

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

MONDAY, JANUARY 13, 2020 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. December 9, 2019 minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Election of Officers
 - 2. Site Plan Review: Midtown Development, Inc., 115 Pine River Ln. – Residential Development
 - 3. Residential Building Size
- H. Old Business
 - 1. Rooftop Usage Discussion
- 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: December 9, 2019 minutes

DATE: January 13, 2020

ATTACHMENTS:

- ▣ Draft December 9, 2019 minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, December 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: Philip Parr

Staff Present: Kathy Egan, Community Development Director (by telephone); Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

Chair Chamberlain stated he would be abstaining from voting on the Midtown Development site plan review because his employers have done work for the developer on this project.

D. Approval of Agenda

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

E. Approval of the Minutes

1. November 11, 2019 Meeting Minutes

Member Edwards stated that he was not present at the November meeting so the references in the minutes to him speaking were inaccurate, and needed to be changed to Member Muladore.

Motion by Member Muladore, second by Member Gelb to approve the minutes of November 11, 2019 as amended. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. 2020 Meeting Schedule

Chair Chamberlain asked for public comments on the meeting schedule and there were none.

Motion by Member Waddell, second by Member Gray to approve the Resolution to approve the 2020 Meeting Schedule as presented on page 7 of the agenda packet. Motion passed by unanimous roll call vote.

H. Old Business

Chair Chamberlain recused himself.

1. Continued: Site Plan Review Midtown Development, Inc., 115 Pine River Lane – Residential Development

Member Waddell recalled previous meeting minutes including:

- Parking - Section 153.187 (h) indicates 1.5 spaces per unit which with 14 units there should be 21 parking spaces; Section 153.189 indicates that a parking space is 9' x 18', the spaces for several units are 34' long which makes them 2' short of the standard for parking; total of 16 spaces as opposed to the 21 required. Section 153.189 does allow vehicles to park over the parking space if it's not into the bushes, so at the end of the driveway there is an extension of gravel and a small retaining wall for parking over on units 1-6 and 10-14; but Section 153.189 (A)(c) states that it must be pavement and the plan show it as rocks and Section 153.027 (e) says "you cannot park in the setback" so the units on the east side the setback is 10' and the end of the parking area is right at the setback so there is no extra space for them to park; the other side is at 12'.
- Standard is a 24' road for perpendicular driveways; the road is 20' wide and there is an allowance that the Commission could make if there were a 7' to 10' sidewalk but there is not a sidewalk, there is a paved area from each driveway to the front door, but if you look at the plan there's a row of bushes and then there's a tree, then another row of bushes so there is no sidewalk for that on the main north/south road, on the east/west road for units 7 & 8 at the very top there is a fence so there's no way to get a 24' road there. Member Waddell did not feel that the proposed parking met the standards.

- Member Waddell stated that they were stopped at the October meeting for not meeting the standard on the north property line where the property abuts the R-1 property because it needed a 6' fence and then the bushes needed to be planted 4' from the fence. In November the proposal was the curved road with the plantings in the middle where the road is 7.5' from the north property line. He stated at this point it was open for the Commission to discuss whether they feel what's proposed is acceptable and to the intent of the plan. The two ends of the fence are still within 2' of the north property line which is R-1 and there's obviously no way to plant bushes along the fence.
- Member Waddell stated at some point the Commission would need to look at the Master Deed which included a clause that says they have the right to expand from 14 units to 20 units which does not meet the current proposed site plan. He stated there were things in the Master Plan that affect planning that the Commission needed to review.

Member Waddell summarized his training in planning, and stated that one of the Commission's main tenets and responsibility beyond just meeting the standards is that they are supposed to believe that what they are doing is for the health, safety, and welfare of the community; and if they don't feel that a proposal promotes the health, safety and welfare of the community then they can't accept that. He proceeded to reiterate his concern about sidewalks as the Zoning Ordinance indicates that "there should be safe and efficient access" and he did not feel with a 20' road and no sidewalk that it was safe and the north/south road is 170' long from Pine River Drive to the top of the hill with 11 driveways. He stated there was a potential 80+ residents that could be living in the development. He stated that the Master Deed does allow for parking in the road for delivery and unloading. He felt it was too much traffic, cars, people and other things to create a safe environment. He stated that the Fire Chief had also expressed concern about the lack of sufficient fire suppression and the design of the development in its location.

Zoning Administrator Scheel read a letter from a neighbor at the back west corner of the property, Ms. Alberta Bier. Ms. Bier stated in her letter that the property line was in the middle of a large chestnut tree and Zoning Administrator Scheel stated that 2-3 weeks ago half of the subject tree did collapse and Ms. Bier did not want the existing half of the tree which was viable replaced with another tree.

Zoning Administrator Scheel stated that he consulted Shade Tree Commissioner Ken Polakowski, who is a licensed arborist and he advised that the maple tree was a very old tree and he felt that any damage to its root system would hasten its aging process and special care needed to be taken to save the tree. Member Halverson stated that although the tree issue was noteworthy, he did not feel that was something to hang a project by if there was some alternative to compensate for the tree. He stated the re-occurring theme that he continues to hear was the density and usage issue and the parking just didn't comply with the current ordinances. He stated that there were a lot of compromises at the expense of the economy of scale.

Member Edwards felt the City had standards for health and safety and the Commission needed to decide if the allowances were worth it to have a development in the downtown area. He stated that his overall sense is that it looks like a really nice development and it was a shame it can't meet the City's standards at this time. Member Muladore was concerned about health and safety and that an abundance of cars, potential of extra crowding, lack of parking, and the Fire Chief's opinion that if there was a fire the Fire Department couldn't get in and it could be a safety issue even though it does meet the standards and codes. Member Gray stated the safety issue was a big concern for him as well. Member Felter stated that she would challenge the developer to create something that would be safe there. She totally agreed that the City needed housing, preferably affordable, but it needs to be safe and she thought this was too much housing in one small area. Member Gelb stated that the same issues continue to come up and a lot of the issues boil down to density and not enough room for parking.

Tim Burden, President of Midtown Development, Inc., stated that the City wanted additional housing and the first plan that he brought forward showed 14 single-family homes so he thought that was safer, but the City didn't allow units less than 22' and his plan was 20'. He stated that the landscape ordinance requires trees on the sidewalk and if they're weren't trees on the sidewalks there would be 28' there, not 20'. He stated they met with the Fire Department and they approved the plan and then the Fire Chief sent the letter previously discussed. He stated he was frustrated as he had a lot of time invested in these plans and he reviewed changes that have been made to the plans at the request of the Commission, City staff and the neighbors. Mr. Burden stated that he did not understand the stated health and safety issues as he felt this was a safe environment. He hoped that the Commission would find a way to approve the plan with some modifications so he can get going on the project.

The public hearing was opened.

Harry Golski, Attorney representing the Lake House Association – the property owners immediately to the west of the subject property, stated that they all want the property developed and it was presently approved for seven units. He recalled at the previous Commission meeting, the Commission was concerned that 14 units didn't turn into 28 units and he was expecting to

see proposed changes to the Master Deed as discussed at previous meetings, but the changes were not included in the revisions. He stated what was included in the amendment were provisions for a rental agent and that two or more residential units may be situated in a single structure. He stated the duplex was two units, the lock-off area on the second floor made three to four units, so according to the proposed amendment not only did it not restrict the rental of the second floor units, it gives legal authority to rent the units. He felt that the amendment to the Master Deed was worthless and explained his reasons for same. He stated that the arborist's report based on his faulty understanding of the placement of the tree was worthless. He referenced his November 20th letter to the Planner and the Commission and he felt the density issue was controlled by the setback requirements under the Zoning Ordinance. He explained his interpretation that the setback between the units and the Lake House Association should be 25'.

Mr. Burden stated that the original condominium documents allowed for expansion into another parcel, but they were not trying to add any other units on this site. He explained that the seven units originally proposed were 3,000 sq. ft. each, now they have fourteen 14 units at 1,100 sq. ft. each.

Kristin Jones, 113 Pine River Lane, stated that there were 28 outside lockable doors proposed in this development and the deed restriction referenced today talks about short-term rentals. She stated that the proposed units were short-term rental units for vacationers, but she felt protected by the R-4 zoning as this was not a hospitality area.

