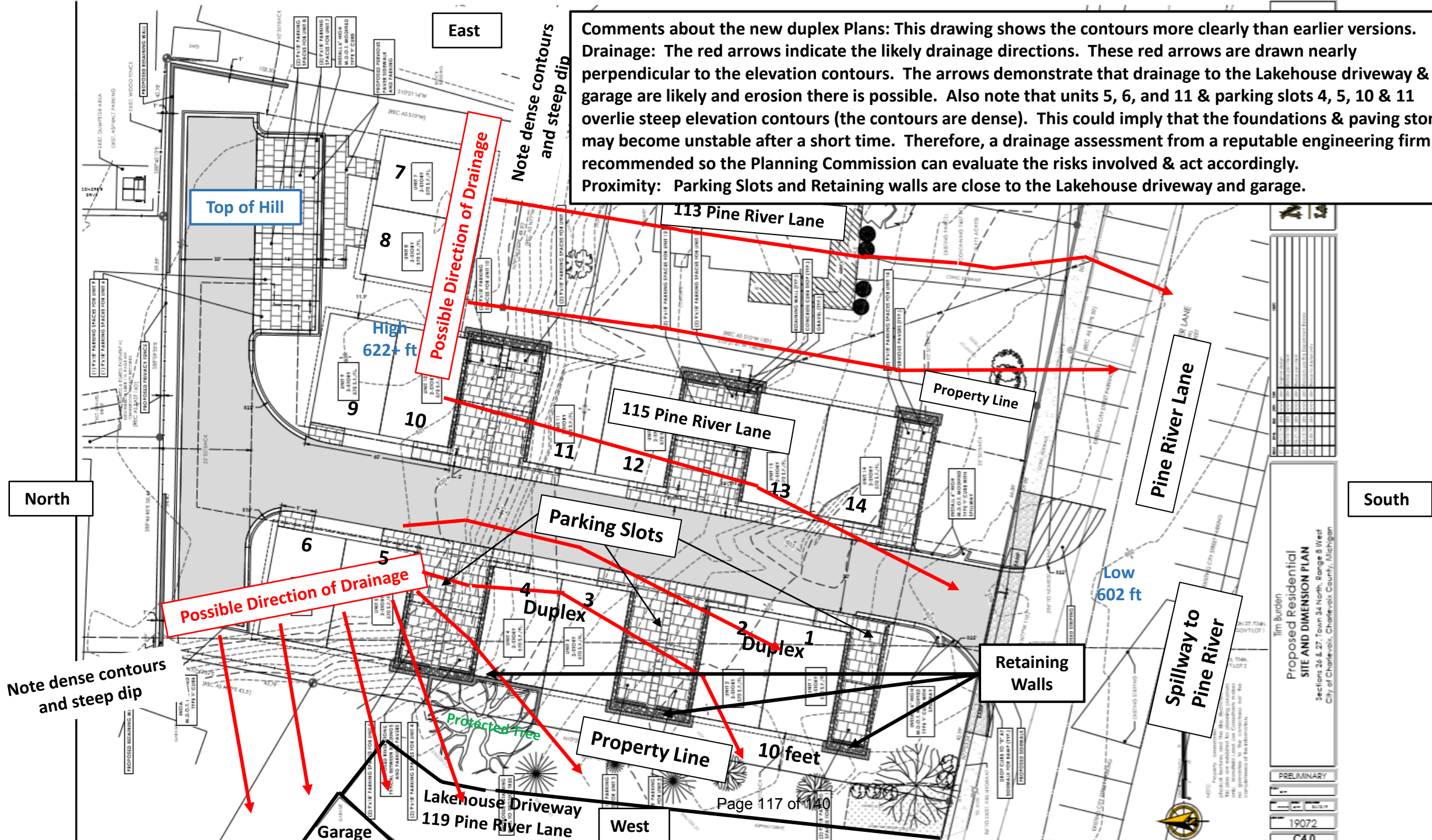
A concerned neighbor,

Edward R Shaw
75 West Cove View Trail
The Woodlands, Texas 77389
shawedwardr@prodigy.net
281-516-9662 (home phone)
281-687-7191 (cell)

Comments about the new duplex Plans: This drawing shows the contours more clearly than earlier versions.

Drainage: The red arrows indicate the likely drainage directions. These red arrows are drawn nearly perpendicular to the elevation contours. The arrows demonstrate that drainage to the Lakehouse driveway & garage are likely and erosion there is possible. Also note that units 5, 6, and 11 & parking slots 4, 5, 10 & 11 overlie steep elevation contours (the contours are dense). This could imply that the foundations & paving stones may become unstable after a short time. Therefore, a drainage assessment from a reputable engineering firm is recommended so the Planning Commission can evaluate the risks involved & act accordingly.

Proximity: Parking Slots and Retaining walls are close to the Lakehouse driveway and garage.



>

> Frank Bell

> Primary/Winter address	Summer address
> 1814 Alta Vista Ave	119 Pine River Ln #406
> Austin, TX 78704	Charlevoix, MI 49720

>

October 8, 2019

>

>

>

> Office of Planning and Zoning

> 210 State Street

> Charlevoix, MI 49720

>

> RE: Case 2019-2 SP, 115 Pine River Lane

>

> Dear Members of the Planning Commission and City Council,

>

> I am strongly opposed to the proposed Site Plan for a 14 unit condominium at 115 Pine River Lane and urge you to deny it. I have been coming to Charlevoix since the late 1970s and now spend five months a year in my place in the Lake House condominium at 119 Pine River Lane.

