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

MONDAY, NOVEMBER 11, 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. October 14, 2019 Minutes

F. Call for Public Comment Not Related to Agenda Items

G. New Business

H. Old Business

1. Continued: Site Plan Review: Midtown Development, Inc., 115 Pine River Ln. – Residential Development
2. Rooftop Usage Discussion

I. Staff Updates

1. ZBA Meetings Report

J. Requests For Next Months Agenda or Research Items

K. Adjournment by 8:00PM 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: October 14, 2019 Minutes

DATE: November 11, 2019

ATTACHMENTS:

- Draft October 14, 2019 meeting minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, October 14, 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, Phillip Parr, RJ Waddell
Members Absent:	None
Staff Present:	Kathy Egan, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest
Chair Chamberlain stated that the company he works for was contacted by Midtown Builders for work on their project so he will recuse himself from Item G.3. He disclosed that his company was also contacted by the O'Brian family who live just south of the Jess proposal (Item G.2.) who wanted to know where the boundary lines were, but he felt there was no conflict.

D. Approval of Agenda
Motion by Member Felter, second by Member Muladore to approve the Agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes
1. September 9, 2019 Meeting Minutes
Motion by Member Waddell, second by Member Gray to approve the minutes of September 9, 2019 as presented. Motion passed by unanimous voice vote.

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 Street – Bed and Breakfast
Zoning Administrator Scheel explained that this is a request for a Bed and Breakfast which is an allowed use with a Special Use permit. This property is in the R-1 District and is located at 206 W. Carpenter Street. The lot is approximately 10,700 sq.ft. A 1,200 sq.ft. dwelling and a 780 sq.ft. accessory building (garage) exist on the lot. The surrounding properties were zoned as R-1 as single family homes with one adjacent empty lot. Zoning Administrative Scheel stated that the project was subject to a Level B site plan review. He further detailed the specifics contained in the staff report and review standards. Member Waddell questioned if there were any bed and breakfasts or other uses in the area of this home and Zoning Administrator Scheel stated that there were none. He stated that the current owner owned three adjoining lots.

Mr. John Eaton, applicant, stated that he and his wife wished to purchase 206 Carpenter Street and operate it as a Bed and Breakfast with four rooms for rent.

The public hearing was opened.

Don Seeley, 1217 State Street, was concerned that this would be an attempt to circumvent the temporary ban on short-term rentals. He stated that operating a 3-4 bedroom rental would be like putting a hotel in the neighborhood. He noted the minimal lot size and he questioned that if it was a four-bedroom house where would the owners stay. Chair Chamberlain stated that the owners would have to live within the home. Mr. Eaton stated that there was also a finished basement with a bathroom.

The public hearing was closed.

Zoning Administrator Scheel reviewed information regarding traffic patterns, accessory buildings, and structures previously on the subject lots. Discussion followed regarding the five parking spaces, light spillage to the neighboring properties, and turning radius for accessing the parking area. Mr. Eaton agreed that he would install landscaping or fencing if the parking area became a problem for the neighboring lots.

Under item (6) of the Staff Report, the last section which started "the commercial and office uses…" was an error in the report and would be deleted. After Commission discussion, Zoning Administrator Scheel noted three additional potential conditions

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including: that the fifth parking space be paved or graveled instead of grass; potential screening from the adjacent lot; and potentially keep the cement up to the property line next to the garage.

Motion by Member Felter, second by Member Waddell to 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 in the staff report, and two additional conditions including: 1) graveling or paving the 5th parking space to match the other four spots, and 2) screening parking from the adjacent lot. Motion passed by unanimous voice vote.

2. Public Hearing Rezoning Request: Robert J. Jess, 904 May Street – Conditional Rezoning
Zoning Administrator Scheel explained that 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 lot is approximately 10,700 sq.ft. A 2,100 sq.ft. building and a 780 sq.ft. accessory building (pole barn) exist on the lot. The adjoining properties to the north are a public school, multiple blocks to the southwest that are zoned R-4 High Density, and directly across the street is also R-1 zoning. The existing building is dilapidated and has been empty for some time. The buyers plan to refurbish the existing structure it into 3-4 apartments ranging from micro units of 300 sq.ft. up to potentially larger units of 1,200 sq.ft. The existing pole barn will have storage space available to renters of the apartments only. The exterior would be re-sided, and landscaping would be added.

Chair Chamberlain stated that conditional rezones have to be very use specific and the conditions that are set forth will run with the property. He understood that the physical structure will remain the same and the storage building in the back will remain the same, but all other conditions of the R-4 zoning district will remain in effect. He stated that there was a bit of confusion because the rezone request on page 32 states that "it is proposed that the property will be put into the following uses: rental/office, residential and office" but then when you read page 29 it conflicts with that language. He stated that by going to R-4, there is a minimum standard of 660 sq.ft. for an apartment, and to request a 300 sq.ft. micro unit the applicants would have to go before the Zoning Board of Appeals.

Mr. Robert Jess, applicant, stated he was not aware of the 660 sq.ft. requirement for apartments so that may wipe out the micro units and maybe it would just be 2 or 3 apartments. He stated his intention was to leave the roof line as is, and fix the siding with either cedar shake or vinyl siding. Chair Chamberlain questioned if the applicant would be willing to tear out the basketball court if it did not meet zoning standards and Mr. Jess stated that he would if it was required. Chair Chamberlain questioned if he was withdrawing the request for 300 sq.ft. units and complying with the R-4 zoning standards and Mr. Jess agreed.

Zoning Administrator Scheel clarified that the request was for conditional rezoning approval and the project would come back before them for site plan approval. The applicant will be required to comply with R-4 zoning standards.

The public hearing was opened.

Don Bryant stated that he lived just to the south of the subject property and he was not enthused about having apartments next door to his home. He felt with creative design the property could be converted into a very nice single-family home.

The public hearing was closed.

Member Waddell stated that he understood Mr. Bryant's position and he appreciated the effort to make some affordable housing units, but it is an R-1 neighborhood and was concerned about spot zoning. Member Halverson stated that it would be hard not to classify the current building as an eyesore and it currently adversely affects property owners. Discussion followed regarding the existing building condition, possible spot zoning, conditional rezoning issues, workforce housing, and the need for affordable housing units. Mr. Jess agreed to remove the office use from the application.

Motion by Member Halverson, second by Member Edwards to recommend Project 2019-01 RZ for approval based on specific findings of fact that the application does meet the review criteria in Sections 5.25 and 5.133, and accepting the R-4 zoning with the following provisions: building and accessory unit remaining the same volume, maximum of 3-4 apartments, and all parking, landscaping and setback lines in the R-4 zoning district would be complied with. Motion passed by unanimous roll call vote.

Zoning Administrator Scheel stated that the Planning Commission was recommending approval of the rezoning request with the final decision to come before the City Council on November 4, 2019.

3. Site Plan Review Midtown Development, Inc., 115 Pine River Lane – Residential Development
Chair Chamberlain left the dais. Zoning Administrator Scheel stated that the applicant was requesting site plan approval for a 14-unit site condominium which requires a Level B Site Plan Review. The applicant is proposing building seven two-unit

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2,200 sq.ft. duplexes. The property was zoned R-4 High Density Residential. The adjacent land uses included a bed and breakfast to the north, single-family residences to the east and west, the Weathervane Hotel, a site condominium, and the Pine River Channel to the south. The application meets the submittal requirements. He noted that there were numerous letters from neighbors included in the agenda packet.

Tim Burton, Midtown Development President, stated that he came before this body about five years ago for a high-end development but did not have enough commitments to go forward with that project. He stated that they were presenting a more modest proposal which would be marketed as single-family homes. Zoning Administrator Scheel stated that they preferred the 12-unit site condominium (20' wide single-family homes with one duplex).

The public hearing was opened.

Christine Jones, 113 Pine River Lane, stated that this proposal takes up two sides of her property. She asked the Commission to examine the density appropriate for the residential neighborhood (west side of Pine River Lane). She questioned if the proposal was for residences or sort of commercial hospitality hiding under the designation of R-4 zoning and she felt that those were questions that the Commission was charged to consider. She expressed concerns about traffic, safety and parking spaces. She asked the Commission to delay its decision until things were sorted out.

Linda Weston, 110 Burns Street, who owns a condo in the Weathervane Terrace, stated she had nothing against putting what it is zoned for on the subject property, but the infrastructure leading to the property and the whole street is in need of repair.

Harry Golski, Attorney for the Lake House Association, stated that the Lake House was uniquely impacted because it shares a long boundary with this proposed development. He stated the landscaping and buffering between the Lake House property and the project is minimal at best. He noted that the situation was made worse by safety concerns "caused by the movement of the hill". He referenced the photographs attached to his submittal today that show the hill is a Lake Michigan dune. He stated that this was going to create an enormous amount of storm water runoff because there would be no natural terracing. He advised the Commission to pay close attention to the permeable surface area of this project. Mr. Golski stated that the Lake House community is not adverse to development, but a cramped development using every square inch of property and making no provision for storm water runoff or for protection of the slope was not favorable. The Association felt the Commission should ask the developer for an independent storm water runoff, safety evaluation and slope stabilization study by an engineering firm selected by the Planning Commission.

Larry White, Charlevoix Country Inn owner, felt that the whole project had very little greenspace. He stated that he was very concerned with the back end of the development because there was approximately 4' between the back of his property line and paved turn around space for the project. He stated he would like at least 3-4' of landscaping.

Beverly Eby, 125 Pine River Lane, was concerned about lack of greenspace, extra traffic in the neighborhood, the road erosion on the channel side and trees along there that are covered with grapevines.

The public hearing was closed.

Member Waddell commented that the Commission needed to vote to extend the meeting beyond 8:00 p.m. Motion by Member Halverson, second by Member Gray to continue the meeting beyond 8:00 p.m. Motion passed by unanimous voice vote.

Member Halverson questioned if the plan meets the zoning designation and will there be any Zoning Board of Appeals' requests or deviations from what is written. Zoning Administrator Scheel stated there are 3-4 red-lined areas in his report where they could decide if it did or did not meet the standard.

Zoning Administrator Scheel stated that all the parking areas are permeable pavers. He noted that the Public Works and Electric Department directors voiced no concerns on the ability to deliver utilities to the project. Discussion followed regarding no outdoor space, no place-making aspect to this project, lack of landscape buffer, turning radius for emergency vehicles, and concerns regarding lack of adequate information with the submitted application. There was discussion back and forth with the developer regarding various aspects of the plan.

Member Waddell proceeded to review the standards. Discussion ensued on the following sections:

- 153.072 (2)(b), Parking - *The plan shows parking for each unit between buildings. Planning Commission to decide if parking setback standard applies to single family detached homes,* The proposed parking is set back 10' from property lines instead of the required 20'. After discussion, the Commission agreed that the project met this standard.
- 153.187(h) requires 1.5 parking spaces per dwelling unit thus this development needed 21 parking spaces; the

proposal for the development included 26 parking spaces. Minimum parking space requirements shall not be exceeded unless approved by the Planning Commission. After discussion, Member Waddell stated that he felt that the Commission would approve the additional parking spaces.

- 153.189(a)(1), the plan does not show any snow 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 Commission agreed that the snow blowing option met the criteria.
- 153.189(E), dimensions for parking spaces. The proposed development shows one type of parking space: 90 degree parking which requires 9' width, 18' length, and a maneuvering width of 24'. The proposal shows 9' width, 18' length, and a maneuvering width of 20' which did not meet the 24' requirement. The developer advised that driving on the sidewalk could be used for vehicles to maneuver onto the driveway. The Planning Commission found that the proposed development does meet this requirement.
- 153.171 (H), Landscaping, Off-street parking areas. Verbally the Zoning Administrator was told that 15 bushes and two trees will be added to the rear of the buffer area. A retaining wall and a fence were also included on the plans. After discussion and review of the plans, the Planning Commission found that the proposed development does meet this requirement, and they would address the property to the east as part of the motion.
- Storm water – the proposed plan shows two rain garden holding areas for all storm water. Staff recommendation was that the Commission should require an engineered stamped storm water plan. Mr. Burton stated that they would be required to retain all storm water on site, and submit engineered storm water plans to the County as well.
- Landscaping – (7), Trees and shrubs shall not be placed closer than four feet to a fence, wall or property line. Discussion followed. Planner Egan advised that it was not the Commission's job to redesign a site plan; they need to rule on what is presented to them. She stated that the current rendering of the site plan does not meet the standards of the Ordinance.
- (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 back drive does encroach into the buffer area, therefore the proposed development does not meet this requirement.

Member Waddell summarized that the Commission has a problem with the back road meeting the standards for a buffer, they have requested an engineered storm water plan, and they have asked for natural screening between the development and Ms. Jones' property to the east.

Zoning Administrator Scheel stated that the Planner suggested that they table the item until the next meeting to allow the applicant time to address the standards that were not met. Planner Egan stated that they would be tabling the item for more information needed to make a decision.

Motion by Member Felter, second by Member Edwards to table Project-2-SP until the next Planning Commission meeting. Motion passed by unanimous roll call vote with Chair Chamberlain abstaining.

H. Old Business

Chair Chamberlain returned to the dais. Member Waddell recalled that they were going to include a discussion regarding rooftops on a future agenda. He asked for a report for the next meeting on the four Zoning Board of Appeals cases that were scheduled earlier this month.