The public hearing was closed.

Member Halverson cited the density, parking issues and the lack of restrictions on creating two units out of one unit and the lack of any kind of control after its built further compounds any concern over safety and fire/EMS access. He stated that he did not see any step by the developer to satisfy the Commission's concerns.

Mr. Burden stated that there is only one entrance into these units there is a door on the inside to the upstairs which can be removed. He stated that the documents the attorney prepared were in draft form "and they just say they are rentable" and he was not given any direction from the Commission as to what to bring back from the last Commission meeting. He stated he was not interested in starting all over with this project and would consider some modifications to the use and density.

Member Waddell stated that the Commission could address what they want to see on Mr. Burden's plan, accept the plan with stipulations, or deny the proposal based on it not meeting the standards for parking, the back property line and the health/safety welfare issues.

Motion by Member Felter, second by Member Halverson to deny this development based on the parking and the north property line not meeting standards, lack of walkable sidewalks and fire safety issues.

Motion passed by a 6 to 1 vote with Member Edwards voting against the motion, Member Chamberlain abstaining, and Member Parr absent.

Chair Chamberlain returned to the meeting at this time.

2. Rooftop Usage Discussion

Jennifer Neal, Community Planner with Networks Northwest, began the discussion and explained that Commission members were given a Rooftop Usage Chart to guide discussion including the types of buildings, building standards, and uses that should be permitted on rooftops. She stated that they wanted to address several items from the previous discussion as well as expand the discussion to include examples of rooftop uses. Discussion followed regarding uses, compatibility with surrounding buildings include noise, height and design guidelines (permanent/temporary structures, railings, etc.), and visual impact from the street (screening). Three rooftop examples from Traverse City were provided that included bar/ restaurant, hotel and townhome development.

After discussion, the Commission determined that requests for rooftop uses/rooftop development would have to come back to the Commission to go through the full site plan review and approval process for a Level B site plan. Chair Chamberlain stated that a definition would need to be added to define an additional or new rooftop usage as a significant change which would have to come back for review. She stated that the next step would be locating comparable rooftop ordinances. Planner Egan stated that when she looked for rooftop usage ordinances she only found examples in much larger cities.

Planner Neal mentioned a rooftop application in Alpena that retrofitted their building to include a greenspace on the roof and open deck event space. The Commission's focus on rooftop usages would be on commercial properties and they were asking staff to look at rooftop usage regulations from Traverse City and Alpena.

I. Staff Updates

1. ZBA Meetings Report

Zoning Administrator Scheel stated that the ZBA had a meeting in November that had to do with three variances for existing fences off of Dixon Avenue; all three variances were denied by the ZBA. He stated that they were also served today with a lawsuit on a property on Dixon involving a lot split in the 1980's, and over the years there have been several civil lawsuits on the property as well.

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

Member Waddell requested that the Commission members receive a copy of the letter from Mr. Golski regarding the Midtown Development project. Selection of Officers would be on the agenda next month as well. Zoning Administrator Scheel briefly reviewed upcoming enforcement actions on properties throughout the City.

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

Motion by Member Felter, second by Member Edwards to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:56 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Election of Officers

DATE: January 13, 2020

BACKGROUND

January is the traditional month to conduct the annually required "Election of Officers".

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: January 13, 2020

BACKGROUND

This is a new application for a residential development on Pine River Lane.

Please note that the Zoning Administrator Report (attachment # 05) starts with the report from the first application and notes the changes in this application in RED.

ATTACHMENTS:

- ▣ 01 Pine River Application Letter
- ▣ 02 Pine River Application
- ▣ 03 Pine River Site Plan
- ▣ 04 Pine River Irrigation Plan
- ▣ 05 Pine River ZA Report
- ▣ 06 Pine River Fire Chief Letter

Charlevoix Planning Commission

Dear Commissioners

Condominium Master Deed

The developer is intent on having a quality property and quality association management. Ultimately the homeowners will be making the decisions on how they want their property to be managed. The master Deed amendment stipulates that if you rent for a 30-day duration or longer, you can do that on your own. It further states that rentals under 30 day duration must be managed by the association management company.

The management company provides a single source for control of the rental properties. The management companies' main purpose is to enforce rules, primarily those defined as nuisance. Nuisance is defined as excessive noise, ignoring parking rules, trash, poor behavior and excessive numbers of occupants.

Expansion – In the original master deed the neighboring property was identified for potential expansion. That is not being considered at this time or for this application.

The total development square footage has been reduced from 16,100 to 12,650 nearly a 20% reduction.

SAFETY -Residential fire suppression systems defined by the National Fire Prevention Association will be installed.

Parking has been reconfigured and a total of 21 spaces are provided with no overlap into the setback.

Care of the Sugar Maple – The engineered design now completely avoids any utilities crossing the roots.

Increased green areas.

Shrubs added - Shielding with shrubs have been added as one neighbor has suggested.

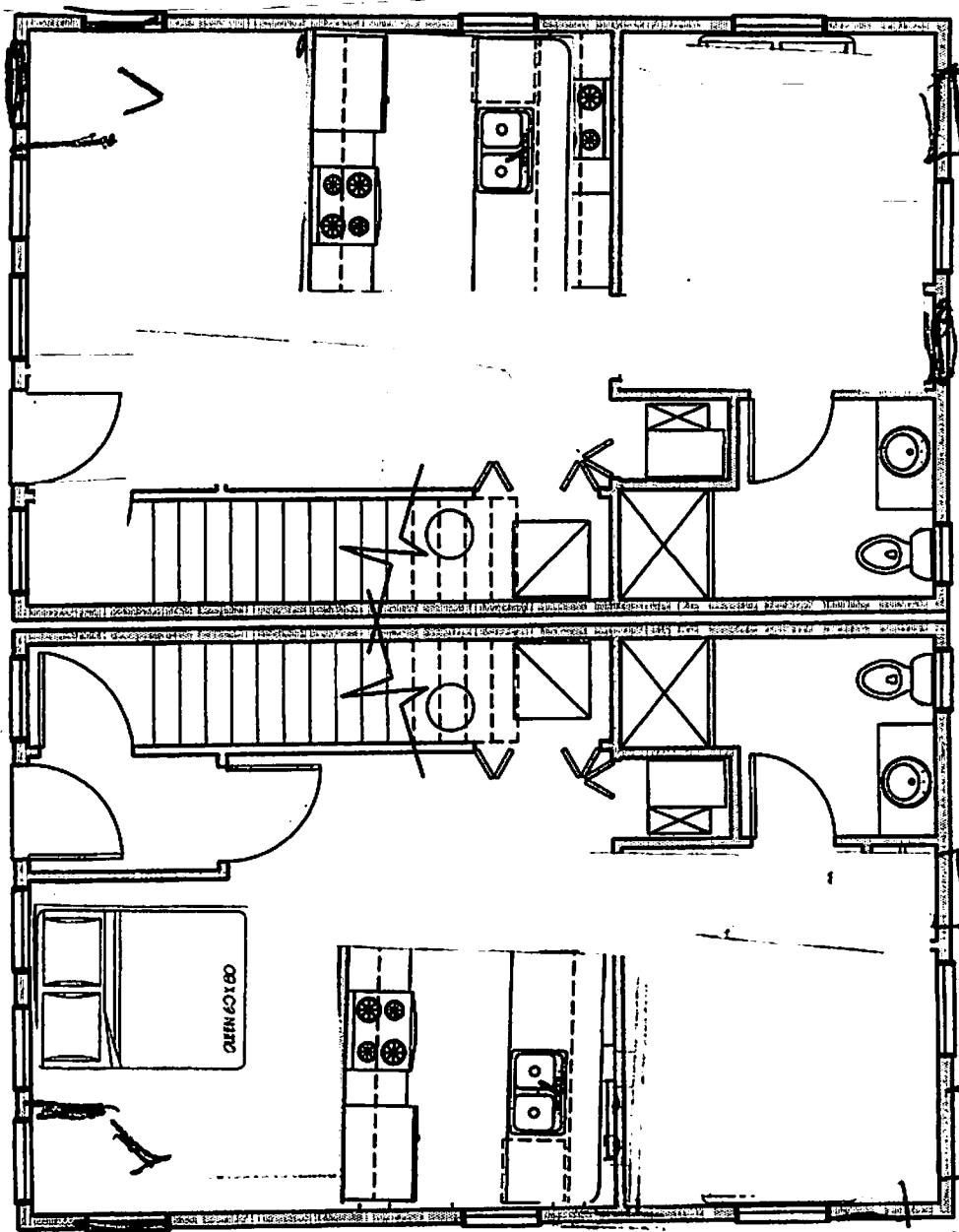
Sidewalk has been added from the top to the bottom.