>

> The current proposal will:

>

> Damage the charm of both Charlevoix and the Pine River neighborhood

>

> Charlevoix's charm drew me and part of its charm is its wonderful old residential neighborhoods on Dixon, Michigan, Park, and even Pine River Lane. Walking the south side of the channel you see the Weathervane followed by three of Charlevoix's old vacation houses. This is a pleasant view.

>

> Walking Pine River Lane is not as charming as viewing it from the channel until you pass the Weathervane and reach the residential portion. By the time you reach the driveway of the Lake House condominium it has fully regained its Charlevoix charm.

>

> I find it rare for a condominium to add to a neighborhood's charm. The Lake House is an exception. It adds to the view from the south pier. I have had people ask me if it was a big house or a condo.

>

> Cramming 14 condominium units on a .69 acre lot will only damage both Charlevoix's and the neighborhood's charm.

>

> Damage the neighborhood's live ability

>

> 14 new units will increase the number of residences west of the Weathervane 150%, from 9 to

23. Unlike the Lake House, whose bylaws prohibit renting, I am assuming renting will be allowed. I think it is reasonable to assume that most if not all of these units will be available for rental. Renting significantly magnifies the neighborhood burden of adding new units. This will mean:

>

> - Increased traffic and parking will affect both the neighbors and the Weathervane's customers.

> - Increased foot traffic through neighboring yards, especially the Lake House's, which is adjacent. Renters, especially short term renters, do not have the same respect for neighbors as owners, especially if the neighbor is another condominium. Part of this is people just have less respect for neighborly boundaries when it comes to multi-family residences. Part is because they assume it is just another short term resort rental place like the one they are renting, and feel much freer to wander its grounds. I know because that was my mindset before I became an owner and has been confirmed by stories I've heard from longer term owners at the Lake House.

>

> The Lake House has two units on the ground floor with 3 sets of glass sliding doors. It is unpleasant to have strangers wandering by looking in your windows.

>

> More people wandering through the yard will lead to more crimes of opportunity.

>

> More people will become aware of the neighborhood past the Weathervane increasing the probability that it will be targeted for burglary or other crime.

>

> Conclusion

>

> To sum up, 14 condominium units on a .69 acre lot can only be an eyesore that will detract from Charlevoix's and the neighborhood's charm and character. The increased traffic, crime, and loss of privacy will seriously degrade the current resident's lives.

>

> No modification can make this proposal acceptable. Tell the developer to return to the drawing board and come up with a proposal that will improve Charlevoix and the neighborhood. The Lake House demonstrates it can be done.