I. Staff Updates

Chair Chamberlain stated that he and Members Felter and Muladore went to a class in Petoskey where he learned that any of their personal documents can be subpoenaed for review on any zoning issue. Planner Egan advised that the Novus Agenda System should include all of their notes.

Member Halverson commented that tonight was the second time that the Fire Chief failed to provide written documentation which substantiates his review of the development site plans that come before them.

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

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

Motion by Member Halverson, second by Member Muladore to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 9:27 p.m.

Joyce M. Golding/fgm	City Clerk	Sherm Chamberlain	Chair

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CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

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

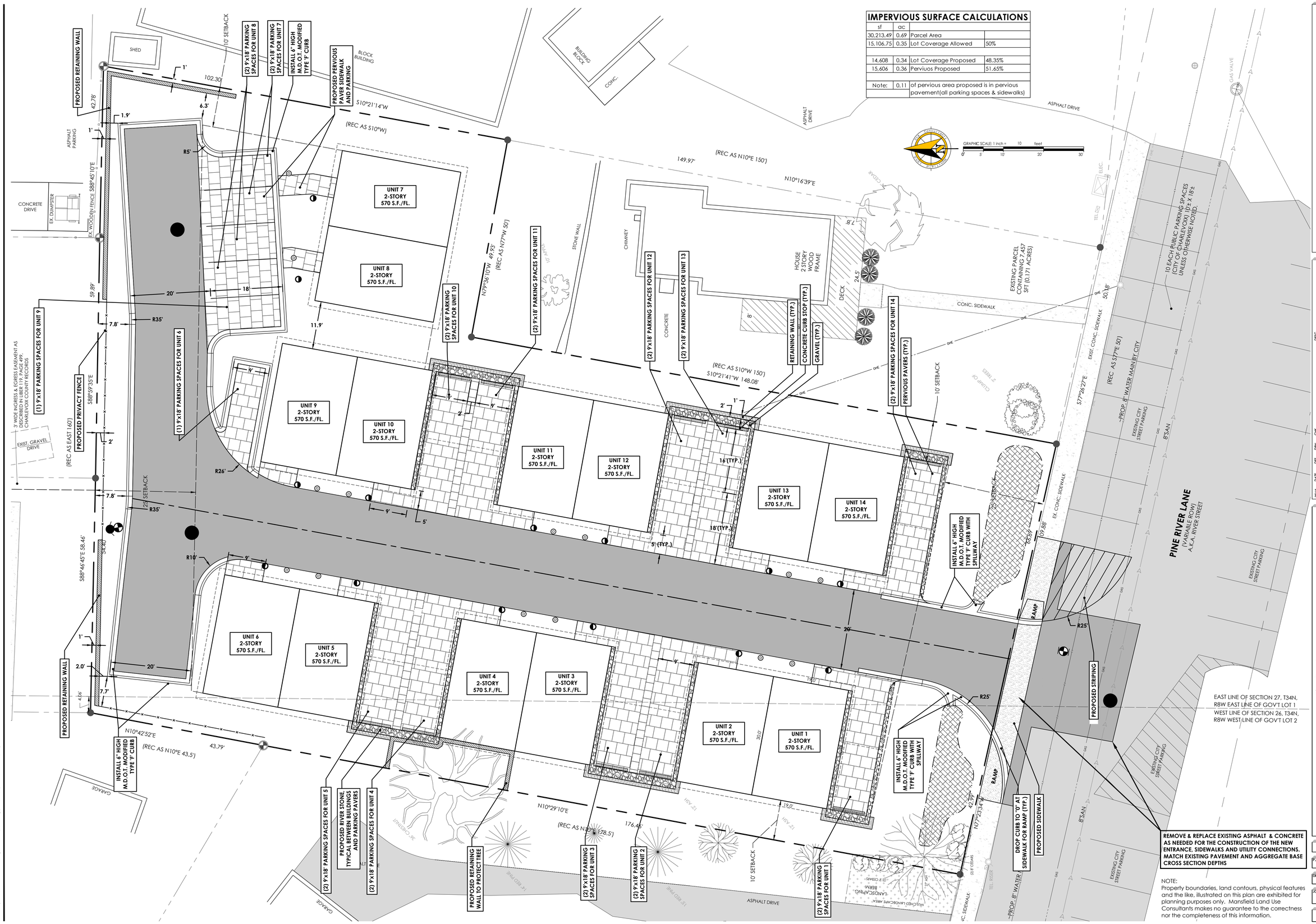
DATE: November 11, 2019

BACKGROUND

This is a continuation of the Site Plan Review process that started at the October 2019 meeting.

ATTACHMENTS:

- Updated Site Plan -1
- Updated Site Plan -2
- Site Plan - Irrigation Plan
- Public Comment 1-1
- Public Comment 1-2
- Public Comment 1-3
- Public Comment 1-4
- Public Comment 1-5
- Public Comment 2
- Public Comment 3
- Public Comment 4-1
- Public Comment 4-2
- Public Comment 4-3
- Public Comment 4-4
- Public Comment 4-5
- Public Comment 5
- Public Comment 6
- Fire Chief Letter



IMPERVIOUS SURFACE CALCULATIONS

sf	ac		
30,213.49	0.69	Parcel Area	
15,106.75	0.35	Lot Coverage Allowed	50%
14,608	0.34	Lot Coverage Proposed	48.35%
15,606	0.36	Perviuos Proposed	51.65%
Note:	0.11	of pervious area proposed is in pervious pavement(all parking spaces & sidewalks)	

NOTE:
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Mansfield & Land Use Consultants
830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maacps.com
info@maacps.com

REV#	DATE	DES.	DWN	CHK	DESC
01	04-12-19	dlm	mmm	dlm	Original design
02	06-18-19	dlm	mmm	dlm	Revise per client
03	06-21-19	dlm	mmm	dlm	Revise per client
04	08-15-19	dlm	mmm	dlm	Revisions per Fire Department Review
05	10-08-19	dlm	mmm	dlm	Revise to duplex units
06	10-16-19	dlm	mmm	dlm	Revise landscaping
06	11-01-19	dlm	mmm	dlm	City Site Plan Submittal

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.: mmm CKD.: dlm CREATED: 04.12.19
JOB NO.: 19072

C4.0

GENERAL CONSTRUCTION NOTES - GRADING:

1. FINAL GRADING SHALL PROVIDE POSITIVE DRAINAGE ACROSS THE ENTIRE SITE. EXCEPT AT BUILDING ENTRANCES AND CONCRETE APPROACH SLABS, THE GRADE ADJACENT TO THE BUILDING FOOTPRINT SHALL BE 6" BELOW THE FIRST FLOOR ELEVATION. AT BUILDING ENTRANCES AND CONCRETE APPROACH SLABS, THE GRADE SHOULD BE 3/4" BELOW THE FIRST FLOOR ELEVATION.
2. RESTORATION SHALL INCLUDE FURNISHING AND PLACING 4" OF TOPSOIL AND HYDRO-SEEDING TO THE EXTENTS OF THE DISTURBED AREAS ON THE SITE. MULCH BLANKET IS REQUIRED WHERE SLOPES ARE 3:1 OR GREATER.
3. THE FINAL GRADES ADJACENT TO ALL SIDEWALK APRONS SHALL MATCH THE TOP OF CONCRETE WITH NO STEP DOWN.

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Tim Burden

Proposed Residential

GRADING & STORM PLAN

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

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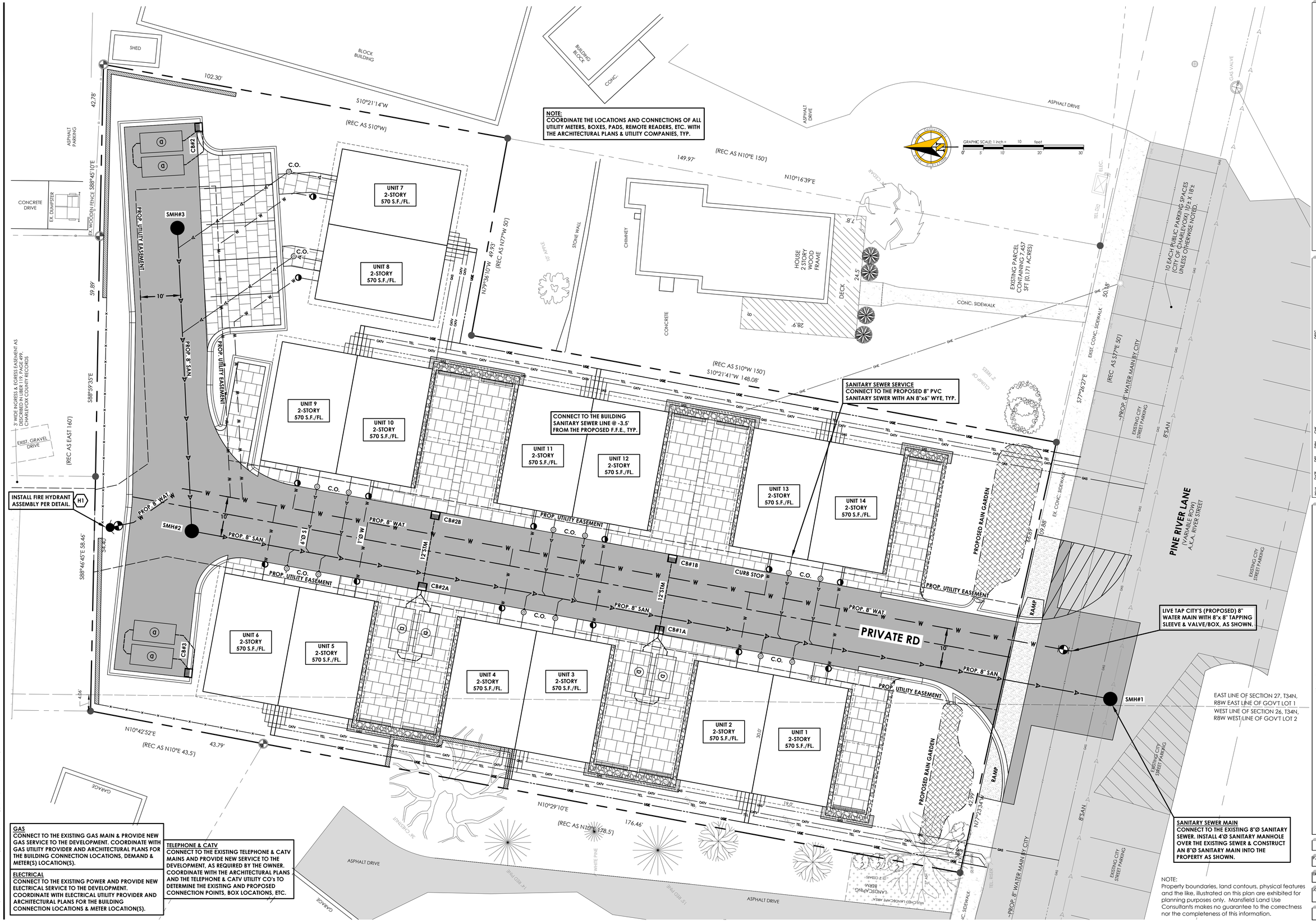
PRELIMINARY

F.M.: dlm

DR.: mmm CKD.: dlm CREATED: 04.12.19

JOB NO.: 19072

C5.0



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P.O. Box 4015
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Mansfield & Associates
Land Use Consultants

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06	11-01-19	dlm	mmm	dlm	City Site Plan Submittal

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

PRELIMINARY

F.M.: dlm

DR.: mmm | CKD.: dlm | CREATED: 04.12.19

JOB NO.: 19072

C6.0

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Tulip Tree, Fastigiatum (Liriodendron tulipifera 'Fastigiata')

Aspen, Swedish Columnar (Populus tremula 'Erecta'

Yew, Wards (Taxus x media 'Wardii')

Juniper, Spartan (Juniperus chinensis 'Spartan')

Boxwood, North Star (Boxwood Buxus sempervirens)

Sedum,Brilliant (Sedum 'brilliant')

Daylily, Stella de Oro (Hemerocallis x 'Stella de Oro')

Edging

PLANT LIST

TREES

common name	botanical name	size	quantity
Aspen, Swedish Comumnar	Populus tremula 'Erecta'	2 1/2" B&B	14.00
Tulip Tree, Fastigiatum	Liriodendron tulipifera 'Fastigiata'	6' B&B	7.00