Housing is needed and wanted, these homes give individuals who may otherwise not be able to own a home that opportunity.



FIRST FLOOR PLAN

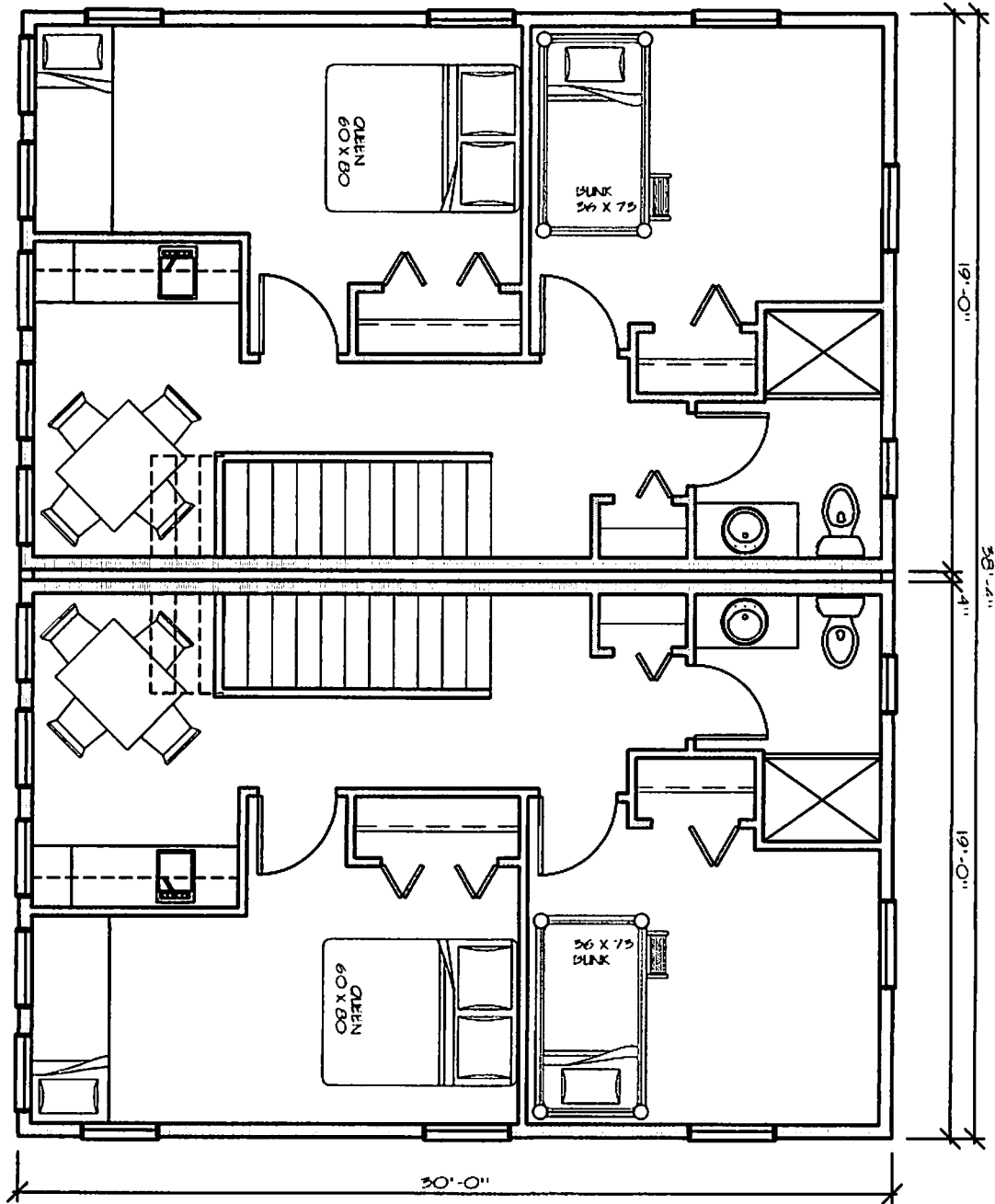
1450 SQ. FT.