>

> Sincerely yours,

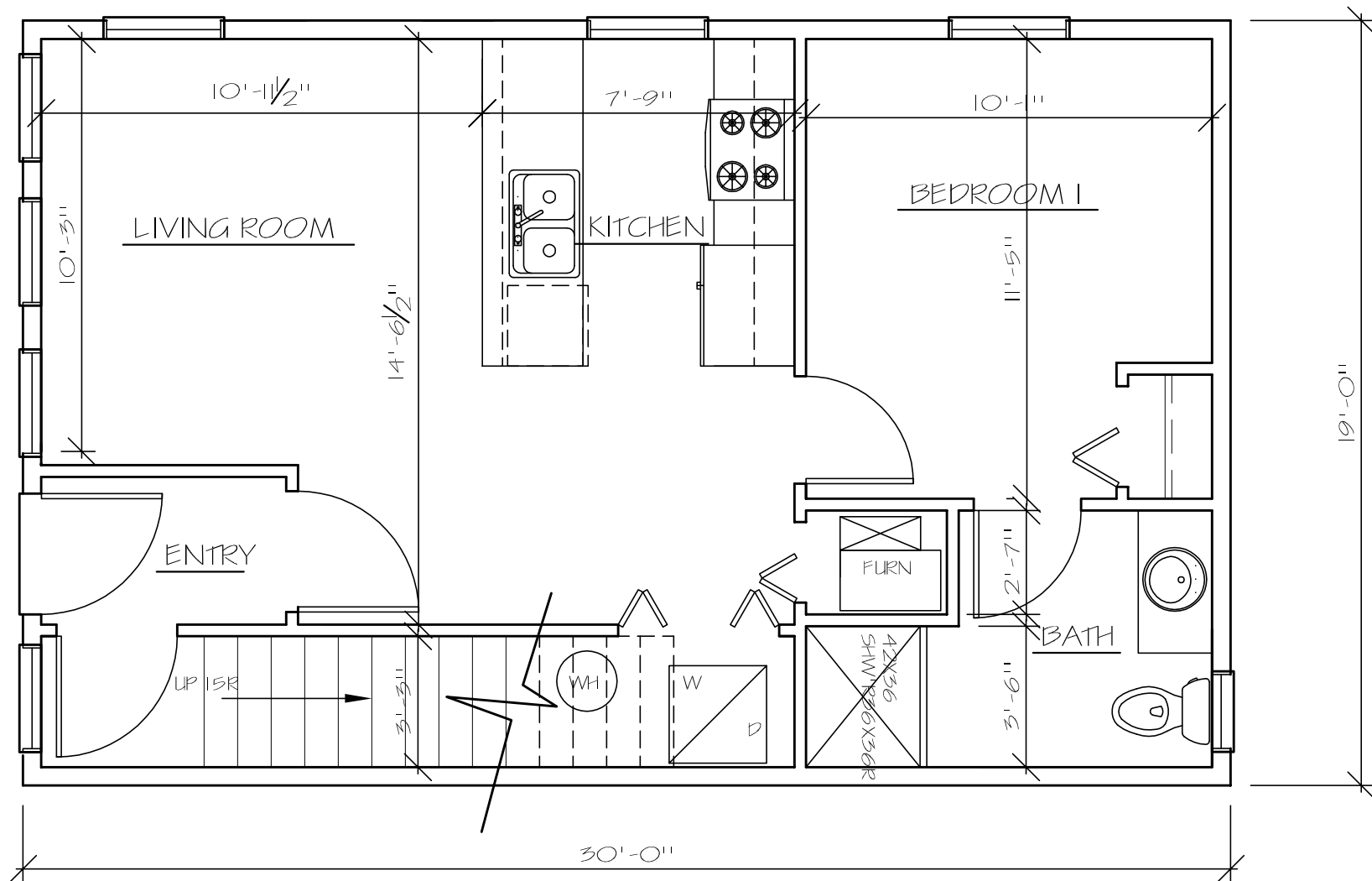
>

>

> Frank Bell

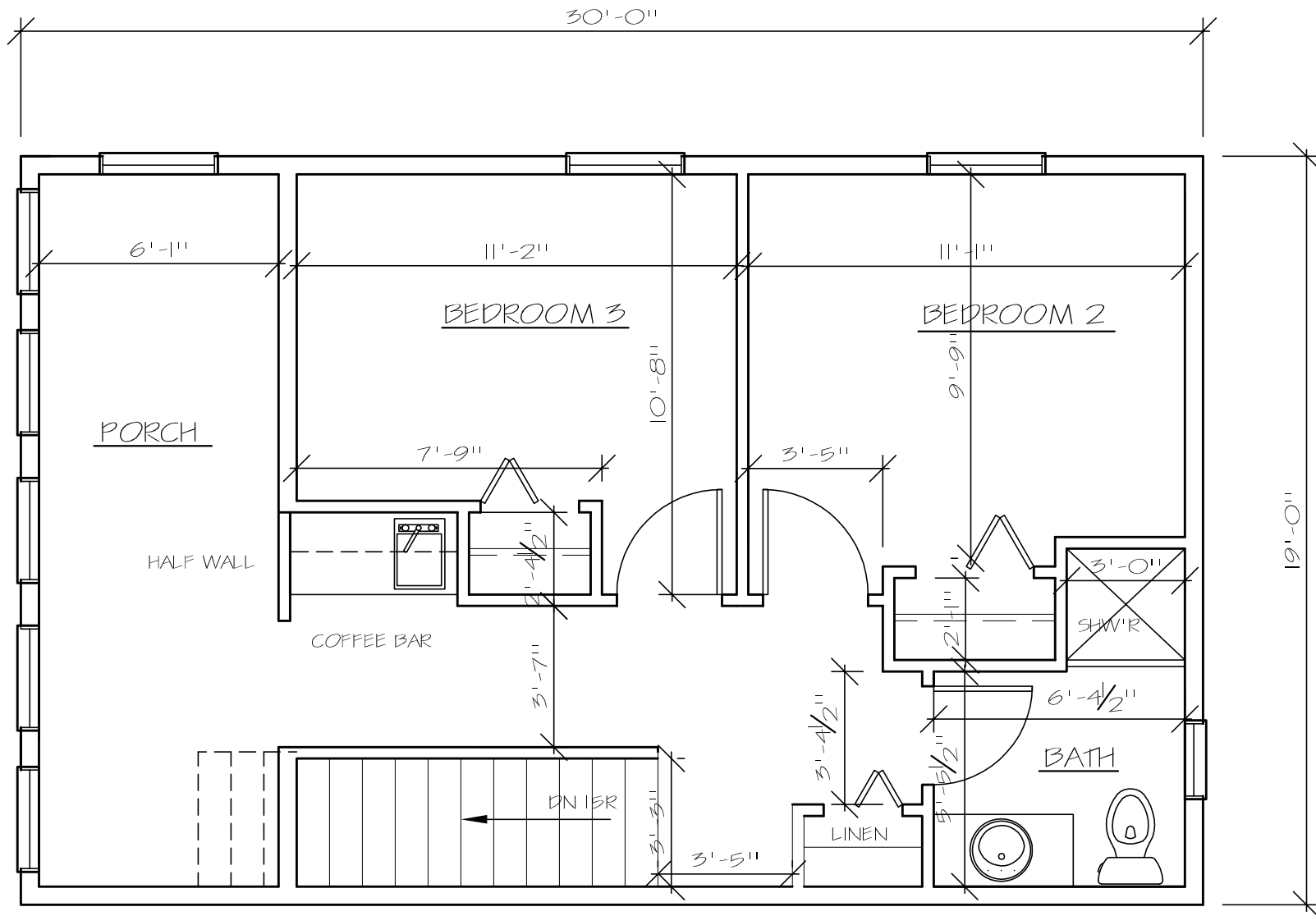


FRONT ELEVATION



FIRST FLOOR PLAN

570 SQ. FT.



SECOND FLOOR PLAN

570 SQ. FT.

HARRY K. GOLSKI
Attorney at Law
203 Mason Street
Charlevoix, MI 49720
Telephone (231) 547-0099
Facsimile (231) 547-6399
E-mail: hgolski@cvxlaw.com

October 14, 2019

City of Charlevoix Planning Commission

Re: Case Number: 2019-2 SP
Applicant: Midtown Development Inc.
Subject Property: 115 Pine River Lane

Dear Commissioners:

This summary is submitted on behalf of The Lakehouse Association, the owners of The Lakehouse Condominium, the land owner to the immediate west of the proposed development.

