CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, November 11, 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:	Toni Felter, Brian Gelb, Dennis Halverson, Jennifer Muladore, Phillip Parr
Members Absent:	Ben Edwards, David Gray, RJ Waddell
Staff Present:	Kathy Egan, Community Planner

C. Inquiry into Potential Conflicts of Interest
Chair Chamberlain stated he would be abstaining from the Midtown Development vote because the company he works for has done work related to this project.

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

E. Approval of the Minutes
1. October 14, 2019 Meeting Minutes
Chair stated that there was the typographical error on the spelling of Kristin Jones' name. Motion by Member Gelb, second by Member Muladore to approve the minutes of October 14, 2019 as amended. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

H. Old Business
Chair Chamberlain recused himself.

1. Continued: Site Plan Review: Midtown Development, Inc., 115 Pine River Lane – Residential Development
Planner Egan stated this was a Level B Site Plan review for a site condominium at 115 Pine River Lane which included seven duplexes on the property. She stated that an amended site plan was submitted and additional public comment was received.

The public hearing was opened.

Harry Golski, Attorney representing the Lake House Association, referenced his letter which addressed additional concerns with the project related to the revised site plan. He recalled that at the previous meeting the Commission requested that the applicant submit an engineered plan for water retention. He stated he reviewed the revised plans and did not see the engineered plan so he felt that the primary reason that the item was tabled has not been met. He stated that there were issues related to the density that caused concern about the parking and set back requirements. He stated that the landscape plan contained in the revised site plan contains no landscape buffering on the Lake House boundary. He asked the Planning Commission to reject the revised plan in its present form.

Kristin Jones, 113 Pine River Lane, stated that she was part of a homeowner group that wants to keep their neighborhood. She expressed concern about the use density, required parking spaces, possibility that the space was going to be used as short-term rentals, no common space area, stormwater runoff, and neighborhood concerns.

Tim Burton, President of Midtown Development, Inc., stated that for the past five months he has been working with the Zoning Administrator to design a project that would be approved based on R-4 zoning. He indicated that the project did not include a parking lot, but parking spaces. He stated that the plans he submitted were stamped by Mansfield Engineering and included water retention on site through eight vessels that have been added to the rain garden area and the paver system meets the requirement for a permeable surface. He felt that if they set the buildings back by 25' there was not enough room for anything.

Mr. Burton stated that the property was not going to be driven by any commercial aspect but would be driven by the homeowners. He stated that they were trying to keep the retaining wall at no more than 5' that tapers to nothing on the high end. He stated that he offered some more buffering to the Jones' property.

The public hearing was closed.

Planner Egan advised that there were six letters submitted that were included in the agenda packet and two more received that day and she summarized the topics of the public comments included in the letters.

Member Halverson stated the Fire Chief's comments in the memo seemed to be in conflict with the findings of fact that were discussed at the October meeting. He stated that the Fire Chief cited that the fire suppression system is not code and not required, but with further review it appeared that the Fire Chief had concerns.

Planner Egan stated that there were six areas of concern that were discussed at the previous Planning Commission meeting and proceeded to review each of the responses from the applicant:

1. Snow removal - snow would be cleared with a tractor and removed from the site. Planner Egan stated that she was uncomfortable not having documentation regarding the method for snow removal.
2. Landscaping on the east side of the property – a revised landscape plan was submitted. Discussion regarding formalizing the 4' hedge requirement and including that an arborist be consulted for the best protection methods for the chestnut tree during construction and if the tree dies that there be a replacement tree planted.
3. Validation that there will be no other impervious surfaces such as for air conditioner pads – the original plan met this requirement and there were no additional plans for impervious surfaces.
4. Engineered drainage plan – stormwater retention area has been expanded on the revised plan.
5. Rear of property and landscape setback issues – discussed previously.
6. Needed draft of condominium documents – condition of approval would be that these documents would be required before final approval.

Member Muladore questioned if parking requirements would change if short-term rentals were allowed. Planner Egan stated that this is proposed as seven duplexes, but it has been shown by the plans that this could be interpreted as 28 units which would change the parking requirements drastically. She stated that they have something on file that shows these units as planned, but it could be interpreted at a future time to be sub-divided or used as four units per building as opposed to two units per building. Vice Chair Felter questioned if they were getting into a safety issue and Planner Egan stated that all zoning is for the health, safety and welfare of the residents.

Member Parr stated that the developer mentioned that once the units were sold he did not know what was going to happen with the units and the site plan is assuming that each unit will have two parking spaces, but there's no prohibition after the approval that someone couldn't split and have double that in each unit. Member Gelb stated that there was design and intent and if the plan is to allow for that flexibility with the units then it would seem that the plan ought to include adequate parking for it. Vice Chair Felter stated that her concern was that all their regulations were so that "we don't over build on property and it seemed to me we're hedging on that right here". Member Halverson stated from an owner's perspective allowing that flexibility they would probably be thinking of the rental possibility.

Member Halverson stated that his biggest concern was the memo from the Charlevoix Township Fire Chief received that day. Planner Egan reviewed the findings of fact from the previous meeting on the safety issues and the reference read: "The Planning Commission finds that the plan has been preliminary approved by the Police Chief and Charlevoix Township Fire Dept. and both have stated that public safety vehicles have adequate access to the property." The memo from Chief Dan Thorp stated that: "Pine River Lane development has met the fire departments requirements. But as 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 too much fire load in such a small area, with the winds that come off Lake Michigan."

Planner Egan suggested postponing the decision in order to obtain more information from staff. Vice Chair Felter polled each of the members present as to their thoughts on how to proceed:

- Member Halverson expressed concerns including safety issues, the Fire Chief's letter, and parking requirements.
- Member Muladore reiterated that the parking requirements were a stretch and the interpretation as to whether it is 14 units or 28 units; and the fire safety concerns addressed in the Fire Chief's memo.
- Member Gelb stated that the project met all the conditions from the previous meeting, and he felt it would be

appropriate to create a condition that the design does not accommodate a separate rental situation.

- Member Muladore agreed with the concerns related to parking, access, and safety.

Motion by Member Halverson, second by Member Gelb to return to the Planning Commission with the language for the stated conditions as discussed tonight for the Commission's consideration at the December meeting. Motion passed by unanimous voice vote.

Motion by Member Muladore, second by Member Parr that the site plan review pending the prior motion be continued to the December 9, 2019 meeting. Motion passed by unanimous voice vote.

Chair Chamberlain returned to the meeting at this time.

2. Rooftop Usage Discussion

Chair Chamberlain and Planner Egan agreed that the Commission could hold off on the rooftop usage discussion until the next meeting.

I. Staff Updates

1. ZBA Meetings Report

Planner Egan stated the Zoning Administrator was not in attendance to present his ZBA Report. Chair Chamberlain commented that people received variances but haven't exactly built what the ZBA approved and he referenced a project across the street from his residence.

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

Planner Egan stated that the December meeting would include the two items from tonight's meeting and the 2020 meeting schedule.

Member Halverson expressed concern about getting a verbal recommendation at one meeting and then the next meeting getting a written response expressing issues with a case. He suggested asking the City Manager to require written reports from the Fire Chief rather than providing verbal opinions on issues coming before the Commission and Commission members concurred.

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

Motion by Member Parr, second by Member Gelb to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:40 p.m.

Joyce M. Golding/fgm City Clerk

Sherm Chamberlain Chair