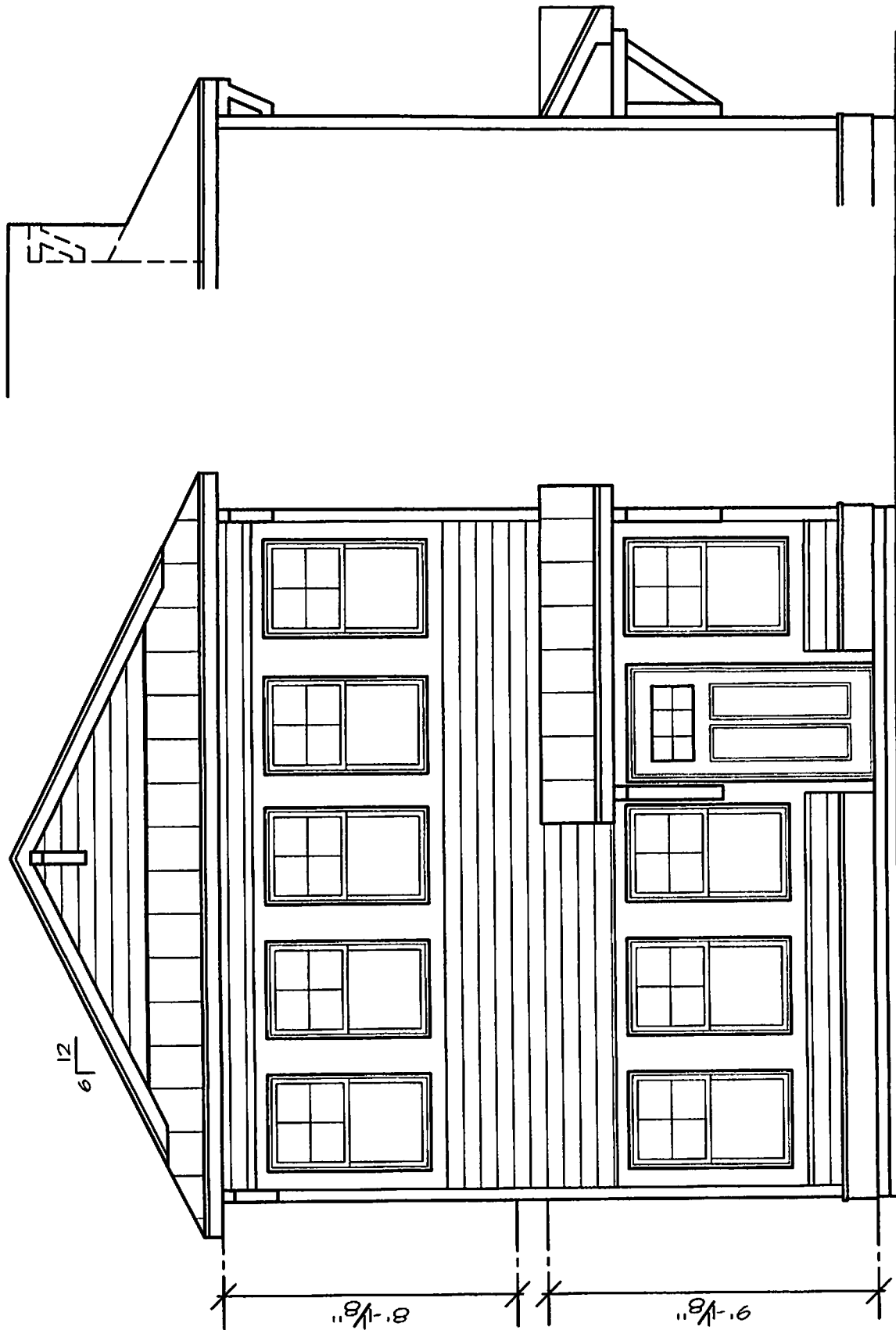


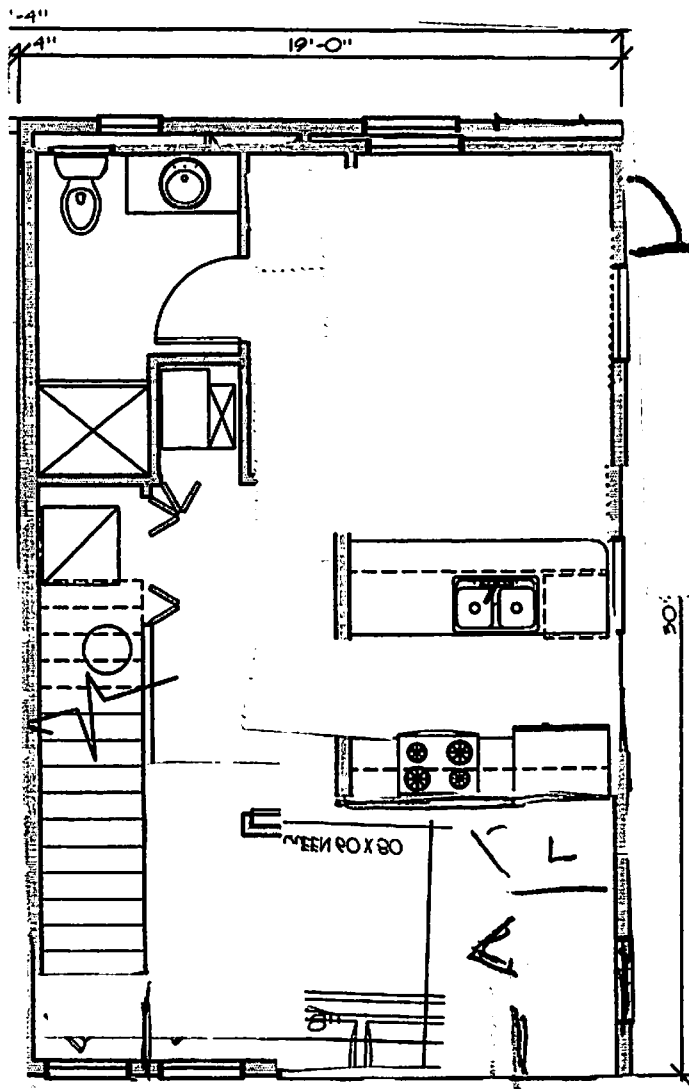
SECOND FLOOR PLAN

1,150 SQ. FT.

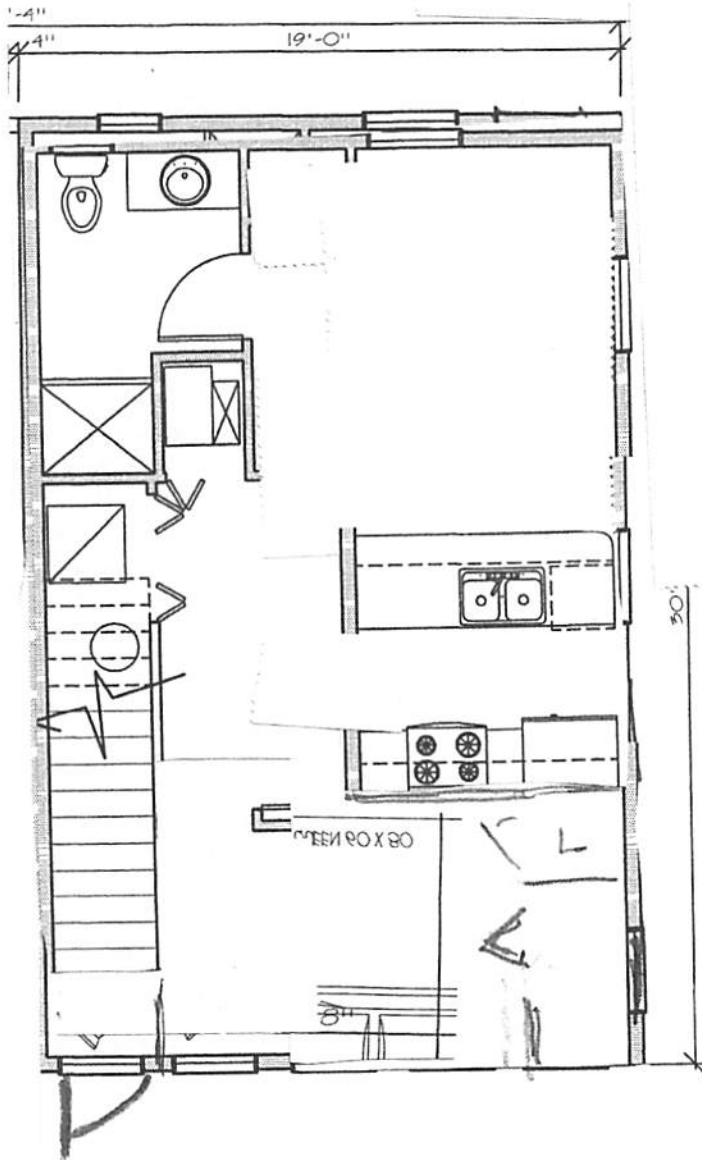
5/16" = 1'-0"







Ground Floor Unit



Upper floor unit



parshalltreecare.com | 231.409.1295 | info@parshalltreecare.com

To whom it may concern.

We have been retained by Midtown Development Inc for the Charlevoix Point project at 115 Pine River Lane.

Our role is to ensure the protection of the Maple tree, (previously identified as a Chestnut tree) that has been identified by the neighbors as being at some risk. Our role will be to work with the developer to protect the tree during excavation and the removal of other materials such as nearby stumps. In addition we will consult where there may be any risk to the tree from retaining walls and utilities runs.

If the city of Charlevoix would like our direct involvement we are available to meet with city staff and the developer to address any and all issues.

Thank You.

Corey C. Parshall

PARSHALL | TREE CARE EXPERTS
REVOLUTIONIZING URBAN FOREST MANAGEMENT



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: Charlevoix Pointe LLC
Street Address: 138 Fairway Hills Dr
City: Charlevoix State: MI Zip code: 49684
Phone Number(s): 231-218-4983 E-mail: Timburden@gmail.com

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

Signature: [Signature] Date: 12/15/19

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

Property Owner's Name (if different from applicant): Same
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: [Signature] Date: 12/18/19

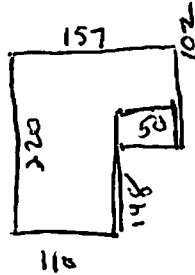
Project Location or Address: 115 Pine River Lane
Parcel Number: 15-052-100-001 - to 007

Explanation of Request: Looking to have plan approved to start construction soon.