Development of the subject parcel continues to pose grave issues. It is 0.69 acres in size but only has 104 feet of frontage on a public street, Pine River Lane. More troublesome than the configuration of the lot and the lack of adequate access is the fact that the parcel is comprised of a sand dune which creates a 20-foot rise in the parcel's elevation from Pine River Lane to the rear of the property. See Exhibit A. Construction projects on dune-type elevations in the City of Charlevoix are not new or unique. Successful developers have used the elevation change to "terrace" the structures to provide view corridors, while still preserving the integrity of the dune. See, for example, Belvedere Terrace, the cottages of Belvedere Club, and the condominiums on the south side of Pine River Channel.

In this proposed development, however, the owner seeks, not to terrace the buildings with structures on different levels of the existing dune, but instead to cut into the dune from the street and, in effect, destroy the dune in order to "stack" structures on a newly created and unnatural slope.

This proposed change in the landscape contours creates the following dangerous, unsafe and harmful effects:

- Storm water runoff is unnaturally increased by burdening the land with more than 50% of impervious material.
- Storm water runoff will be faster and more destructive because it will be running down the paved areas without any slowing effects.
- Storm water runoff will create an unnatural burden to the adjacent property owners, specifically the single family home at 105 Pine River Lane and to the driveway and improvements at The Lakehouse Condominium. See Exhibit B.

- The storm water runoff will contribute to the breakdown of the pavement on Pine River Lane, which has been an on-going problem for the City and for the residents and businesses on Pine River Lane. See Exhibit C 1-3.
- The "stacking" of the units will put the individual parking areas on a newly created flat area that will dangerously butt-up to a steep decline on the edges of the property. There will be significant risk for users of the driveways to mis-navigate the parking areas which could result in dangerous falls down the embankment. See Exhibit D (computation from prior plan).
- The embankment creates dangerous situation for children who could fall or roll down the slope into the Lakehouse driveway.
- The disruption of the existing dune will allow the existing dunes to be undermined, creating instability to the structural integrity of buildings and improvements on the adjacent properties.
- There is not adequate buffering and/or landscaping between the project and the adjoining property of the Lakehouse Condominium. See Exhibit E 1-3.

Other objections to the proposal include:

- The character of the units are more in line with a hotel/motel room with a separate lock-off rental area.
- The plans do not contain any notation for placement of concrete or patio pads for placement of air conditioning compressors, barbeque grills and accessories, lawn or patio furniture, garbage/recycling bins or totes and other customary tools and equipment included in a typical residential use.
- The units do not contain any dedicated area for storage of outdoor recreational equipment, such as kayaks, bicycles, canoes or other customary recreational items.
- The units do not contain any enclosed or protected parking and no way to navigate the 2X2 stacked parking arrangement.
- The plans do not provide for adequate turn around or maneuvering of vehicles without having to drive on the sidewalk.
- The plans do not provide for snow removal without blowing/plowing it on the adjacent properties.
- The plans place the driveways too close to the units.

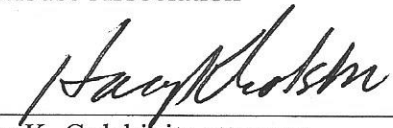
The Lakehouse Association is not opposed to reasonable development of this parcel which preserves the integrity, safety and character of the neighborhood. We request that, at minimum, an independent engineering study by a firm selected by the Planning Commission and paid by the developer be required to analyze potential water run-off, slope stability and safety issues in connection with the development of this parcel before the approval of any development plan.

Thank you for your consideration of these issues.

Respectfully submitted,

Lakehouse Association

By:


Harry K. Golski, its attorney

Exhibit

A

115 Pine River Lane Relief and Imperviable Surface Calculations

Parcel Size: 30,214 square feet or 0.694 acres

The legal limit for imperviable surfaces on this property is 50% of the parcel size. So that would mean the limit is 15,107 square feet. This should be demonstrated on a plat. Current estimates by the developer are about 48%. However, surfaces that may not of been considered are roof soffits, car port covers, utility closets, dumpster pads, storage sheds, or AC pads. So the actual number may be larger.