SHRUBS

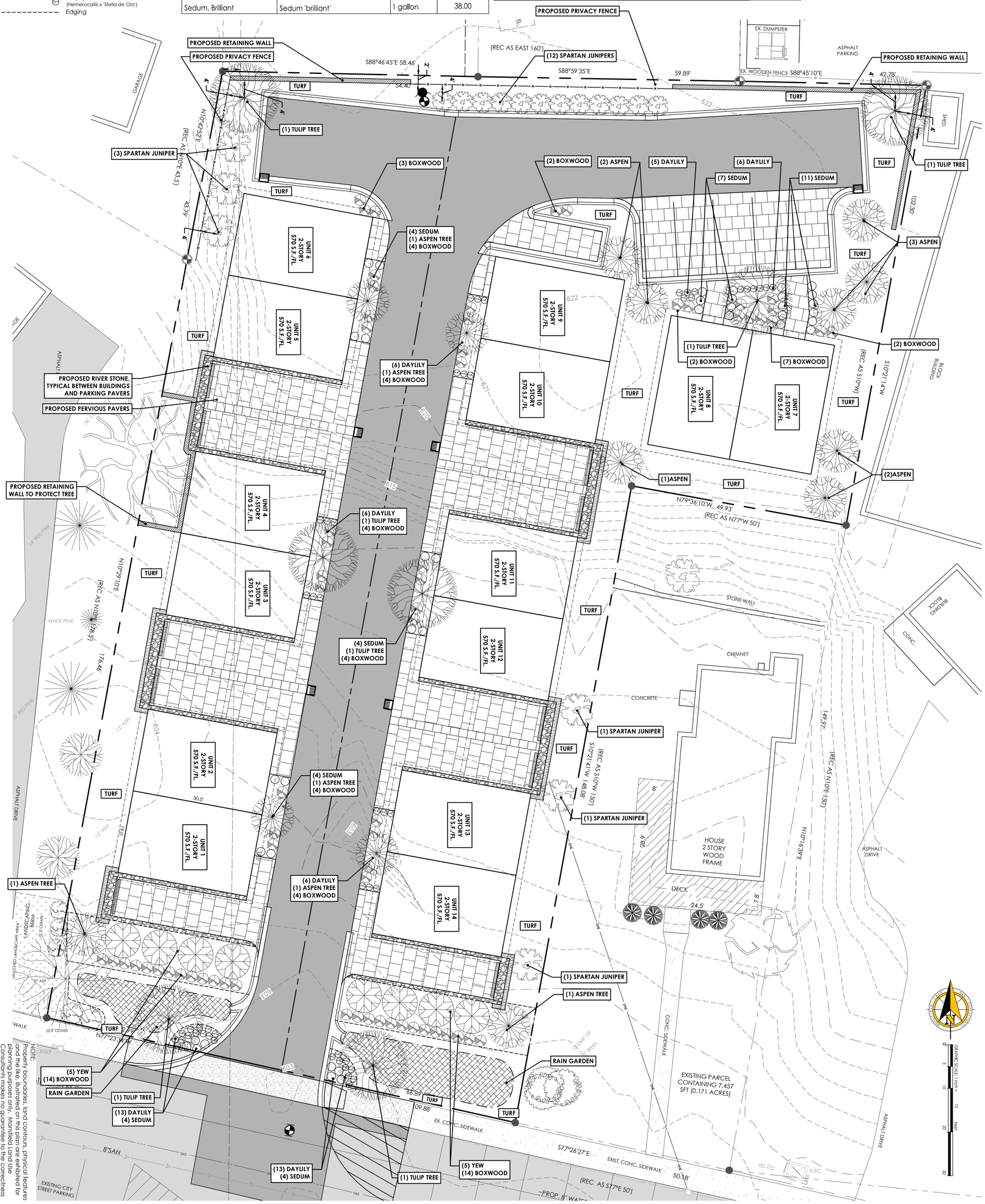
common name	botanical name	size	quantity
Boxwood, North Star	Buxus sempervirens 'North Star'	1 quart	66.00
Juniper, Spartan	Juniperus chinensis 'Spartan'	6' B&B	18.00
Yew, Wards	Taxus x media 'Wardii'	5 gallon	8.00

PERENNIALS

common name	botanical name	size	quantity
Daylily, Stella de Oro	hemerocallis x 'Stella de Oro'	1 gallon	51.00
Sedum, Brilliant	Sedum 'brilliant'	1 gallon	38.00

RAIN GARDEN

common name	botanical name	size	estimated quantity (s.f.)
Cupplant	Sulphium perfoliatum	cell (typ.)	71
Early Sunflower	Heliopsis helianthoides	cell (typ.)	71
Mountain Mint	Pycananthemum 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 sbtomentosa	cell (typ.)	71
Wild Bergamot	Monarda fistulosa	cell (typ.)	71
Coneflower, Yellow	Ratibida pinnata	cell (typ.)	71
			638



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L1.0

19072

PRELIMINARY

Tim Burden

Proposed Residential

LANDSCAPE PLAN

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

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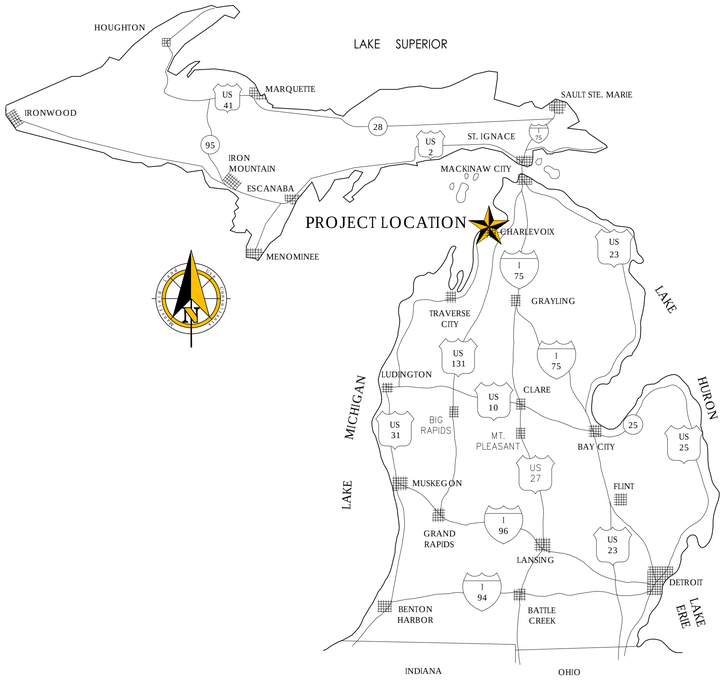
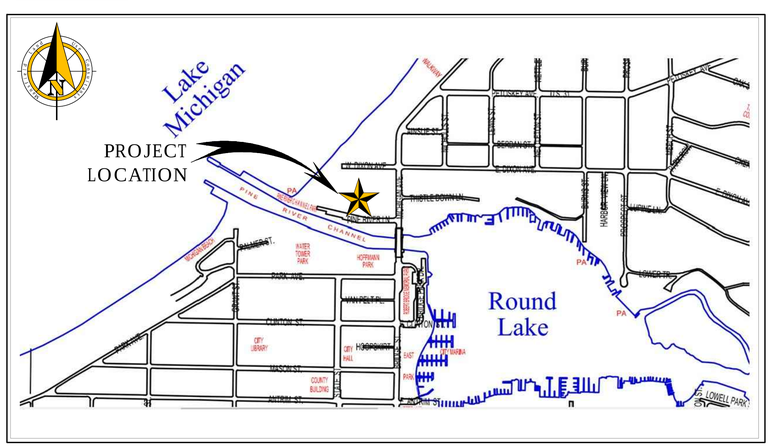


MICHIGAN LOCATION MAP

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 / PAVEMENT (OR GUTTER FLOW LINE) ELEVATION	613.5 / 613.0	613.50 / 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)	CO	CO
RISER		
GATE VALVE		
FIRE HYDRANT ASSEMBLY		
CURB STOP & BOX		
POLE, POWER OR ELECTRIC		
LIGHT POLE		
SIGN		A
BENCH MARK (BM)	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.
613	Tim Burden, President
Address:	311 E. Eighth St. Traverse City, MI 49684
Email:	timkburden@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 li 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.

(3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

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

Mansfield & Land Use Consultants
830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maacps.com
info@maacps.com

REV#	DATE	DES	DRW	CHK	DESC
01	04-12-19	dlm	mmm	dlm	Original design
02	06-18-19	dlm	mmm	dlm	Revise per client
03	06-21-19	dlm	mmm	dlm	Revise per client
04	08-15-19	dlm	mmm	dlm	Revisions per Fire Department Review
05	10-08-19	dlm	mmm	dlm	Revise to duplex units
06	10-16-19	dlm	mmm	dlm	Revise landscaping

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

PRELIMINARY

P.M.: dlm
DR.: mmm
CKD.: dlm
CREATED: 04.12.19
JOB NO.: 19072

C1.0

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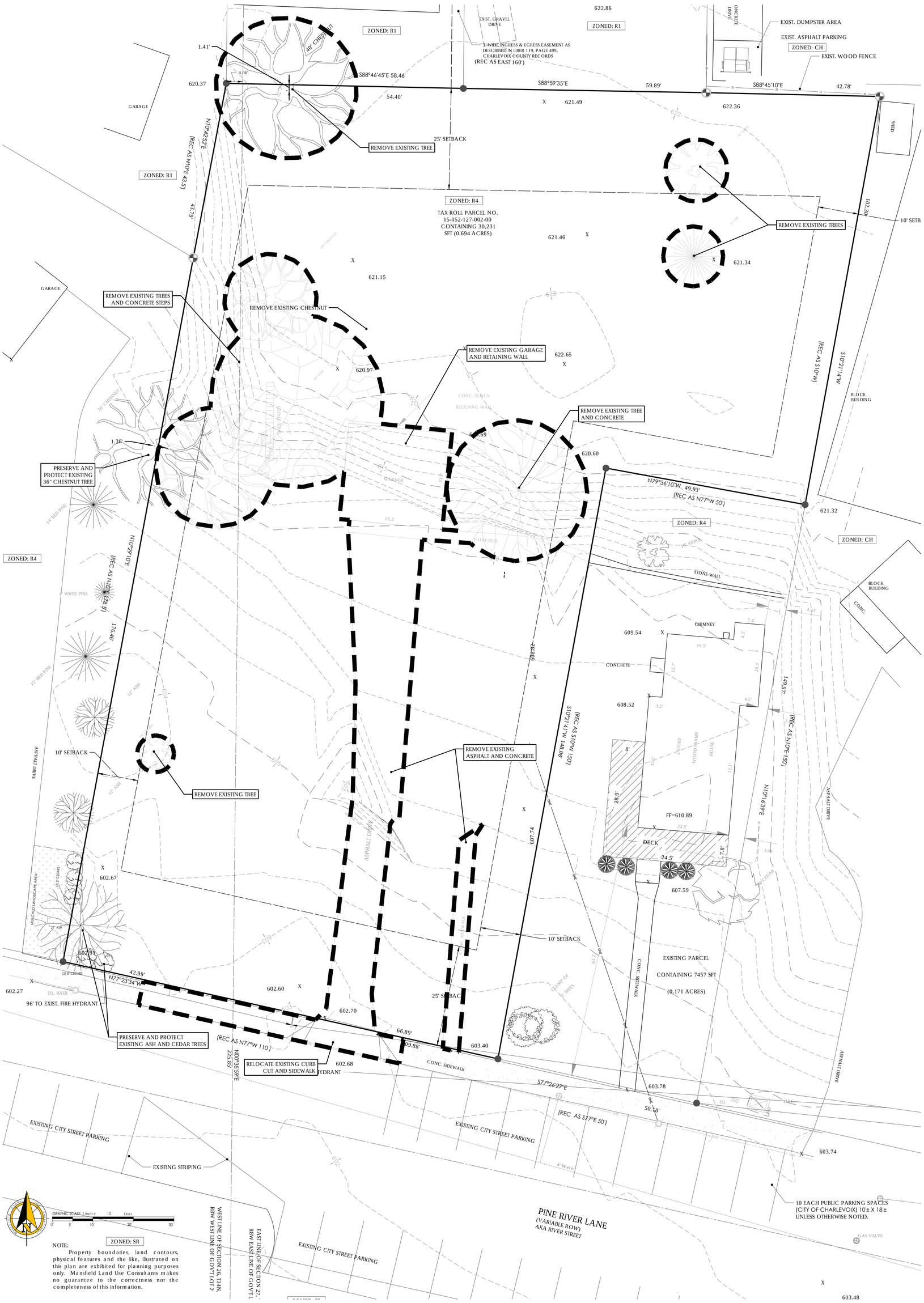

C2.0

19072

PRELIMINARY

Tim Burden

Proposed Residential

EXISTING CONDITIONS & DEMOLITION PLAN

Sections 26 & 27, Town 34 North, Range 8 West

City of Charlevoix, Charlevoix County, Michigan

REV#	DATE	DES	DRN	CHK	DISC
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Mansfield
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

IMPERVIOUS SURFACE CALCULATIONS

sf	ac		
30,213.49	0.69	Parcel Area	
15,106.75	0.35	Lot Coverage Allowed	50%
14,608	0.34	Lot Coverage Proposed	48.35%
15,606	0.36	Perviuos Proposed	51.65%
Note:	0.11	of pervious area proposed is in pervious pavement(all parking spaces & sidewalks)	

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.

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05	10-08-19	dlm	mmm	dlm	Revise to duplex units
06	10-16-19	dlm	mmm	dlm	Revise landscaping

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

PRELIMINARY

F.M.: dlm
DR.: mmm
CKD.: dlm
CREATED: 04.12.19
JOB NO.: 19072
C4.0

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.