City of Charlevoix
Planning Commission Application
Page 2

Subject Parcel Information:

Project Location or Address: 115 PINE RIVER LANE, CHARLEVOIX MI
Parcel Number: 15-052-100-001 - to 007
Zoning District: R4
Current Use of Property: Vacant
Dimensions of Parcel: L Shaped, South 110, West 220, North 157, East (150)
Parcel Size: .75 Acres
Please describe the type of construction proposed: wood frame, single family unit,
with fire suppression systems & Site Condominium



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: 12/18/19

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

74-1001/724

1106

CHARLEXOIX POINTE LLC

311 E 8TH ST
TRAVERSE CITY, MI 49684

DATE

12/19/19

PAY TO THE
ORDER OF

City of Charlevoix

\$ 275-

two hundred seventy five

DOLLARS

CHEMICAL
BANK

MEMO

115 pine river cove

MP

⑆072410013⑆

2551735422⑈

1106



ENDORSE HERE

☐ CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *



The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:

Hologram

Heat Sensitive Ink

True Watermark

Visible Fibers

Invisible Fibers

Void Paragraph with

Vertical on Area (VA)

Chemically Sensitive Paper and

Chemical Wash Detection Area

Microprinting

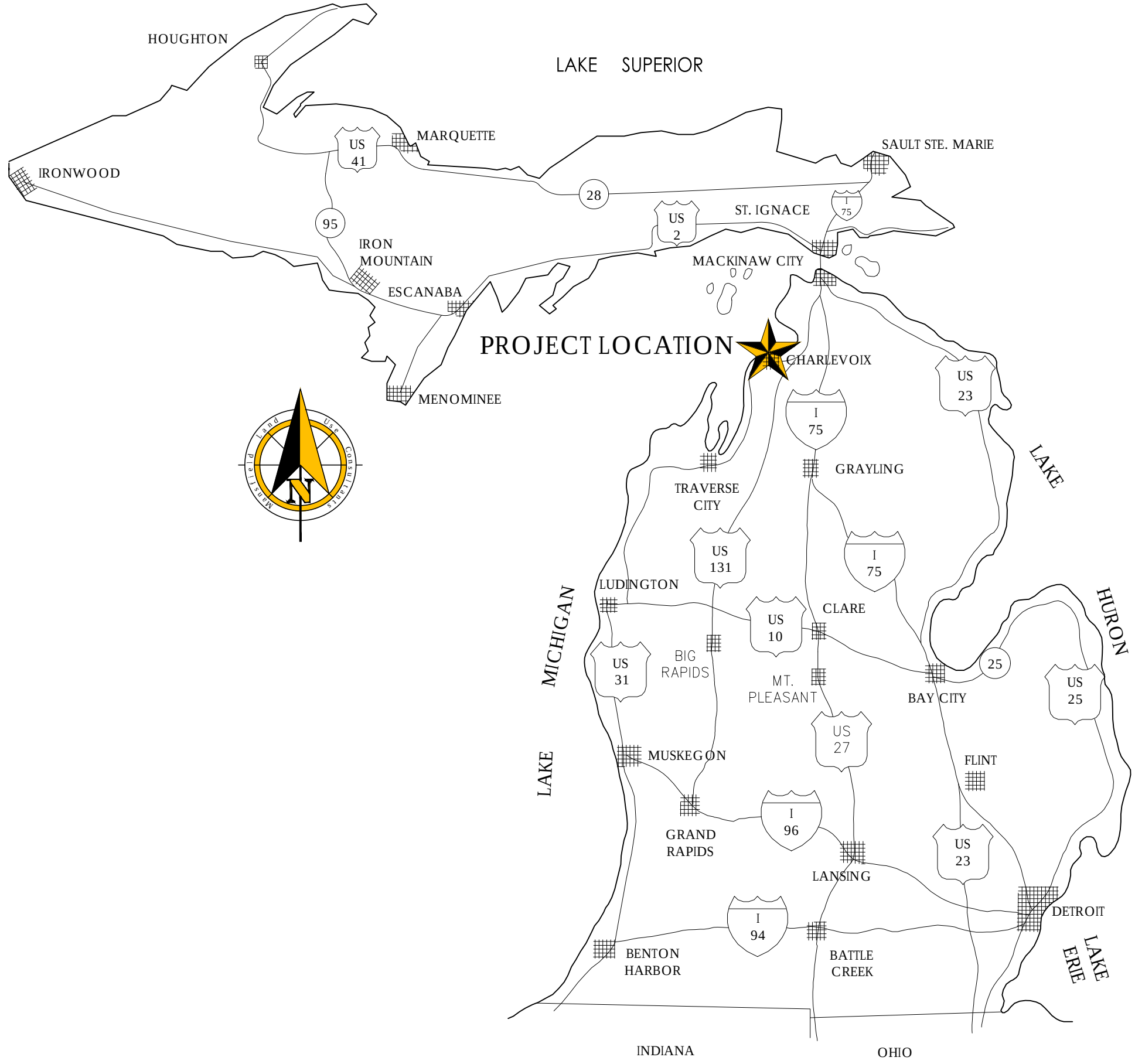
High Resolution Watermark Blend

Anti Copy Technology

• Document made with technology to prevent photocopying or scanning without proper equipment.
• Original Document Back Pattern • To encourage customers to use original documents.
• Federal Reserve Board of Governors REG. CC
• Federal Reserve Board of Governors REG. CC

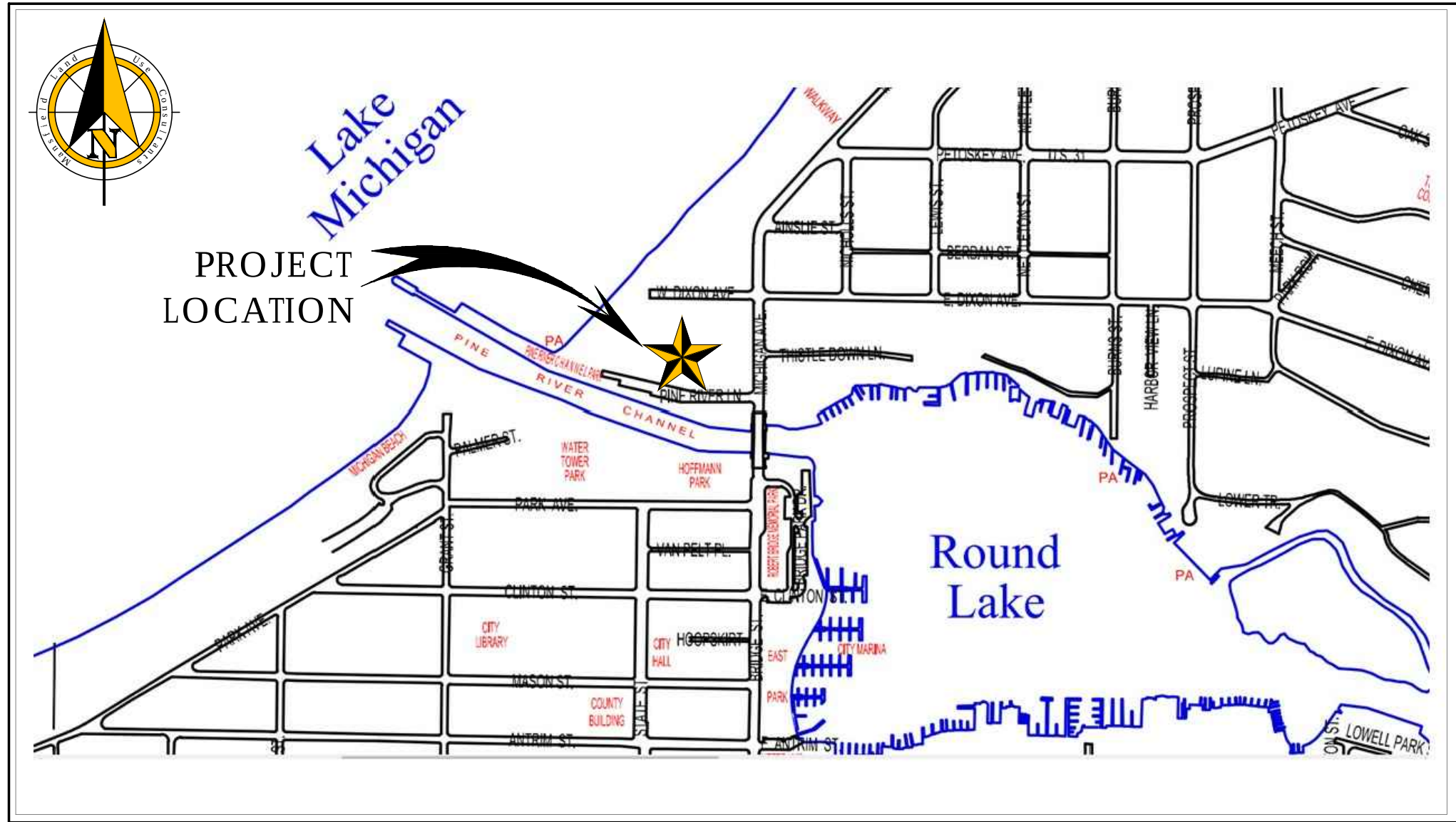
HS-76

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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	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		
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 49685
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:	(7) Detached buildings containing (14) Units total
First Floor Structure Gross Square Footage:	570 s.f.
Second Floor Structure Gross Square Footage:	570 s.f.
Parking Provided:	21 Spaces
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-On Site:	To be pervious pavers unless otherwise noted
Parcel Acreage:	0.69 acres
Trash Removal:	Trash to be individual trash receptacles.
Snow Removal:	Snow removal shall be performed by use of a tractor mounted snow blower into a trailer to be removed to an off site location.
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
02	06-08-19	dim	mm	dim	Revised per client
03	06-21-19	dim	mm	dim	Revised per client
04	08-15-19	dim	mm	dim	Revisions per Fire Department Review
05	10-08-19	dim	mm	dim	Revised to duplex units
06	10-08-19	dim	mm	dim	Revised landscaping
07	11-01-19	dim	mm	dim	City Site Plan Submittal
08	11-22-19	dim	mm	dim	City Site Plan Submittal
09	12-20-19	dim	mm	dim	Revised design per Client - City Submittal