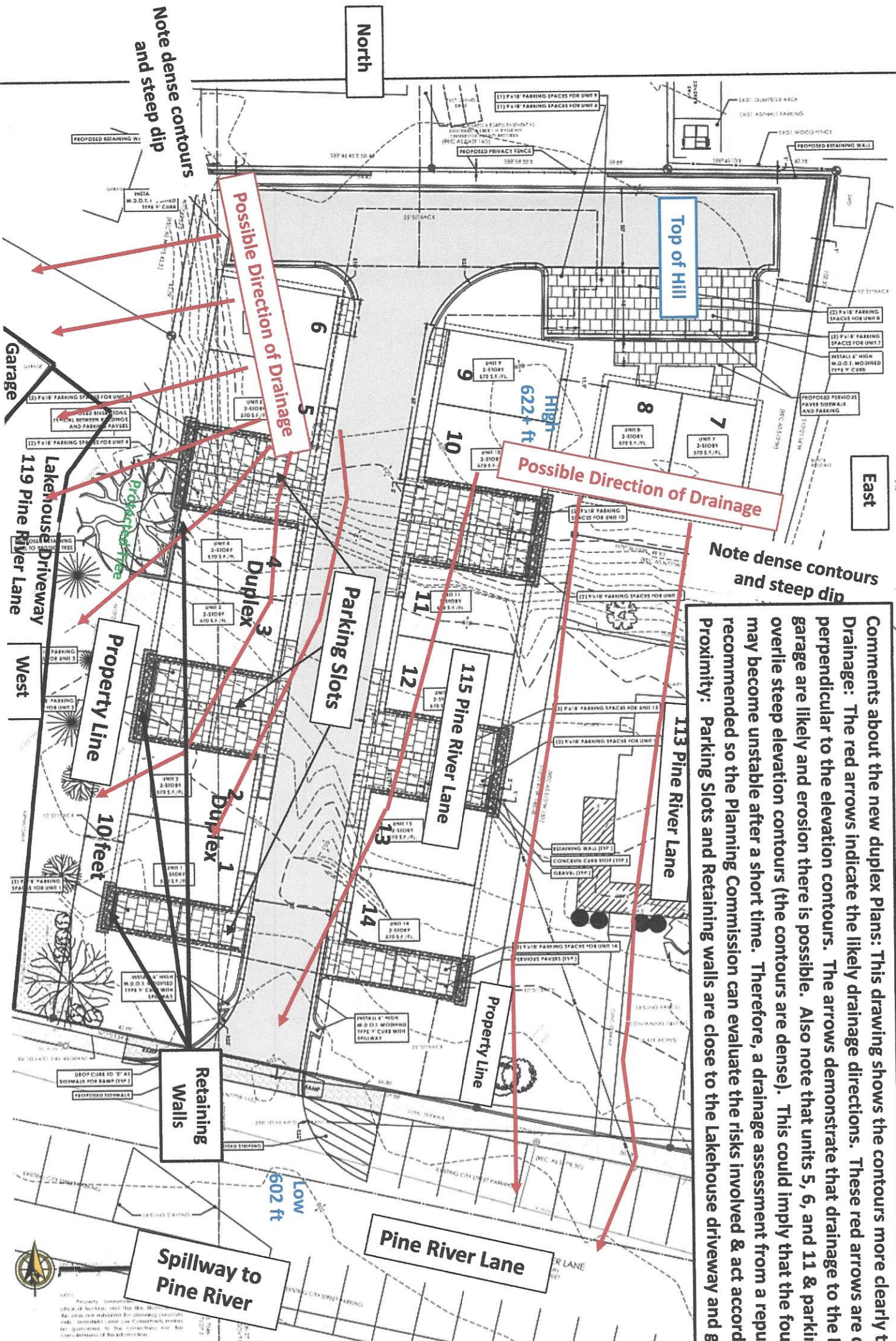
Furthermore, this property has considerable elevation changes. Elevation from the street to the back is of the lot is about 20 feet (see plat). Therefore, runoff is expected to be much larger than a flat parcel. The erosion on Pine River Lane illustrates this happening and many repairs have been made by the city. So a number like 30% is much more reasonable.

20 feet

Property at 115 Pine River Lane
Hill Exposed Upon Removal of the Garage



Exhibit B



Comments about the new duplex Plans: This drawing shows the contours more clearly than earlier versions. Drainage: The red arrows indicate the likely drainage directions. These red arrows are drawn nearly perpendicular to the elevation contours. The arrows demonstrate that drainage to the Lakemore driveway & garage are likely and erosion there is possible. Also note that units 5, 6, and 11 & parking slots 4, 5, 10 & 11 overlie steep elevation contours (the contours are dense). This could imply that the foundations & paving stones may become unstable after a short time. Therefore, a drainage assessment from a reputable engineering firm is recommended so the Planning Commission can evaluate the risks involved & act accordingly. Proximity: Parking Slots and Retaining walls are close to the Lakemore driveway and garage.

Tim Burden
**Proposed Residential
 SITE AND DIMENSION PLAN**
 Sections 26 & 27, Town 34 North, Range 8 West
 City of Charlevoix, Charlevoix County, Michigan

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY PLAN	10/27/02	TB	
2	REVISIONS			
3	REVISIONS			
4	REVISIONS			
5	REVISIONS			
6	REVISIONS			
7	REVISIONS			
8	REVISIONS			
9	REVISIONS			
10	REVISIONS			
11	REVISIONS			
12	REVISIONS			
13	REVISIONS			
14	REVISIONS			
15	REVISIONS			
16	REVISIONS			
17	REVISIONS			
18	REVISIONS			
19	REVISIONS			
20	REVISIONS			

Exhibit C (1-3)

West

Pine River Lane Setting

y from the
Pine river
stairs)

115 Pine

us small cracks and pot holes
widen and deepen due to
ased surface drainage based
at the Weathervane Terrace
by hotel. See blow-up.

East

Pine River Lane

West

Pine River Lane Setting – Blow Up

115 Pine

small cracks and pot holes
and deepen due to expected
damage based on the history at
terrace and nearby hotel.

East

Pine River Lane

South

Pine River Lane Spillway across from 115 Pine River Lane

Pine River

Spillway from the
road to Pine River

Pine River Lane

North

drainage from Pine River
Surface water that reaches
here. However, on the way
the surface and creates cracks
exits from them also. The
will widen and deepen due
to surface drainage from the
based on the history at the
spillway and nearby hotel.

Exhibit D

115 Pine River Lane Development
plat of new and existing elevations
showing the drop at the parking spaces.
It is recommended that the developer
include a plan to mitigate this fall hazard.