C6.0

JOB NO. 19072

SCALE: 1" = 10'

DATE: 04.12.19

DR: mmm

CK: dim

PRELIMINARY

Tim Burden

Proposed Residential

UTILITY PLAN

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

REV#	DATE	DES	DRN	CHK	DESC
01	04-12-19	dim	mmm	dim	Original design
02	06-18-19	dim	mmm	dim	Revise per client
03	06-21-19	dim	mmm	dim	Revise per client
04	08-15-19	dim	mmm	dim	Revisions per Fire Department Review
05	10-08-19	dim	mmm	dim	Revise to duplex units
06	10-16-19	dim	mmm	dim	Revise landscaping

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Tulip Tree, Fastigiatum (Liriodendron tulipifera 'Fastigiata')

Aspen, Swedish Columnar (Populus tremula 'Erecta'

Yew, Wards (Taxus x media 'Wardii')

Juniper, Spartan (Juniperus chinensis 'Spartan')

Boxwood, North Star (Boxwood Buxus sempervirens)

Sedum,Brilliant (Sedum 'brilliant')

Daylily, Stella de Oro (Hemerocallis x 'Stella de Oro')

Edging

PLANT LIST

TREES

common name	botanical name	size	quantity
Aspen, Swedish Comumnar	Populus tremula 'Erecta'	2 1/2" B&B	14.00
Tulip Tree, Fastigiatum	Liriodendron tulipifera 'Fastigiata'	6' B&B	7.00

SHRUBS

common name	botanical name	size	quantity
Boxwood, North Star	Buxus sempervirens 'North Star'	1 quart	66.00
Juniper, Spartan	Juniperus chinensis 'Spartan'	6' B&B	18.00
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	51.00
Sedum, Brilliant	Sedum 'brilliant'	1 gallon	38.00

RAIN GARDEN

common name	botanical name	size	estimated quantity (s.f.)
Cupplant	Sulphium perfoliatum	cell (typ.)	71
Early Sunflower	Heliopsis helianthoides	cell (typ.)	71
Mountain Mint	Pycananthemum 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 sbtomentosa	cell (typ.)	71
Wild Bergamot	Monarda fistulosa	cell (typ.)	71
Coneflower, Yellow	Ratibida pinnata	cell (typ.)	71
			638

L1.0

19072

PRELIMINARY

Tim Burden

Proposed Residential

LANDSCAPE PLAN

Sections 26 & 27, Town 34 North, Range 8 West

City of Charlevoix, Charlevoix County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
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* LEGAND

	1" RAINBIRD HV VALVE
	RAINBIRD 1804 SERIES SPRAY HEAD
	1 1/4" MAIN LINE
	1" LATERAL LINE
RAINBIRD ESPME3 CONTROLLER	
RAINBIRD WR2-RFC RAIN/FREEZE SENSOR	

Northern Sprinkler Systems
4104 Blair Townhall Road
Traverse City, MI 49685
www.northernsprinklers.com

Tim Burden

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

Northern Sprinkler Systems
4104 Blair Townhall Road
Traverse City, MI 49685
www.northernsprinklers.com

IRRIGATION PLAN

SCALE: 1" = 10'	APPROVED BY:	DRAWN BY SMD
DATE: 10-31-2019		REVISED SMD 11-1
		DRAWING NUMBER 2

Edward R Shaw
Primary/Winter address
75 West Cove View Trail
The Woodlands, TX 77389

Summer address
119 Pine River Lane #1
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 two emails to the Planning Commission and City Council last month. However, a revised plan using duplexes and different parking was posted on Friday, October 11, 2019. Since then, I have had adequate time to examine the new Site Plan and the new Demolition Plan. Because of this, I am providing follow up details concerning those revised plans.

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 enlarge them to see many more details and dimensions than before.

Based on careful study of the new Duplex Designed Site Plan, I found the following things to consider:

---

1. Parking Stalls and Resulting Safety Problems:

This section documents my technical findings about parking stalls and resulting safety issues concerning the 115 Pine River Lane Development.

The Planning Commission believes the parking stalls "meet standards." So, to understand this, I made a vertical cross section (figure 2) of the new development driveway, the sidewalk, the parking stalls, the retaining wall, the slope, and ended at the Lakehouse driveway. Figure one is a picture of the developer's duplex site plan that shows the location of my cross section, A-A'.

The applicable guidelines are:

1. Parking spots will be 9 x 18 feet plus 24 feet of maneuvering width.
2. However, 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 the sidewalk shall be at least seven feet wide. E. Dimensions 153.189 (2).

However, the developer found a way to get reductions in the parking space length of 18 feet (required) to 16 feet for both stalls at the expense of safety. See the dimensions on the cross section, A-A'. In this case, the first stall lets a car overhang the retaining wall area from its "stop" by two feet into the 10-foot parking setback area (153.072 (2)(b), PC minutes). I don't believe the Commission was aware of this last month, and therefore, the setback is not being honored by the parking stalls and retaining walls in the current design. In my opinion, it does not meet the requirement of 10 feet (i.e. 8 feet). And, the second parking stall occupies all of the 5-foot sidewalk and gets a second 2-foot reduction. So, the guideline reductions allow 16 + 16 = 32 feet from the stop to 3 feet of sidewalk for the stalls. This way the developer adds 2 feet twice for maneuvering space to the 20-foot driveway for a total of 24 feet and meets that guideline also. **Figure 2 (cross section A-A') shows this clearly.**

However, while the developer may meet the guidelines because of exceptions, in so doing he creates safety problems. First, the guideline says if he does this, the sidewalks must be seven feet wide. In that case, the driveway becomes 16 feet wide (20 - 2 -2 = 16 feet). A 16-foot-wide driveway on a hill may pose problems for large vehicles, such as fire trucks. Also, the first vehicle in the parking space has two feet from the stop to the retaining wall. Vehicles that have a deeper front from the wheels to their bumper may hit and break the retaining wall. The wider sidewalks (7 feet), made of paver stones, are likely to be very unstable on the incline. Quite simply, they need to be level. What sense does it make to have cars sticking out on the back and front of the condominiums??

In addition, the drop-off at the retaining walls, coupled with loose paving stones, permits a tripping and falling hazard. This is a worry for small children and the elderly, especially at night. This could be mitigated with sturdy wrought iron fences between the duplexes at the retaining walls. If the fences are built, the safety item mentioned in my last note of children from the development playing while unattended on the Lakehouse driveway is mitigated also. If not built, the hazard remains.

Because of these public safety hazards, it is recommended that an opinion be obtained from city safety departments since they were not aware of these issues earlier.

---

2. Minimizing Damage to the Lakehouse Chestnut Tree just within the property line

This section documents my technical findings about preventing damage to the very old and large Chestnut tree after studying the developer's "Site and Dimension Plan" and "Demolition Plan." As before, I was able to enlarge both plans, and as a result, determine accurate measurements and observe details.

As background, I would just say that it is a very old tree that has served us well for many years. It has provided privacy for the Lakehouse and, it would be impossible to replace, if damaged. Without the tree, there is a direct line of sight to the Lakehouse front door, as well as eight windows. It is even more of a concern because the view from the development is elevated and exposes the inside of the Lakehouse from many windows, as well as revealing Lakehouse residents routinely coming and going from the garage to the building. All of the Lakehouse owners have expressed concern for the potential damage to the tree, as well as for their own safety and security.

The tree of concern is a 36-inch Chestnut that is just on the Lakehouse side of our property line. It helps stabilize the hillside, and with so many large trees disappearing, our tree plays an important role. The developer realizes some of these concerns, and shows a retaining wall around part of the tree on his "Site and Dimension Plan" (figure 3). Notice that the retaining wall, not only partially surrounds the tree, but goes up to our property line, and to his duplex foundations. It is not surprising that several of owners have expressed concern that the retaining walls may protect the duplex foundations at the expense of the tree. To date, no plans have been provided about the full dimensions of the retaining walls or planned excavations in that area. This is summarized in figure 3 which is an enlargement that shows the relationship of the tree, the duplexes, the parking areas, and the retaining walls.

The developer's Demolition Plan shows the Lakehouse Protected Tree, and nearby trees to be removed (Figure 4). One tree to be removed is only 13 feet from the trunk of the Lakehouse Protected Tree and may cause a complication. It shows the expected drip line circumference of that tree (and its expected root system) to be only 1.38 feet away from the trunk of the Lakehouse Protected Tree. This might mean that the developer intends to dig within the retaining wall boundaries because removal of that nearby tree looks like it has significant root overlap with our tree. An attempt to remove the roots as well as the trunk will probably damage our tree. Some demolition work has already started (the garage and driveway).

So, the Demolition Plan, as shown, may indicate damage to the root system of the protected tree is possible. And, because the site plan shows a duplex foundation at the location of the tree that will be removed, an extensive root removal plan is apparently planned. Figure 4 is meant to help the Planning Commission understand our concern about that issue. It enlarges the developer's Demolition Plan and makes things more legible. For example, the tree to be removed is shown in light gray. It's barely visible, and as a result, you are probably unaware of these issues. Because of these facts, I request that the Planning Commission ask for an environmental report, or a report from an expert Arborist, to assess the potential harm to our tree due to excavation in the area of overlapping root systems or within the retaining walls. 153.235 (C) states that the site must be designed to minimize hazards to adjacent property. I request the Planning Commission to obtain that assurance and appropriate guidance to mitigate potential problems identified in that report.

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 and reports that better address these two concerns. The Planning Commission should look at the Development 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. Communication with the appropriate safety departments before the next meeting is recommended so that they can address safety issues of which they were not aware.

I am hopeful that when the "planners" get a chance to study the demolition plan (figure 4), they will understand our concerns. At that point, the Planning Commission may want assurance that the plan is designed adequately to minimize hazard to our neighboring property, the Chestnut Tree. So, it is recommended that an expert report be obtained since the demolition work has already begun.

Please table the Developer's 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)

Enclosures:
Figure 1 Location Map of Cross Section A-A'
Figure 2 Cross Section A-A'
Figure 3 Enlarged Site & Dimension Plan showing the Protected Tree & Retaining Walls.
Figure 4 Enlarged Demolition Plan showing the Protected Tree & Trees to be Removed.

Diagram Showing Preservation of 36” Chestnut Tree

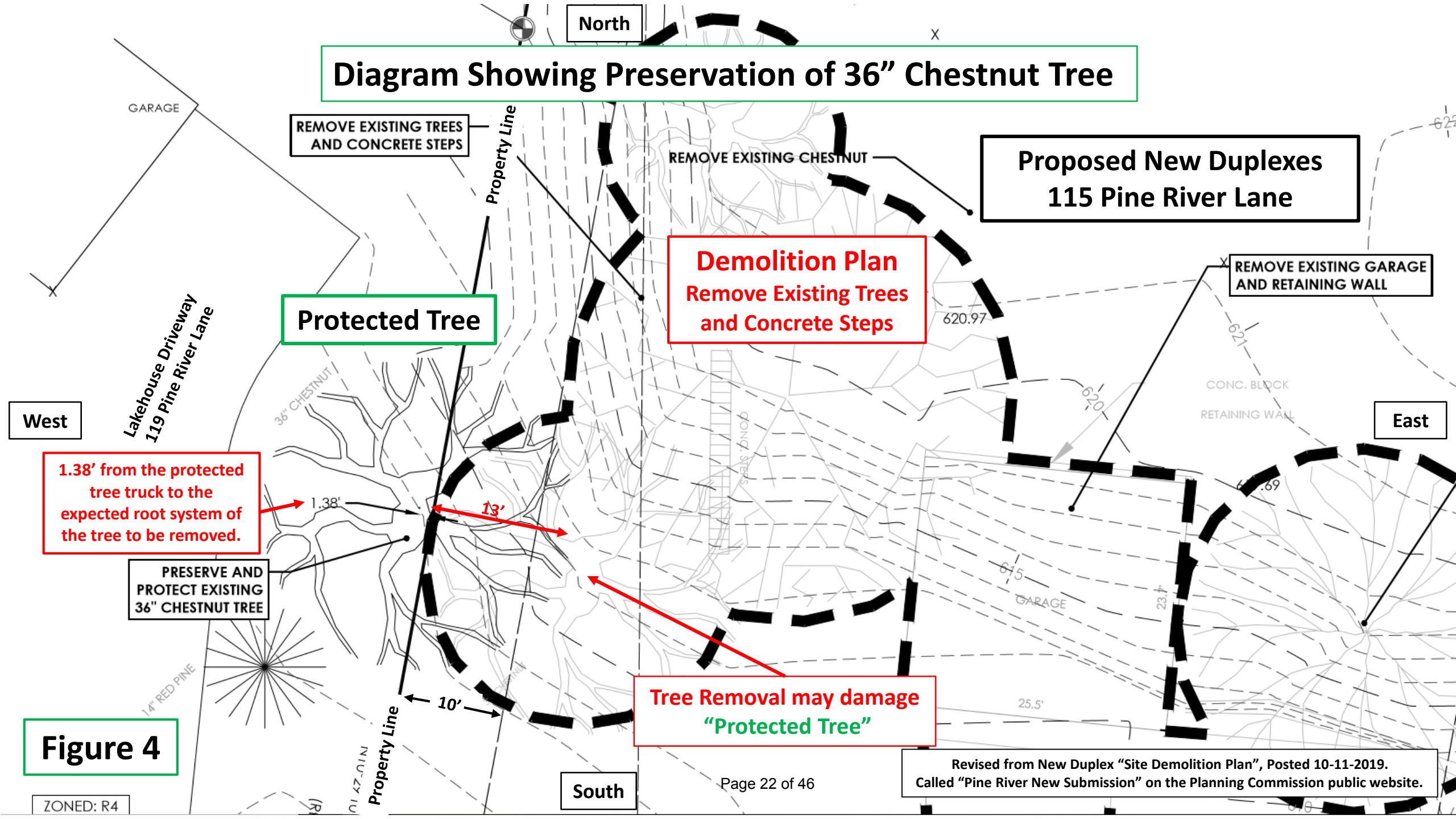


Figure 4

Revised from New Duplex “Site Demolition Plan”, Posted 10-11-2019.
Called “Pine River New Submission” on the Planning Commission public website.