Tim Burden
Proposed Residential
COVER SHEET

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

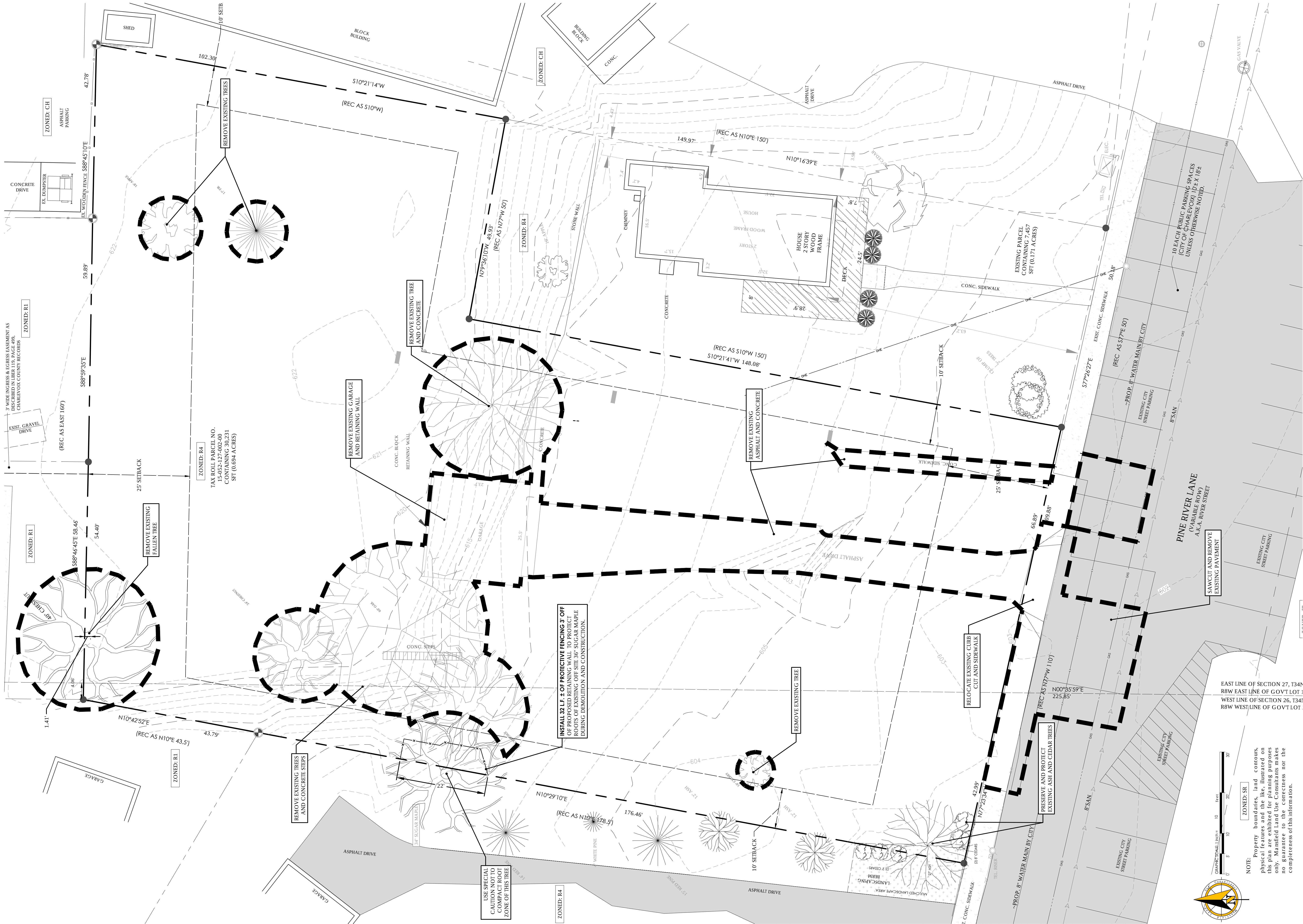
PRELIMINARY

PM:
dim

DR:	CDL:	CREATED:
mm	mm	dim 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

P.M. dim

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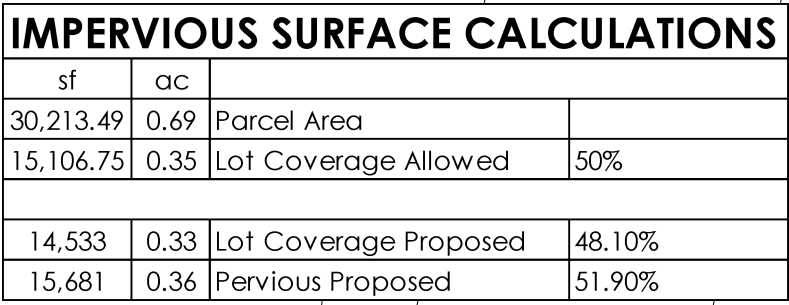
19072

C2.0

REV#	DATE	DES	DRN	CHK	DESC
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03	06-21-19	dim	mm	dim	Revised per client
04	08-15-19	dim	mm	dim	Revisions per Fire Department Review
05	10-08-19	dim	mm	dim	Revised to duplex units
06	10-16-19	dim	mm	dim	Revised landscaping
07	11-01-19	dim	mm	dim	City Site Plan Submittal
08	11-22-19	dim	mm	dim	City Site Plan Submittal
09	12-20-19	dim	mm	dim	Revised design per Client - City Submittal

Mansfield
Land Use Consultants

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P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.mnsfield.com
info@mnsfield.com



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

PRELIMINARY

DR.:	CKD.:	CREATED:
m m m	d l m	04.12.19

JOB NO.: 19072

C4.0

Tim Burden

Proposed Residential SITE AND DIMENSION PLAN

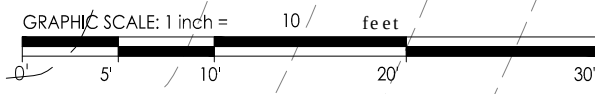
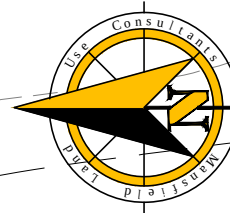
Sections 26 & 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

DATE	DES	DSN	CHK	REVISION
01	06-18-19	din	din	Revised design per client - City Submittal
02	06-18-19	din	din	Revised design per client - City Submittal
03	06-21-19	din	din	Revised design per client - City Submittal
04	08-15-19	din	din	Revised design per client - City Submittal
05	10-08-19	din	din	Revised design per client - City Submittal
06	10-16-19	din	din	Revised design per client - City Submittal
07	11-01-19	din	din	Revised design per client - City Submittal
08	11-22-19	din	din	Revised design per client - City Submittal
09	12-20-19	din	din	Revised design per client - City Submittal

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info@maeeps.com

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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Land Use Consultants

[illegible]

Tim Burden

**Proposed Residential
GRADING & STORM PLAN**

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

PRELIMINARY

P.M.: dlm		
DR.: m m m	CKD.: dlm	CREATED: 04.12.19

JOB NO.. 19072

C5.0

NOTE:
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and the like, illustrated on this plan are exhibited for
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nor the completeness of this information.