Retaining Walls:
Each condo driveway
has a retaining wall

Weathervane

Retaining Walls:
Each condo driveway
has a retaining wall

Retaining Wall by tree

Lakehouse
Driveway

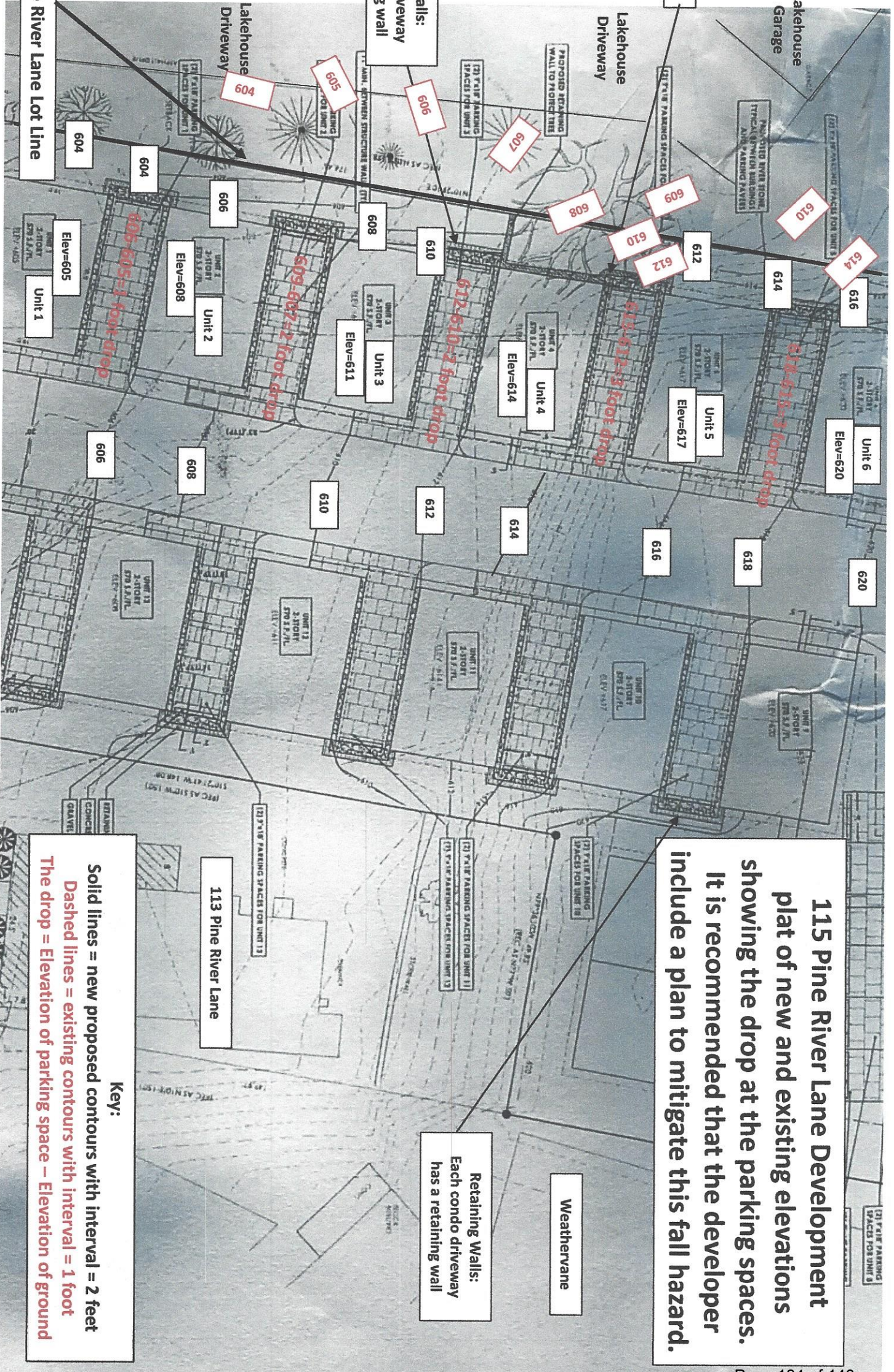
Lakehouse
Garage

Lakehouse
Driveway

Lakehouse & 115 Pine River Lane Lot Line

Key:

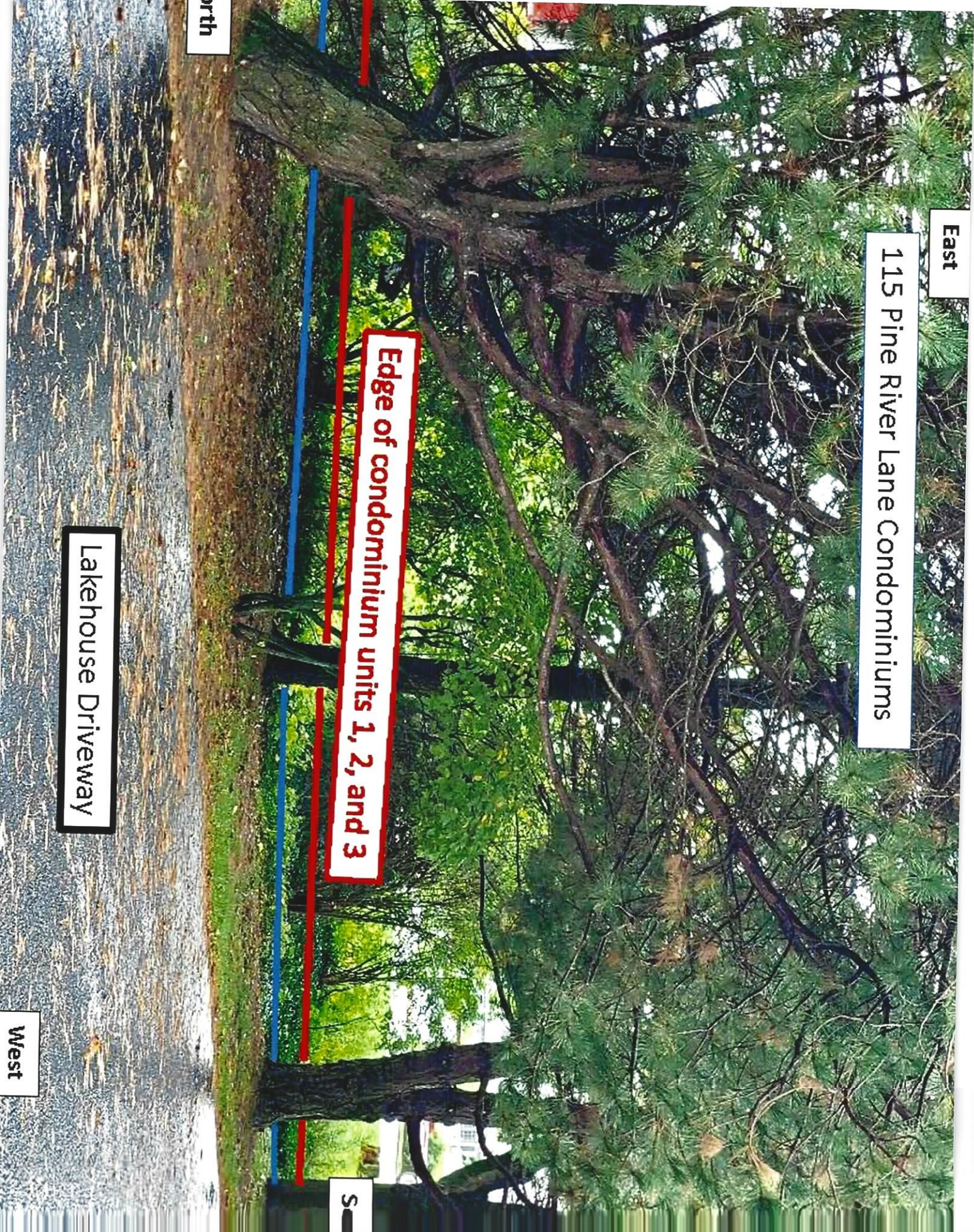
Solid lines = new proposed contours with interval = 2 feet
Dashed lines = existing contours with interval = 1 foot
The drop = Elevation of parking space – Elevation of ground



Exhibit

E

(1-3)