Figure 1

Comments about the New Duplex Site Plans:

This drawing shows the contours more clearly than earlier versions, but does not include post-grading contours like the earlier plan included. It is likely that elevations of foundations will need to be higher to prevent runoff from damaging the units. **Therefore it is recommended that the Planning Commission study the relationships between the foundations, the driveway, and the parking elevations closely.**

Instability of Paver stones: 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 in a short time after grading.

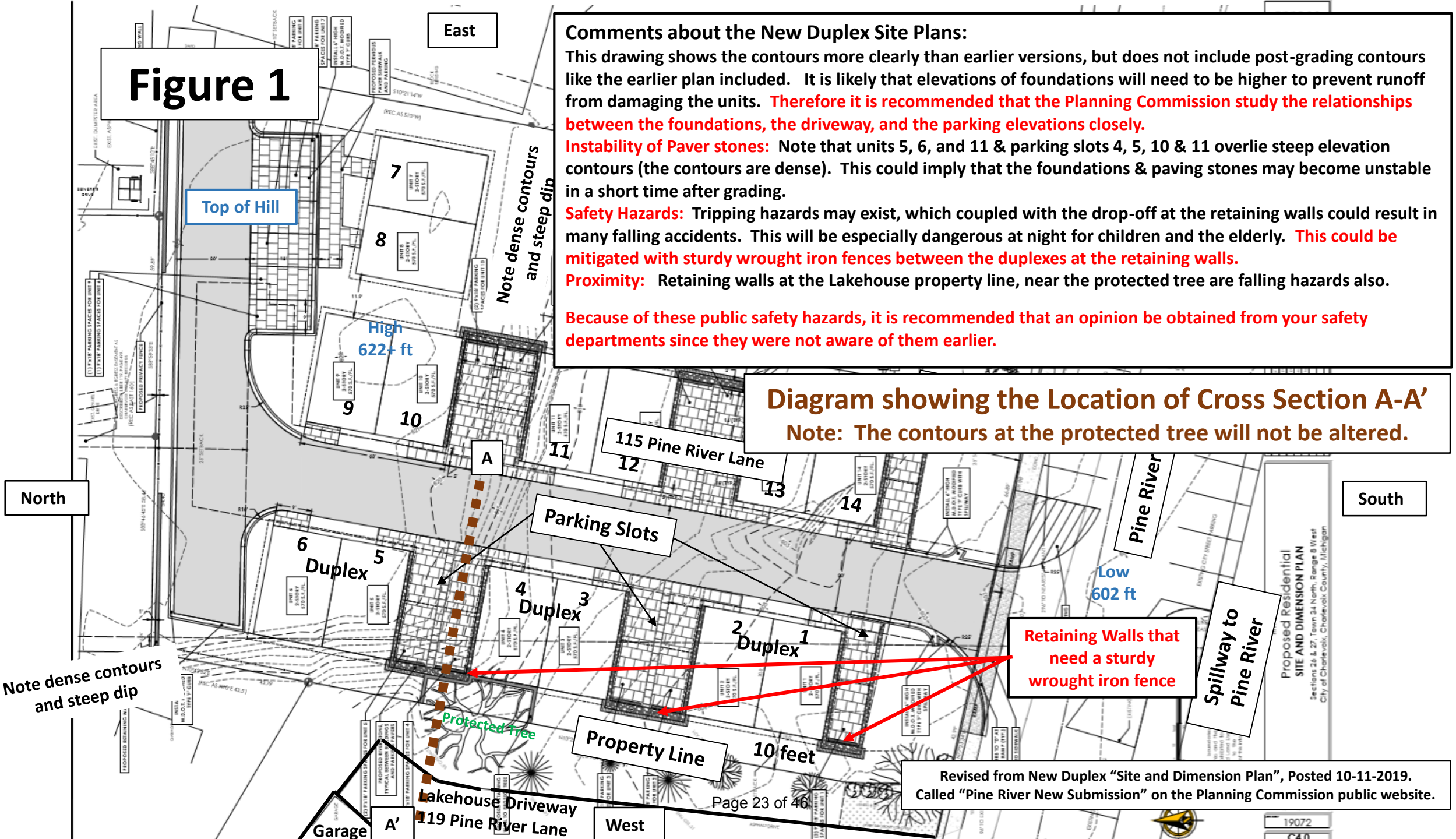
Safety Hazards: Tripping hazards may exist, which coupled with the drop-off at the retaining walls could result in many falling accidents. This will be especially dangerous at night for children and the elderly. **This could be mitigated with sturdy wrought iron fences between the duplexes at the retaining walls.**

Proximity: Retaining walls at the Lakehouse property line, near the protected tree are falling hazards also.

Because of these public safety hazards, it is recommended that an opinion be obtained from your safety departments since they were not aware of them earlier.

Diagram showing the Location of Cross Section A-A'

Note: The contours at the protected tree will not be altered.



Revised from New Duplex "Site and Dimension Plan", Posted 10-11-2019.
Called "Pine River New Submission" on the Planning Commission public website.

A’

Figure 2

Cross Sections A’-A *
Vertical – West to East

A

West

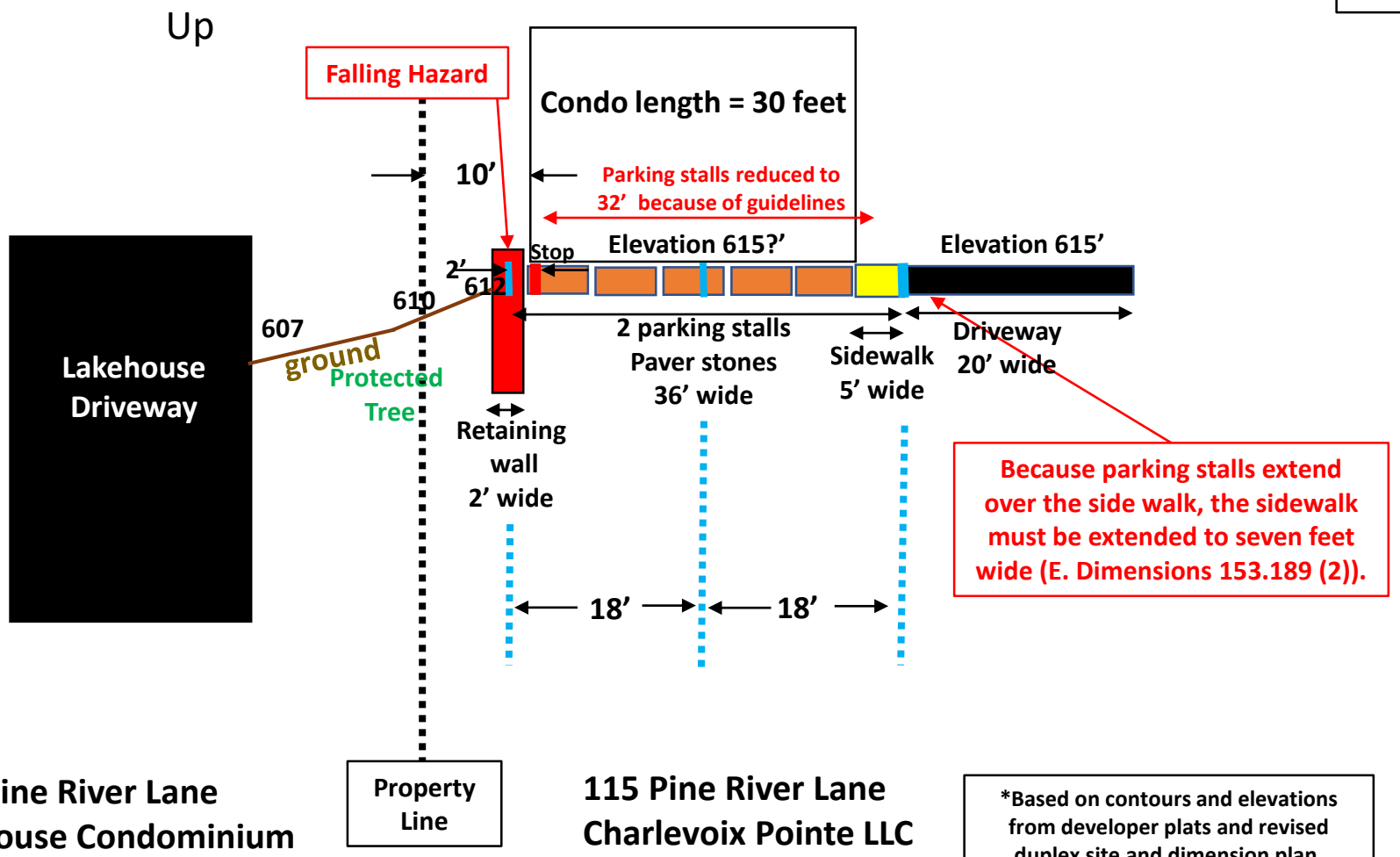
East

Observations:

This cross section demonstrates two things.

First, that the parking stalls meet the requirement of 9x18 feet (ie, 18x2=36’) because they extend 2 feet over the retaining wall to the stop and 5 feet completely over the sidewalk. If so, the requirement is reduced to 16’ for both stalls. And, sidewalks must be then seven feet wide on both sides. So, the driveway becomes 16 feet wide (20 - 2 - 2 = 16 feet). This might be a safety concern for large vehicles, such as fire trucks. And as it is now, children have to walk in the street. But, 7’ sidewalks will have more unstable paver stones on the sloped surface.

And second, that the combination of unstable paver stones and a drop off at the retaining walls present a public safety hazard for children and the elderly, especially at night. This becomes more dangerous if the retaining walls are significantly higher than the driveway. Therefore, a sturdy wrought iron fence is recommended between the duplexes at the retaining walls. Because of these public safety hazards, it is recommended that an opinion be obtained from your safety departments since they were not aware of them earlier.

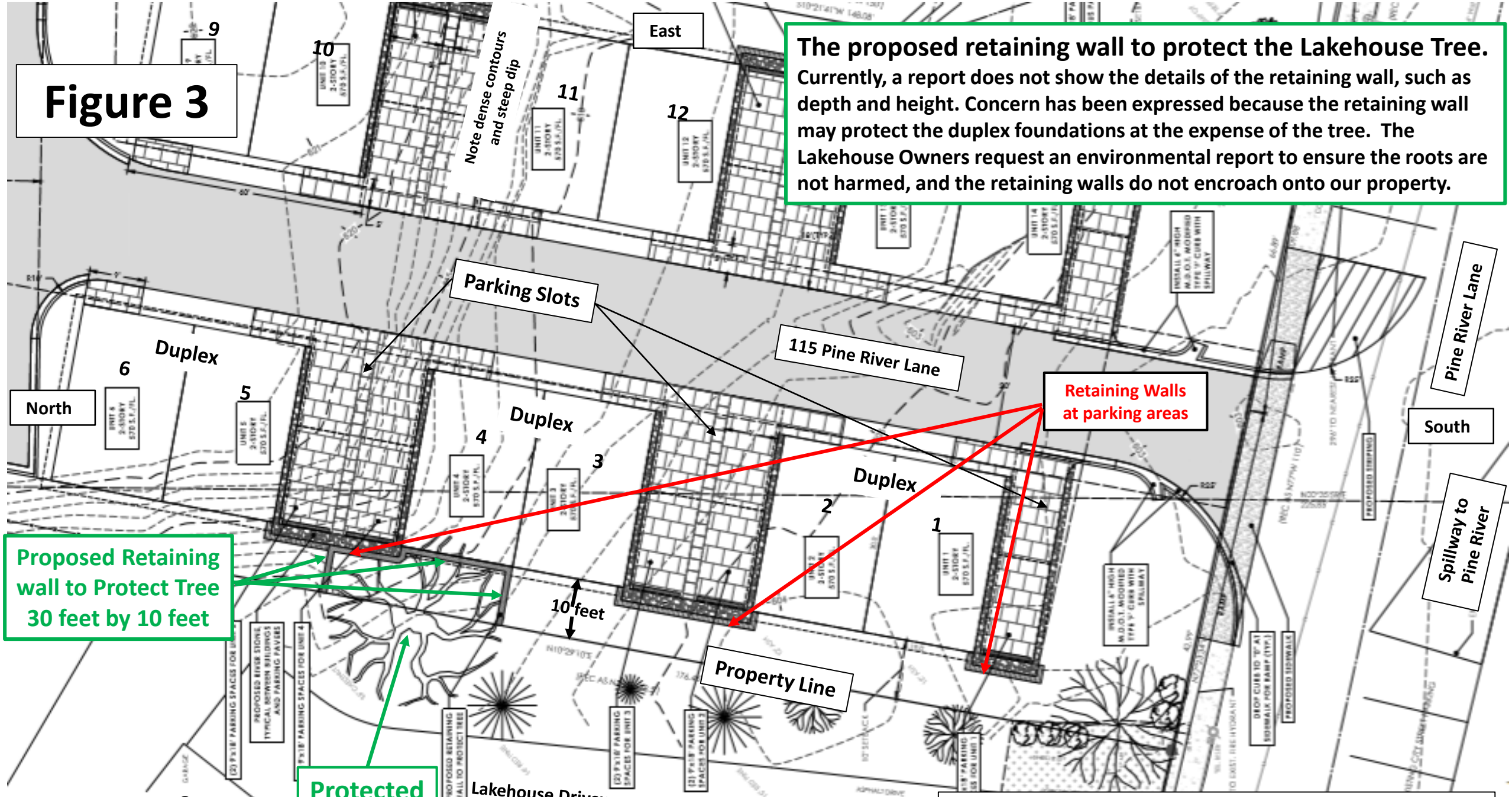


*Based on contours and elevations from developer plats and revised duplex site and dimension plan. No revised grading contours at “protected tree.”