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.

PROPOSED RETAINING WALL
AS NEEDED TO ACCOMMODATE GRADING

NOTE:
COORDINATE THE LOCATIONS AND CONNECTIONS OF ALL UTILITY METERS, BOXES, PADS, REMOTE READERS, ETC., WITH THE ARCHITECTURAL PLANS & UTILITY COMPANIES, TYP.

CONNECT TO THE BUILDING
SANITARY SEWER LINE @ -3.5' FROM THE PROPOSED F.F.E., TYP.

SANITARY SEWER SERVICE
CONNECT TO THE PROPOSED 8" PVC SANITARY SEWER WITH AN 8"x6" WYE, TYP.

SANITARY SEWER MAIN
CONNECT TO THE EXISTING 8" SANITARY SEWER. INSTALL 4" SANITARY MANHOLE OVER THE EXISTING SEWER & CONSTRUCT AN 8" SANITARY MAIN INTO THE PROPERTY AS SHOWN.

NOTE:
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Land Use Consultants

PRELIMINARY

FILED

dim

DATE

mm/dd/yyyy

12/23/19

CREATED

04.12.19

JOB NO.

19072

C6.0

Tim Burden

Proposed Residential

UTILITY PLAN

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

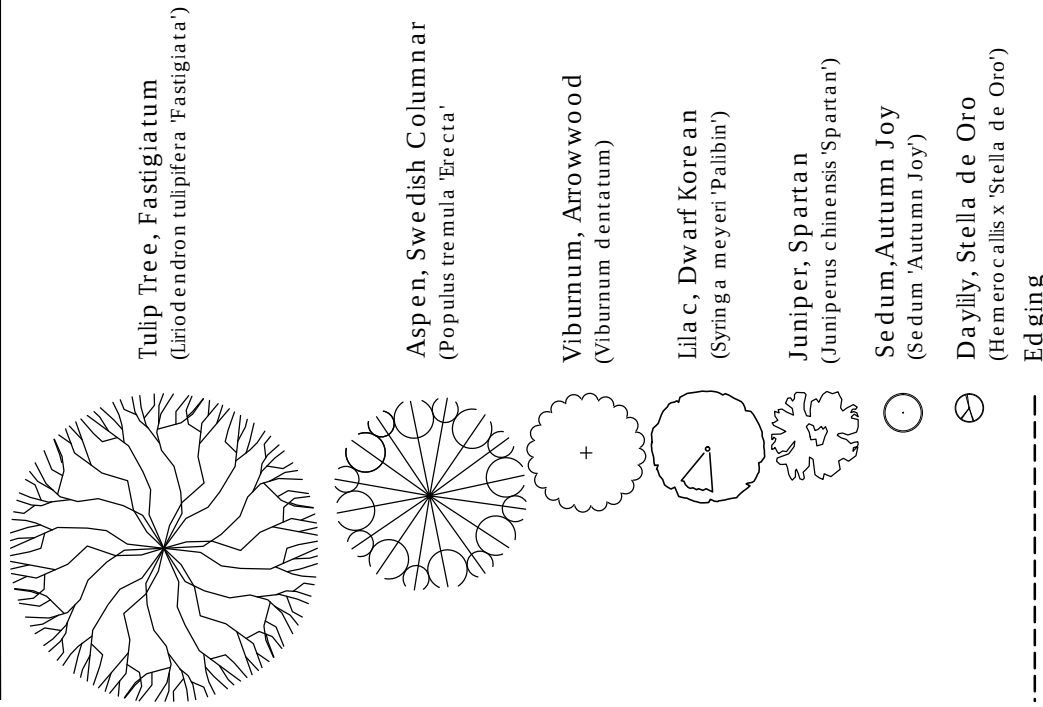
City of Charlevoix, Chateaufort County, Michigan

REV#	DATE	DESCRIPTION	BY	CHK	DESC
02	06-08-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
03	06-21-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
04	08-15-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
05	10-08-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
06	10-16-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
07	11-01-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
08	11-22-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy
09	12-23-19	dim	mm/dd/yyyy	dim	mm/dd/yyyy

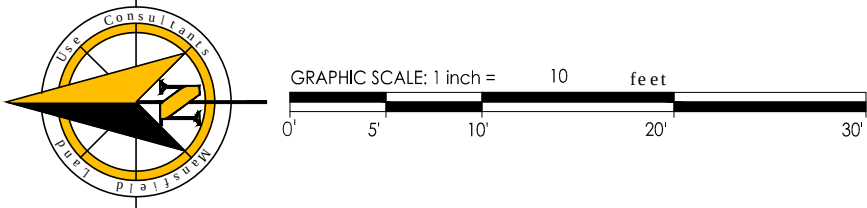
PLANT LIST

TREES		
common name	size	quantity
Aspen, Swedish Conummar	2 1/2" B&B	8
Tulip Tree, Fastigiatum	6 B&B	7
SHRUBS		
common name	size	quantity
Juniper, Spartan	6 B&B	21
Lilac, Dwarf Korean	5 gallon	20
Viburnum, Arrowwood	5 gallon	18
PERENNIALS		
common name	size	quantity
Daylily, Stella de Oro	1 gallon	51
Sedum, Autumn Joy	1 gallon	62

RAIN GARDEN		
common name	botanical name	size
Cupplant	Sulphium perfoliatum	plug
Early Sunflower	Helopsis helianthoides	plug
Mountain Mint	Pycnanthemum virginianum	plug
Prairie Blazing Star	Liatris pycnostachya	plug
Smooth Blue Aster	Aster laevis	plug
Spotted Joe-Pye Weed	Eupatorium maculatum	plug
Sweet Black-eyed Susan	Rudbeckia sbionnetosa	plug
Wild Bergamot	Monarda fistulosa	plug
Coneflower, Yellow	Ratibida pinnata	plug
Rain Garden Notes:		180
Plugs to be planted at 2' O.C., topped with shredded bark mulch.		
Plant shorter varieties along the sidewalk and drive lane.		
90 plugs per rain garden.		



Edging



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

PRELIMINARY

P.L.	dim
D.L.	m.m.m.
CED.	dim
CREATED.	04.12.19

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REV#	DATE	DS	DRN	CHK	DESC
02	06-18-19	dim	mm	dim	Revise per client
03	06-21-19	dim	mm	dim	Revise per client
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06	10-16-19	dim	mm	dim	Revise landscaping
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NOTES

MINIMUM 16 GALLONS PER MINUTE @ 45 PSI
SLEEVING TO BE INSTALLED BY SITE CONTRACTOR / EXCAVATION CONTRACTOR
CONTRACTOR TO PROVIDE 110 VOLT ELECTRICAL OUTLET (OUTSIDE) FOR IRRIGATION CONTRACTOR
RAINBIRD 1804 SERIES SPRAY NOZZLE SIZE DETERMINED BY AREA BY IRRIGATION CONTRACTOR

*** LEGEND**

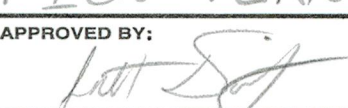
	1" RAINBIRD HV VALVE
	RAINBIRD 1804 SERIES SPRAY HEAD
	1 1/4" POLY OR PVC MAIN LINE
	1" POLY LATERAL LINES
	RAINBIRD ESPME3 CONTROLLER
	RAINBIRD WRZ RFC RAIN/FREEZE SENSOR
	POINT OF CONNECTION
	1" FBCO 765-1P PVB

DETERMINE LOCATION WITH OWNER

DETERMINE LOCATION W/ OWNER



IRRIGATION PLAN

SCALE: 1" = 10'	APPROVED BY: 	DRAWN BY: SMD
DATE: 1-2-2020		REVISED: SMD



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review 2019-3 SP: Pine River Lane Site Condominium **Application 2**

PUBLIC MEETING DATE: **January 13, 2020** **6:00PM**

EXHIBITS:	1. Site Plan Review application. 2. Site Plan provided by applicant. 3. Fire Chief letter 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: 30,000 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 11 two story duplex buildings. Eight units will be 1140 square foot and and six units will be 570 square feet.