East

115 Pine River Lane Condominiums

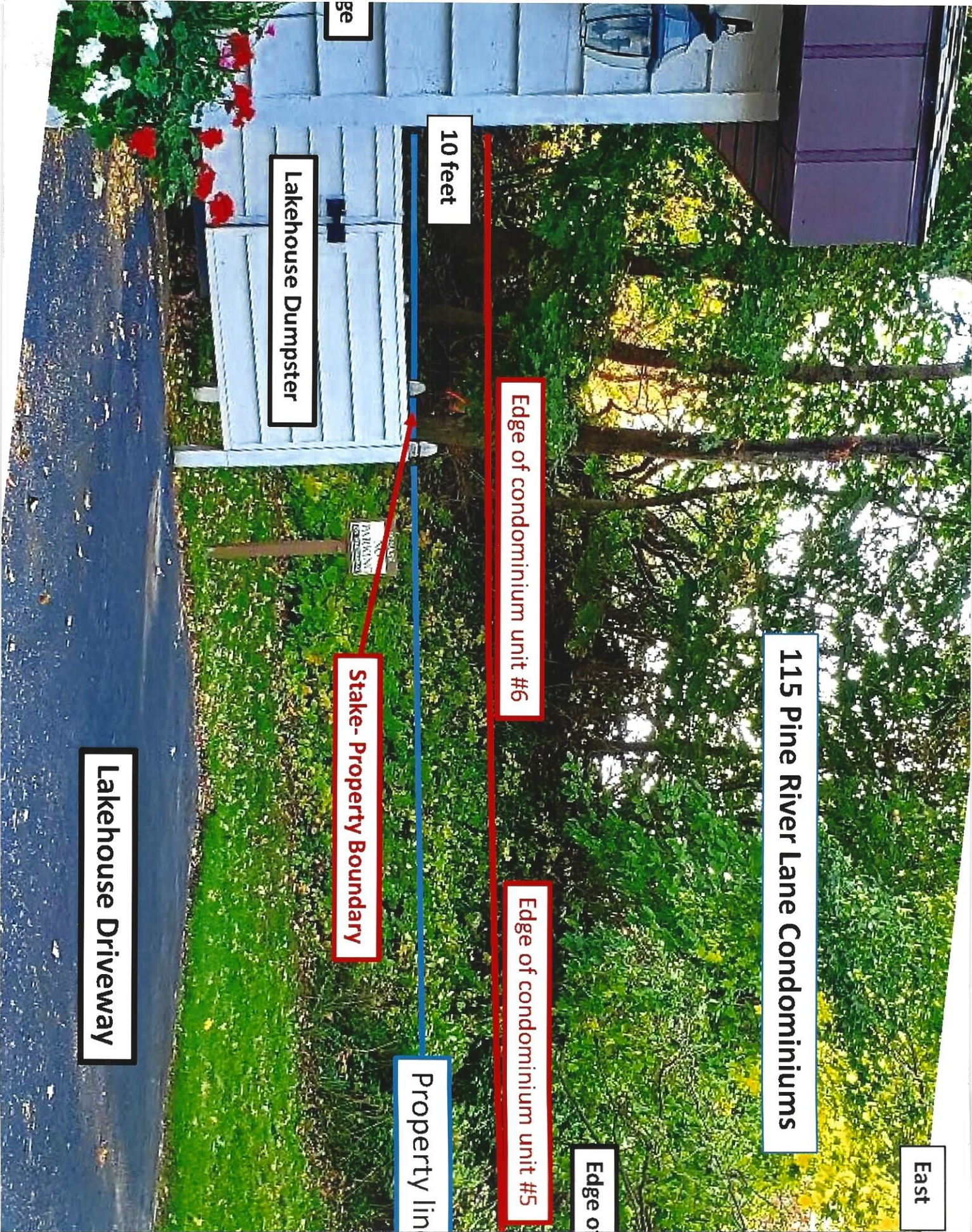
Edge of condominium units 1, 2, and 3

Lakehouse Driveway

S

North

West



East

115 Pine River Lane Condominiums

Edge of

Edge of condominium unit #6

Edge of condominium unit #5

10 feet

Lakehouse Dumpster

Stake- Property Boundary

Property lin

Lakehouse Driveway

October 14, 2019

My name is Irene Hizelberger. I am the General Manager of the Weathervane Terrace Inn & Suites at 111 Pine River Lane.

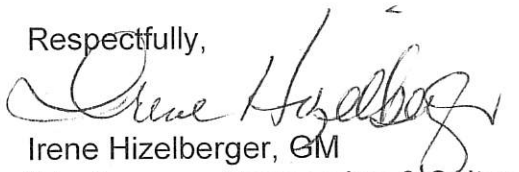
I have received correspondence from neighbors near 115 Pine River Lane. I have also received a rendering of the 14-unit proposed construction site from the City. The property is zoned so that a high-density residential construction has the right to build there. I also understand that these 14 units have lock offs to give the ability to house or rent up to 28 units.

There are a number of things the city needs to look at as this property is being constructed. The construction plans have changed from the last proposed building plans. The idea of having a lock-off for the unit will be very appealing to many buyers. The newly proposed units will probably sell faster than the last building plans as people have the opportunity to rent part of the unit out and still use it for themselves, or even more lucrative, to rent the unit to two different renters. As people rent these units in beautiful Charlevoix with all the water around us and bring their water toys with them, there will be overflow vehicles and trailers that will no double be parked on Pine River Lane.

Pine River Lane is a very short, dead-end lane. It is the entrance to a few homes, two hotels, a condominium building, and a very popular restaurant. It is not very well lit and the road is in very bad condition. The lane is used for employee parking for both the restaurant and the hotels during the summer season. For quite some time there hasn't been parking space markings or even center of the lane marking painted on Pine River Lane. The traffic in and out of this lane is directly on and off US 31. Restaurant parking alone can fill both sides of the lane on a busy night. My worry is that people will assume they can start parking in our hotel guest parking and use our parking lot as a "street" to drive through to get to the West Dixon Avenue to exit or enter onto US 31 instead of Pine River Lane.

I would ask the members of the city planning commission to be aware of the concerns of the owners of the Weathervane Terrace Inn & Suites and relook at the number of units proposed to be added to Pine River Lane

Respectfully,



Irene Hizelberger, GM
Weathervane Terrace Inn & Suites
111 Pine River Lane
Charlevoix, MI 49720
231 547-9955



Kathy Egan <kathy.egan@networksnorthwest.org>

Meeting packet

1 message

Sherm Chamberlain <sherm@fcasurveying.com>

Fri, Oct 11, 2019 at 3:16 PM

To: Kathy Egan <kathy.egan@networksnorthwest.org>, 1rjwaddell@att.net, City of Charlevoix Planner <planner@charlevoixmi.gov>

Hi Everyone,

There are a few things we have to look at. It appears pages 42 - 49 are out of place. They seem to refer to the Eaton Special Use Permit application. Please check this out.

The second is the Jess Conditional Rezoning request. The data supplied is very minimal at best. On page 29 of the packet, he states what he wants, then on page 32, he mentions residential and office. This should be clarified. On page 29, he wants to put in micro units of 300 square feet. R-4 requires 660 square feet for efficiency units. Under Section 153, (D)(2), I feel he would have to go to the ZBA. On page 50, Rezoning Procedures, he has not staked the property nor has he prepared a scaled drawing. It makes it difficult to determine if the existing buildings meet set back requirements. On page 53, under Section 153.007 (D) (2), we may not permit variations from height area, setbacks or similar dimensional requirements than the proposed zoning district, however, he can go to the ZBA. Without a scaled drawing with improvements shown, this is hard to determine. Can we get public comment and table this until we have more data? I like the concept of this project. Repurposing an old structure is a good thing and worth looking into, but it has to go through the proper channels.

On the West side of May Street, next to the May Street apartment there is a condominium project that was done a few years ago. It is in the R-1 district. The original building was Frank Smith's "no tell" motel when May Street was M-66. The building burnt down. The owner was allowed to build a 2 or 3 unit condo project. The City has allowed expanded uses in the R-1 district. Most likely, they went through the ZBA.

Lastly, I am going to excuse myself from the Mid-town Development site plan review. A little over a week ago, Mid-town contacted my employers to find the corners of the property and do the construction staking. I am an "at will" employee. I don't want to have anyone think my employment would influence my vote. When I owned Ferguson & Chamberlain Associates, we did a lot of work with Tim Burden's projects in the Petoskey area. We had a very good working relationship. He was very conscience in making sure the project was built according to the approved site plan. It all comes down to the appearance of a conflict can be worse than a conflict.

Thank-you,
Sherm

Sent from my iPad