Figure 3

The proposed retaining wall to protect the Lakehouse Tree.

Currently, a report does not show the details of the retaining wall, such as depth and height. Concern has been expressed because the retaining wall may protect the duplex foundations at the expense of the tree. The Lakehouse Owners request an environmental report to ensure the roots are not harmed, and the retaining walls do not encroach onto our property.



Revised from New Duplex "Site and Dimension Plan", Posted 10-11-2019.
Called "Pine River New Submission" on the Planning Commission public website.

November 1, 2019

Dear Mr.Scheel and Member of the Planning Commission:

I continue to look to the Planning Commission to consider the development at 115 Pine River Lane.

Mr. Burden's proposal is really 28 units.

Noting access to each upstairs unit is through a door on the first-floor front porch, I call on the Planning Commission to identify these as separate upstairs & downstairs units. (2x14= 28 units).

Although represented as two-story units, I strongly submit that each upper & lower constitute distinct units. This is double the density that was represented by the developer. It's hard to believe that this helps protect and enhance the neighborhood character, unless the Weathervane Terrace is considered the neighborhood. We residents would contest that.

I see this as temporary dwellings for visitors without the amenities such as a commons room, a swimming pool, or an office.

Honesty, then, is part of what is required. Honestly calling the development 28 units would be a step in the right direction. Oh but wait …

Proposed parking spaces would not meet standards.

There are questions about the parking spaces. If each of the 28 units were considered part of a "multiple family residential dwelling" then I read the parking space requirement to be 1.5 (28 x 1.5) spaces per unit, or 42 spaces. This does not match with the proposal. If each "building", an upper and lower unit, were called a "two family dwelling", then there would be a need for 2 spaces per dwelling unit, or (28x2) 56 spaces.

Just "calling" each upper and lower unit as if it were a single dwelling does not make it so. Planning for and anticipating reasonable usage is part of good planning, and I encourage the City to insist on its own standards for parking spaces as well as green-spaces.

I expect the Planning Commission to insist upon assurances.

The project must not cause water runoff, light, noise and air pollution.

The development must not endanger people's health or safety. (Trees planted in the middle of the sidewalks —not safe.) Safe resident access to the street — crucial!

I expect the Planning Commission to insist on fences and landscaping to buffer the intense high-density development from the neighboring low-density properties.

I expect the Planning Commission to insist on a large enough surety bond so that, if the development is not built out as planned, the site can be secured.

Thank you in advance for your consideration.

Kristin Jones
113 Pine River Lane
Charlevoix, MI 49720

November 4, 2019

Mr. Jonathan Scheel

Members of the Planning Commission

Office of Planning and Zoning

210 State Street

Charlevoix, MI 49720

Dear Mr. Scheel and Committee Members:

As I said in my previous letter (also attached to my email and previously distributed to the Commission Members), I am very concerned about the development at 115 Pine River Lane. My concerns were and are based on increased density, absence of green space and lack of propriety of the proposed development with the neighborhood.

I attended the Planning Commission meeting on October 14 and still have these concerns. However, I am especially concerned about the distance of the proposed pavement between the South end of my property (zoned R-1) and the development's North property line (zoned R-4). The last plans I saw had only 4 inches between the pavement for the development and my back yard. I believe there is a minimum set back for pavement of 4 feet and the resulting green space has to be landscaped to include bushes and trees. This same issue is also important to Ms. Alberta Beyers who is my neighbor at 110 W. Dixon and borders both on the North side of the development and part of the West side. If these setbacks are put in place, I find it hard to believe based on the current plans that there would be adequate room for the turnaround area and ingress/egress to the parking spaces on the rear two units of the development.

While I do understand the need for development of some sort at 115 Pine River Lane, I hope the Commission will ensure that the privacy and beauty of my lot and that of Ms. Beyers' is a major part of your consideration before you approve this development.

Sincerely,

J. Larry White

106 W. Dixon

Charlevoix, MI 49720

Copied from email dated November 6, 2019

Jonathan D. Scheel,

Yesterday, a revised Utility Plan was posted that shows proposed excavation in the area of the retaining walls surrounding the Lakehouse Chestnut Tree. Because of this, I am providing follow up details concerning that revised plan.
Four utility lines are proposed and two of them, gas and electricity are deep lines. The excavations will clearly damage the tree. I estimate that 30 % to 40% of the root system will be cut. 153.235 (C) statesthat the site must be designed to minimize hazards to adjacent property. Clearly, that does not seem to be the case here. I thought that you and the Planning Commission need to be made aware of this change (figure 5). Please donot allow further excavation that will damage our tree. Please forward this letter and three attachments to the appropriate Members of the PlanningCommission and City Council. I cannot attend the meeting, but I believe the technical nature of my concerns need to be understood by all.
I hope this helps. Sincerely yours.
Edward R Shaw Retired Geophysicist 119 Pine River Lane #1 281-687-7191 (cell) 281-516-9662 (Texas home)

Edward R Shaw
Primary/Winteraddress Summer address
75 West Cove ViewTrail 119Pine River Lane #1
The Woodlands, TX77389 Charlevoix, MI 49720

Office of Planningand 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 thePlanning Commission and City Council,

A new Utility Plan wasposted yesterday, November 5, 2019. That Planshows the placement of four utility lines within the area of the retainingwalls of the Lakehouse Protected Tree Because of this, I am providing follow up details concerning that revisedplan. The additions to my earlier report are inred.

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

I have reviewed the revisedplans that use a 7-duplex design, and wish to point out several technicalissues. The plats had very goodresolution, so I could enlarge them to see many more

details and dimensions thanbefore.

Based oncareful study of the new Utility Plan and theDemolition Plan, I found the following things to consider:

Minimizing Damage tothe Lakehouse Chestnut Tree just within the property line

This section documents my technical findings about preventing damage to the very old and large Chestnut tree after studying the developer's "Site and Dimension Plan," "Demolition Plan," and new "Utility Plan". As before, I was able to enlarge all threeplans, and as a result, determine accurate measurements and observedetails.

As background, I would just saythat it is a very old tree that has served us well for many years. It has provided privacy for the Lakehouseand, it would be impossible to replace, if damaged. Without the tree, there is a direct line of sightto the Lakehouse front door, as well as eight windows. It is even more of a concern because theview from the development is elevated and exposes the inside of the Lakehousefrom many windows, as well as revealing Lakehouse residents routinely comingand going from the garage to the building. All of the Lakehouse owners haveexpressed concern for the potential damage to the tree, as well as for theirown safety and security.

The tree of concern is a 36-inchChestnut that is just on the Lakehouse side of our property line. Ithelps stabilize the hillside, and with so many large trees disappearing, ourtree plays an important role. The developer realizes some of these concerns,and shows a retaining wall around part of the tree on his "Site and DimensionPlan" (figure 3). Notice that theretaining wall, not only partially surrounds the tree, but goes up to ourproperty line, and to his duplex foundations. It is not surprising that severalof owners have expressed concern that the retaining walls may protect theduplex foundations at the expense of the tree. To date, no planshave been provided about the full dimensions of the retaining walls. Thisis summarized in figure 3 which is an enlargement that shows the relationshipof the tree, the duplexes, the parking areas, and the retaining walls.

The developer's Demolition Plan shows the Lakehouse ProtectedTree, and nearby trees to be removed (Figure 4). One tree to be removedis only 13 feet from the trunk of the Lakehouse Protected Tree and may cause acomplication. It shows the expected drip line circumference of that tree(and its expected root system) to be only 1.38 feet away from the trunk of theLakehouse Protected Tree. This might mean that thedeveloper intends to dig within the retaining wall boundaries because removalof that nearby tree looks like it has significant root overlap with ourtree. An attempt to remove the roots as well as the trunk will probablydamage our tree. Some demolition work hasalready started (the garage and driveway).
So, the Demolition Plan, as shown, may indicate damage to the rootsystem of the protected tree is possible. And, because the site planshows a duplex foundation at the location of the tree that will be removed, anextensive root removal plan is apparently planned. Figure 4 is meant to help the Planning Commissionunderstand our concern about that issue. It enlarges the

developer'sDemolition Plan and makes things more legible. For example,the tree to be removed is shown in light gray. It's barely visible, and as a result, you are probably unaware of theseissues. Because of these facts, Irequest that the Planning Commission ask for an environmental report, or a reportfrom an expert Arborist, to assess the potential harm to our tree due to excavationin the area of overlapping root systems or within the retaining walls. 153.235 (C) statesthat the site must be designed to minimize hazards to adjacent property. I request the Planning Commission toobtain that assurance and appropriate guidance to mitigate potential problemsidentified in that report.

Yesterday, (11/5/2019) a new Utility Plan was posted on the PlanningCommission website. It reveals fourutility lines within the retaining wall area surrounding the LakehouseTree. Some of these are deep utilitieslike electricity and gas. Theexcavations could easily cut 30% to 40% of its root structure. This could be a potentially fatal threat tothis tree. Figure 5 is an enlargement ofthe new Utility Plan that shows the utility lines cutting through the retainingwall area by the Chestnut tree.

In summary,while my goal is not to eliminate development at 115 Pine River Lane, I wouldask the Members of the Commission require the developer to submit new plans andreports that better address this concern. I am hopeful that when the "Planners" get a chance tostudy the Demolition Plan (figure 4) and the Utility Plan (figure 5), they will understand our concerns. At that point, the Planning Commission maywant assurance that the plan is designed adequately to minimize hazard to ourneighboring property, the Chestnut Tree. So,it is recommended that an expert report be obtained since the demolition workhas already begun. In light of the new Utility Plan, perhaps revised Plans thathonors 135.235 C are in order. Please donot allow further excavation that will damage our tree.

Please table the Developer's request until more is understood andthese concerns are mitigated.

Thankyou.

Aconcerned neighbor,

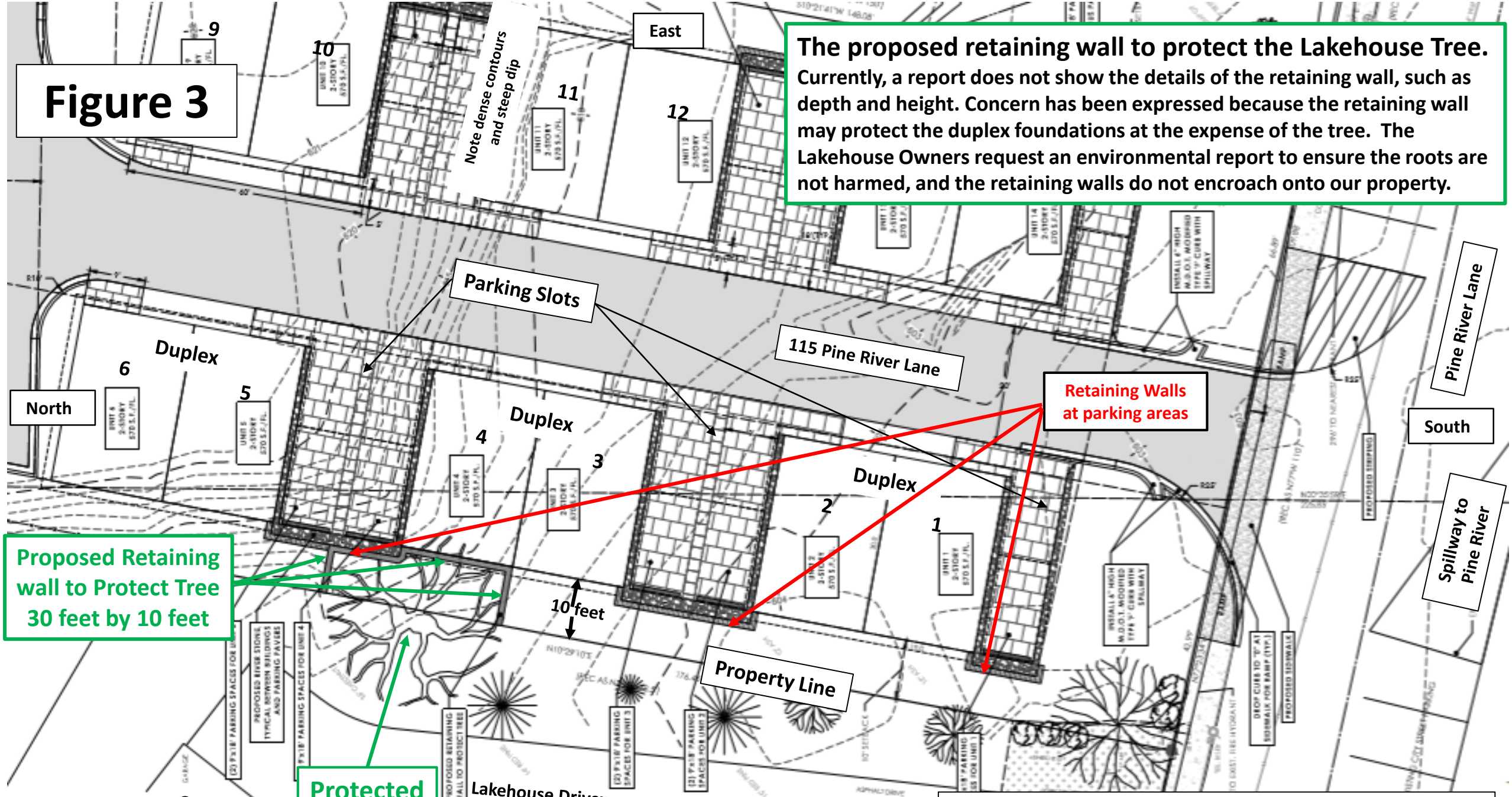
Edward R Shaw
75 West CoveView Trail
TheWoodlands, Texas 77389
shawedwardr@prodigy.net
281-516-9662(home phone)
281-687-7191(cell)

Enclosures:
Figure 3 Enlarged Site & Dimension Plan showing theProtected Tree & Retaining Walls.
Figure 4 Enlarged Demolition Plan showing theProtected Tree & Trees to be Removed.
Figure5 Enlarged Updated Utility Plan and TheLakehouse Chestnut Tree

Figure 3

The proposed retaining wall to protect the Lakehouse Tree.

Currently, a report does not show the details of the retaining wall, such as depth and height. Concern has been expressed because the retaining wall may protect the duplex foundations at the expense of the tree. The Lakehouse Owners request an environmental report to ensure the roots are not harmed, and the retaining walls do not encroach onto our property.



Revised from New Duplex "Site and Dimension Plan", Posted 10-11-2019.
Called "Pine River New Submission" on the Planning Commission public website.

Diagram Showing Preservation of 36” Chestnut Tree

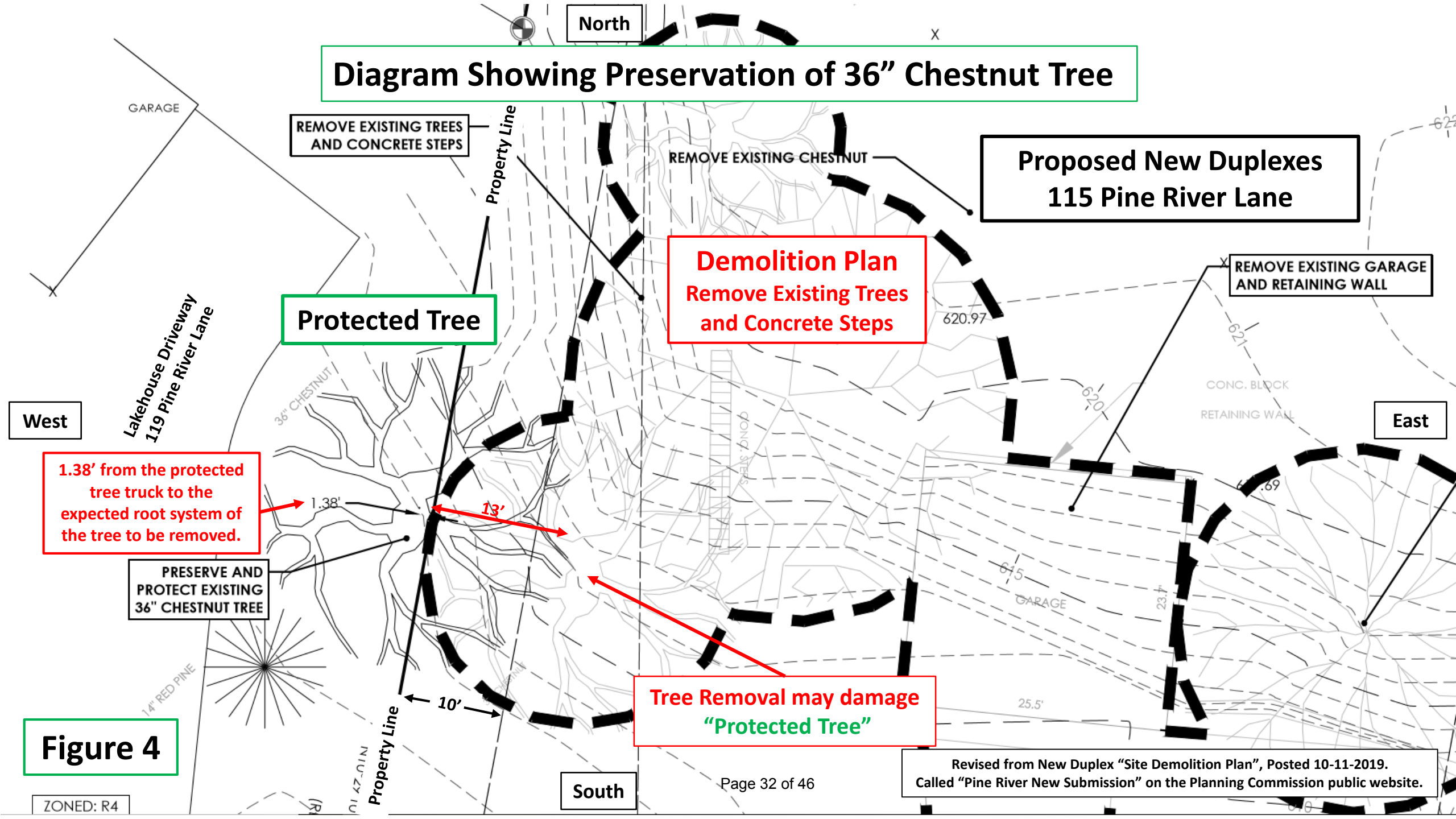
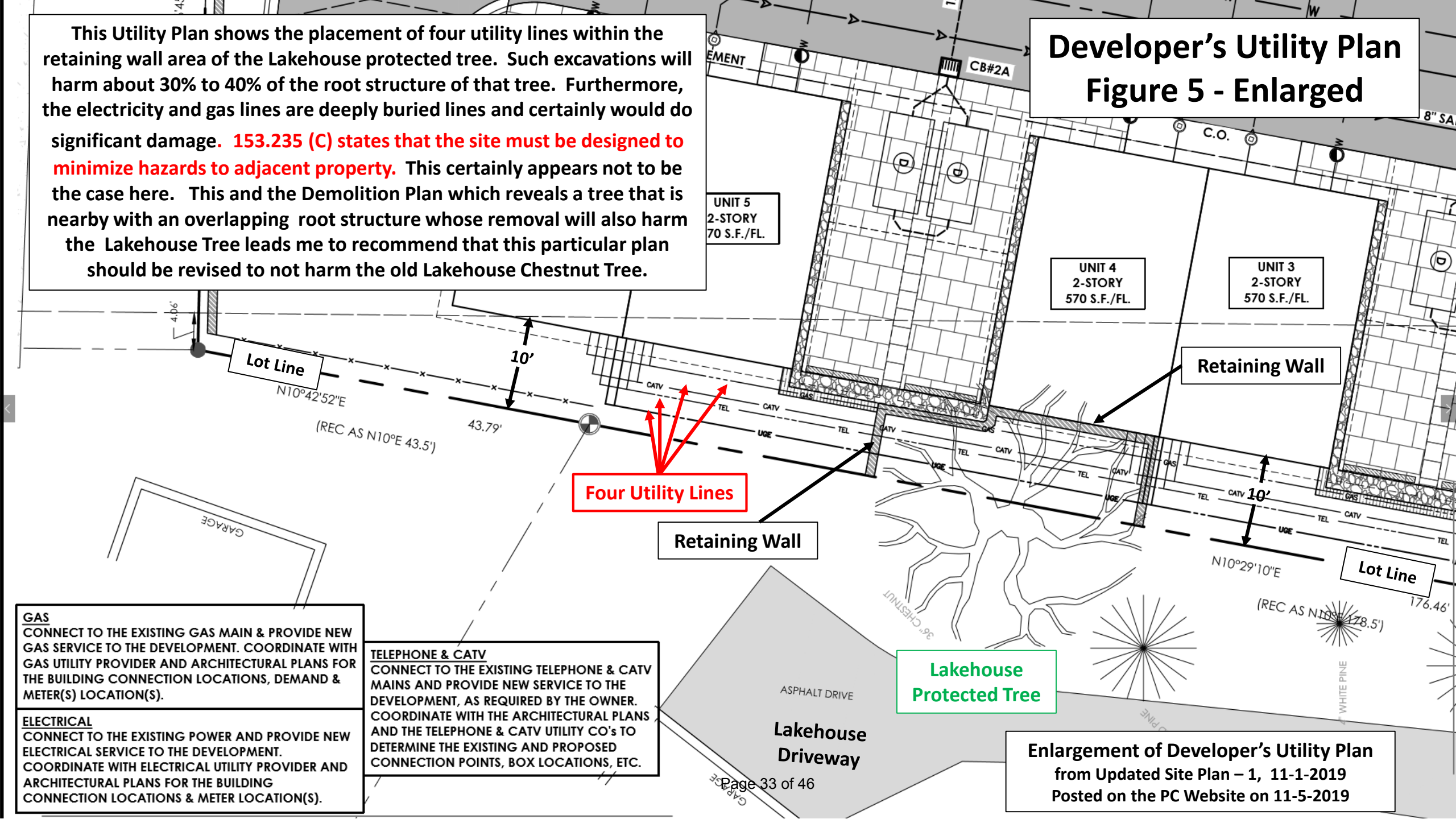


Figure 4

Revised from New Duplex “Site Demolition Plan”, Posted 10-11-2019.
Called “Pine River New Submission” on the Planning Commission public website.

Developer's Utility Plan
Figure 5 - Enlarged

This Utility Plan shows the placement of four utility lines within the retaining wall area of the Lakehouse protected tree. Such excavations will harm about 30% to 40% of the root structure of that tree. Furthermore, the electricity and gas lines are deeply buried lines and certainly would do significant damage. **153.235 (C) states that the site must be designed to minimize hazards to adjacent property.** This certainly appears not to be the case here. This and the Demolition Plan which reveals a tree that is nearby with an overlapping root structure whose removal will also harm the Lakehouse Tree leads me to recommend that this particular plan should be revised to not harm the old Lakehouse Chestnut Tree.



GAS
CONNECT TO THE EXISTING GAS MAIN & PROVIDE NEW GAS SERVICE TO THE DEVELOPMENT. COORDINATE WITH GAS UTILITY PROVIDER AND ARCHITECTURAL PLANS FOR THE BUILDING CONNECTION LOCATIONS, DEMAND & METER(S) LOCATION(S).

ELECTRICAL
CONNECT TO THE EXISTING POWER AND PROVIDE NEW ELECTRICAL SERVICE TO THE DEVELOPMENT. COORDINATE WITH ELECTRICAL UTILITY PROVIDER AND ARCHITECTURAL PLANS FOR THE BUILDING CONNECTION LOCATIONS & METER LOCATION(S).

TELEPHONE & CATV
CONNECT TO THE EXISTING TELEPHONE & CATV MAINS AND PROVIDE NEW SERVICE TO THE DEVELOPMENT, AS REQUIRED BY THE OWNER. COORDINATE WITH THE ARCHITECTURAL PLANS AND THE TELEPHONE & CATV UTILITY CO's TO DETERMINE THE EXISTING AND PROPOSED CONNECTION POINTS, BOX LOCATIONS, ETC.

Enlargement of Developer's Utility Plan
from Updated Site Plan – 1, 11-1-2019
Posted on the PC Website on 11-5-2019

Enlargement of Site and Dimension Plan
(Parking dimensions are visible)
UNIT 12
2-STORY
570 S.F./FL.
(2) 9'x18' PARKING SPACES FOR UNIT 12
CONCRETE
(2) 9'x18' PARKING SPACES FOR UNIT 13
UNIT 2
2-STORY
570 S.F./FL.
UNIT 13
2-STORY
570 S.F./FL.
UNIT 1
2-STORY
570 S.F./FL.
UNIT 14
2-STORY
570 S.F./FL.
RETAINING WALL (TYP.)
CONCRETE CURB STOP (TYP.)
GRAVEL (TYP.)
DECK
(2) 9'x18' PARKING SPACES FOR UNIT 14
PERVIOUS PAVERS (TYP.)
INSTALL 6" HIGH
M.D.O.T. MODIFIED
TYPE 'F' CURB WITH
SPILLWAY
10' SETBACK
(REC AS S10°W 150')
S10°21'41"W 148.08'
30.0'
20'
18'(TYP.)
16'(TYP.)
5'(TYP.)
24.5'
8'
2'
1'
604
605
603

Frank Bell
Primary/Winter address
1814 Alta Vista Ave
Austin, TX 78704

Summer address
119 Pine River Ln #406
Charlevoix, MI 49720

November 7, 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 the owner of unit 5 of the Lakehouse condominium.

The Lakehouse's 36" chestnut tree

There is a 36" chestnut tree just inside our property line that is especially important. Besides the inherent importance of any tree of its age and size, it provides a significant screen between the Lakehouse and the planned development. The developer's site plan includes a retaining wall, presumably to protect it, but the current plans (Nov 5) threaten its health and probably survival for two reasons:

1) The utility plan puts four utility lines in the protected retaining wall area. Two are gas and electricity which are usually very deep. This will mean great damage to the roots of our tree.

2) The demolition plan shows removal of an existing tree which appears to have significant root overlap with our tree. If removal of this tree includes removal of its roots, significant damage to the roots of our tree is almost certain.

A certified Arborist should be engaged to assess the likely impact of these actions on the Lakehouse tree. Approval should be denied until developer's plans result in an Arborist's report that there is no danger to the tree.

Developer should be required to post a surety bond payable to the Lakehouse should the tree be damaged.

28 Rental units, not 14

For each unit:
1. On entry there is an enclosed front porch and then doors to the 1st and 2nd floors.
2. There is a small kitchen on the first floor and a kitchenette on the 2nd floor.
3. There are bathrooms on both floors.

If rental of separate floors is prohibited as the code suggests doesn't the design of the units encourage abuse? The proposed design is clearly designed for rental and is not appropriate for single family usage. Buyers are going to assume both floors can be rented. This is going to create enforcement and possibly legal headaches for the town. Here are possible actions:

1) The PC could require modification of the design to be more inline with single family usage.
2) The PC could require buyers be given a written disclosure on the rental rules, clearly noting what can be done with their units. A copy signed by the buyer should be returned to the town for their records. Otherwise

they might claim that it is unreasonable for the town to prevent rental when the PC approved plans so obviously designed for rental and not single family usage.

Short Term Rental rules are currently being rewritten

Since the STR rules are currently being rewritten and these units are obviously designed for rental, any decision should be postponed until the final rules are adopted and everyone has a chance to review them. The Zoning Administrator told me "It looks like off street parking will be required which may limit the rental of these units."

Sincerely yours,

Frank Bell

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

November 11, 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 letter is written on behalf of Lake House Association. It is intended to supplement comments to the Commission at its October 14, 2019 meeting. The Association is well aware that the subject property is zoned R-4 which provides for more intensive residential use. The revised site plan, however, in an effort to maximize the density of the development, violates of the Planning and Zoning Ordinance in the following particulars:

Parking. The revised site plan provides for seven duplexes separated by common parking areas. A parking area between two buildings is intended to service both buildings. The parking configuration is a side-by side "stacked" arrangement. As such, each parking area is intended to serve four vehicles. Consequently, the parking areas are "Parking Lots" as defined by Section 153.005 of the zoning ordinance.

As a parking lot, the ordinance requires that an open space of at least 7 feet be maintained between the parking area and the nearby buildings, Section 153.189(E)(3). The space is also required to be landscaped in accordance with the requirements of Section 153.189(H) of the Ordinance. The open space requirement is not merely for aesthetics; public health and safety require an open area between buildings and the deadly emissions from gasoline powered vehicles. Additionally, imposition of a 7 foot open space between parking areas and the buildings will help alleviate water run off issues which will result from the unbroken areas of impervious surface materials.

Setback. The updated site plan shows a 10' setback between the rear of the westernmost units and the common boundary with the Lake House. Section 153.072(C) requires dwellings in an R-4 development to be set back 25' from the rear lot line. The placement of the dwelling, not the overall shape of the development parcel determines which line represents a rear or side yard setback.

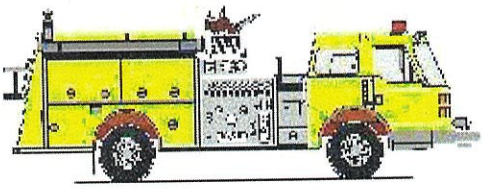
Buffering. Section 153.235 (D)(3) of the ordinance allows the Planning Commission to require buffering between the subject property and its adjoining properties, even though the Lake House is also zoned R-4. The landscape plan contained in the revised Site Plan contains absolutely no landscape buffering on the Lake House boundary.

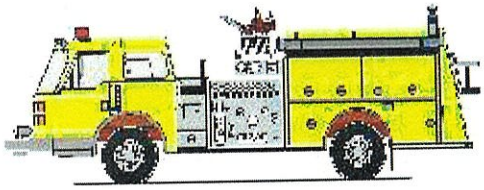
For the above reasons, the plan does not comply with the requirements of the Planning and Zoning Ordinance and cannot be approved in its present configuration.

Respectfully submitted,

Lakehouse Association

By: _____
Harry K. Golski, its attorney





CHARLEVOIX TOWNSHIP FIRE DEPT.

12491 Waller Road, CHARLEVOIX MI, 49720

Chief Dan Thorp 231-675-0416
Assistant Chief Dave Christiansen 231-330-1095
Assistant Chief Greg Seese 231-675-5600

To whom it my concern,

Pine River lane development has met the fire departments requirements. But far as my personal concerns, since fire suspension system is not code it will be putting the neighboring residents and businesses at risk. Even with the required distance between buildings being met. There is to much fire load in such a small area, With the winds that come off lake Michigan. Thanks for your time. Any questions please call me at 231-675-0416.

Chief Dan Thorp

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Rooftop Usage Discussion

DATE: November 11, 2019

BACKGROUND

This is a continuation of the discussion on rooftop uses and standards. At the time the packets were prepared I didn't have any draft language/standards to include in the packet for discussion.

ATTACHMENTS:

- Rooftop Usage Memo

Networks Northwest
Talent / Business / Community

To: Charlevoix Planning Commission

From: Kathy Egan, Community Development Director
Jennifer Neal, Community Planner

Date: 11/11/2019

Re: Rooftop Uses Discussion

PREVIOUS DISCUSSION

The topic of rooftop uses was discussed at the Planning Commission meeting on September 9, 2019. Commissioners were given a Rooftop Use Chart to guide discussion including the types of buildings, building standards, and uses that should be permitted on rooftops. Today, we wish to address several items from the previous discussion as well as expand the discussion to include examples of rooftop uses.

ONGOING DISCUSSION

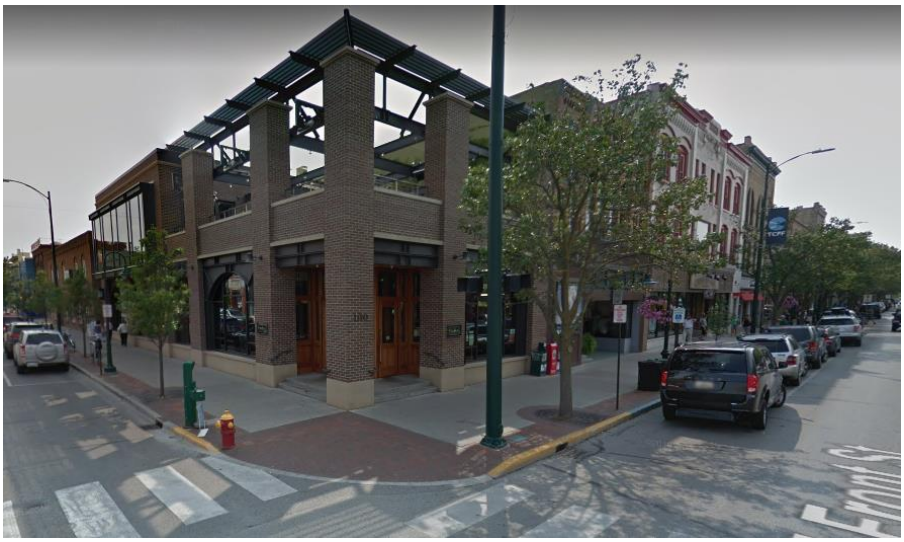
Recreation Uses
Compatibility with surrounding buildings
- Noise
- Height
- Design Guidelines (permanent/temporary structures, railings, etc)

Visual impact from the street (screening)

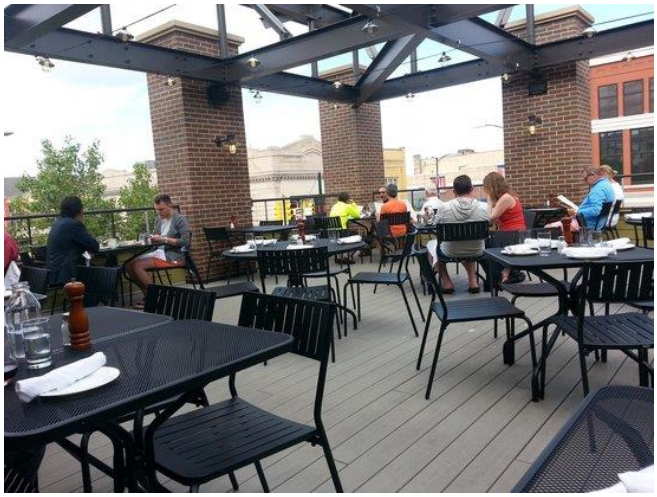
VISUAL PREFERENCE

We have prepared a selection of images of existing uses which portray various rooftop uses to be used as a discussion tool for visual preferences.

1 The Franklin, 160 E. Front St., Traverse City, Bar and Restaurant

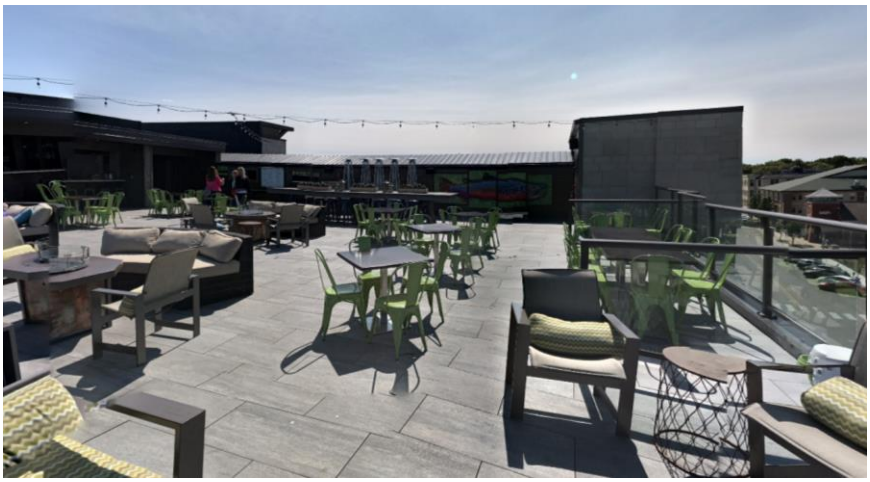


- ☐ Commercial use: Bar and restaurant
- ☐ Two stories
- ☐ Rooftop used for outdoor dining
- ☐ Rooftop adjacent to second floor indoor dining room
- ☐ Perimeter columns integrated with design of the building
- ☐ Structure's height is even with roofline

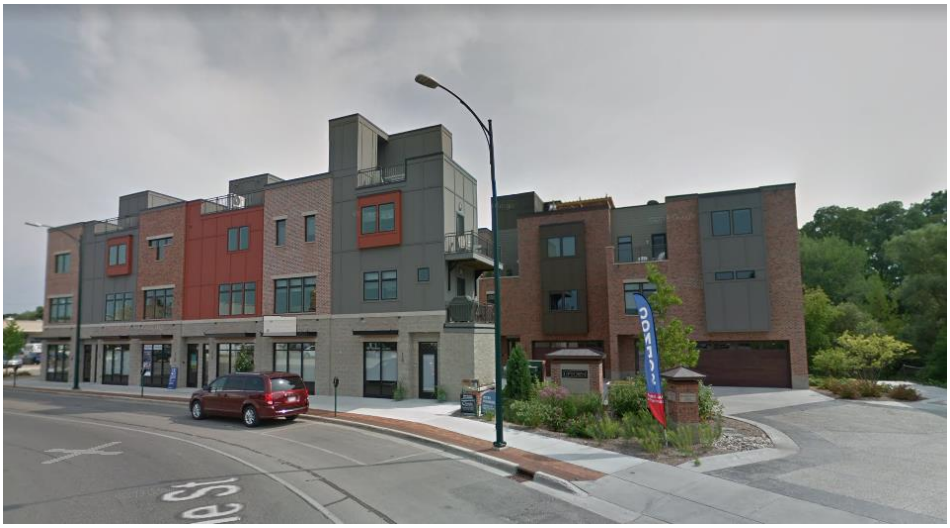


2 Hotel Indigo, 263 W. Grandview Pkwy., Traverse City, Bar and Restaurant

- ☐ Commercial use: Bar and restaurant
- ☐ Five stories
- ☐ (Seasonal) Rooftop used for
  - Outdoor dining
  - Bar service
  - Scenic viewing
- ☐ Rooftop adjacent to indoor dining room
- ☐ Perimeter railing allows for easy scenic viewing
- ☐ Architectural features extend above height of outdoor uses



3 Riverfront and Cityside Townhomes, Uptown Development TC, LLC, Traverse City



- ☐ Seasonal residential use
- ☐ Four stories
- ☐ Rooftop used for
    - Outdoor dining / Gathering
    - Private greenspace
    - Landscaping / Water collection
- ☐ Architectural features extend above height of outdoor uses
- ☐ Perimeter railing allows for easy scenic viewing
- ☐ Passive green space acts and

Source: Google Maps, Uptown Traverse City https://uptowntraversecity.com/photo-galleries/gallery/#jp-carousel-1123

NEXT STEPS

Based on the comments and direction by the Commission, staff may provide any additional information the Planning Commission requires such as a review of compatibility with the Master Plan and Zoning Ordinance.

CITY OF CHARLEVOIX

Staff Updates

TO:

FROM:

SUBJECT: ZBA Meetings Report

DATE: November 11, 2019