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

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

Existing Conditions

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

Proposed Development

Location and dimensions of all proposed buildings	X
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	X
Setbacks for all buildings and structures	X

<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**

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 **24 foot wide access road** and **a 5 foot full length sidewalk on the west side** 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 front</u>	<u>25 feet</u>	<u>Proposed buildings is at 25 feet</u>
<u>Minimum Yard setbacks side</u>	<u>10 feet</u>	<u>Proposed buildings is at 10 feet</u>
<u>Minimum Yard setbacks rear</u>	<u>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.

The question was asked if the buildings meet all setbacks. Clarification is needed on how the ordinance addresses the setbacks in an R-4 district.

The ordinance requirements for the R-4 district include a lot size of 15,000 square feet and a width of 80 feet. The general setbacks are 15' front yard, 20' side yard and 35 foot rear yard. These setbacks contemplate large multi-story apartment buildings. The ordinance then addresses single family clustered homes on an R-4 lot. The ordinance does not require every single home meet the size and lot width. It changes the "overall" setbacks to be more in line with other residential districts but continues to treat the development as one "lot". Historically, past approvals for clustered single family homes on this site have been reviewed with setbacks based on the entire parcel and that parcel's relationship to the existing Pine River Lane street frontage. Not the individual buildings relationship to the private driveway.

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 **planning commission believes this project will not affect** 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 21 parking spots. The parking requirement has been met.

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 states that 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 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

24 foot respectively. The Planning Commission finds that the proposed development *does* meet 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. The plan shows 15 bushes and two trees will be added to the rear the buffer area. (C) (9) 9c does allow a fence in lew of 75% of the buffer. A fence is proposed. The Planning Commission finds that the proposed development *does* 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 applicant has submitted an engineered stormwater 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 and has added 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** 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.

*The landscape plan shows 15 bushes and two trees will be added to the rear the buffer area. The Planning Commission finds that the proposed development **does** 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.

The plan shows additional vegetation on the eastern side yard for screening for the single family home.

(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 has submitted a landscaping plan

(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 foot candles;

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.

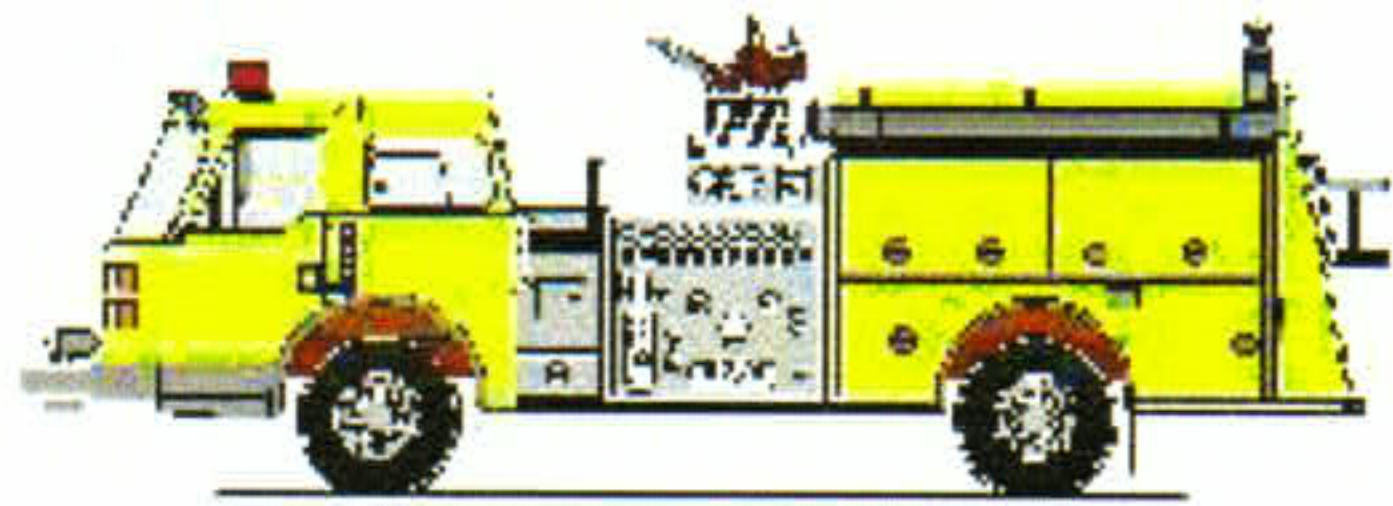
Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of Charlevoix may be imposed on site plan approval.

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 2019-3 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 2019-3 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 2019-3 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 2019-3 SP. (Usually this option is only used when additional information is needed to assist the Planning Commission in making the decision.



CHARLEVOIX TOWNSHIP FIRE DEPT.

8977 Martin RD, CHARLEVOIX MI, 49720

Chief Dan Thorp 231-675-0416

Assistant Chief Dave Christiansen 231-330-1095

Assistant Chief Greg Seese 231-675-1622

To Tim Burden and whom it may concern,

I have reviewed the revised site drawing and plans. I have talked with MR. Burden about the fire hydrant location, moving from back to south east corner of property and about the fire suppression system. In conversation he has agreed to both. We will need 20 feet of hard open surface with no parking, Asphalt and or concrete of driveway for fire trucks and aerial truck. I Appreciate his effort in making the changes. I approve the updated revised plans on 12/20/2019 job # 19072

Chief Dan Thorp

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Residential Building Size

DATE: January 13, 2020

BACKGROUND

The City Manager is passing along a request from the City Council asking the Planning Commission to consider whether a maximum residential building size is appropriate for the City. Please see the attached letter.

ATTACHMENTS:

- ▣ Letter from City Manager



December 31, 2019

Mr. Sherm Chamberlain, Chair
Charlevoix Planning Commission

Dear Mr. Chamberlain:

During their regular meeting on December 16, 2019, the City Council discussed whether it would be advisable to have a zoning regulation to limit the size of residential structures, especially single-family residential homes. The Council ultimately voted unanimously to request the Planning Commission consider imposing a maximum building size on residential homes of 10,000 to 15,000 square feet. Please consider studying this issue and make a Zoning Ordinance recommendation to Council. Should you have additional questions on this topic, please feel free to contact me.

Very truly yours,
THE CITY OF CHARLEVOIX

Mark L. Heydlauff
City Manager

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Rooftop Usage Discussion

DATE: January 13, 2020

BACKGROUND

See attached memo to continue the discussion on rooftop uses.

ATTACHMENTS:

- ▢ Rooftop Usage Memo Jan 2020

To: City of Charlevoix Planning Commission
From: Jennifer Neal, Community Planner
Kathy Egan, Community Development Director
Jonathan D. Scheel, Zoning Administrator
Date: 1/13/2020
Re: Rooftop Uses Discussion, Continued

PREVIOUS DISCUSSION

The following memo is a continuation of the rooftops discussion held at the Planning Commission meetings on September 9 and December 9, 2019. Previously, 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. Commissioners were also given three examples of existing rooftop uses located in the City of Traverse City used to discuss the types of uses and some sample standards. Today, we wish to delve deeper into the application of standards in existing buildings and example ordinance language.

ROOFTOP USES IN THE CITY OF TRAVERSE CITY

A review of the City of Traverse City's zoning code and discussion with Planning Director, Russ Soyring, indicate uses installed on rooftops are often accessory to a permitted primary use located in an attached building. The City of Traverse City permits rooftop uses as an accessory use, especially encouraging green roofs that reduce impervious surface. The rooftop uses reviewed in the previous memo at The Franklin, Hotel Indigo, and Cityside Townhomes, are examples of accessory uses to a primary commercial or residential use.

While many rooftop uses are considered accessory to a primary uses, the City of Traverse City applies the following regulations when evaluating rooftop uses in commercial districts.

- ☐ Building height: permanent structures beyond a customary parapet wall shall be included in the allowed building height. *Hotel Indigo received a variance from the Board of Zoning Appeals for a 15 foot height variance to allow seasonal restrooms located on the roof. The order was approved on August 2, 2011.*
- ☐ Design considerations: Section 1346.09 Special Requirements, "New buildings and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of traditional brick and stone used in the Regional Center District or constructed of materials of comparable aesthetic value."
- ☐ Much of downtown Traverse City is located in a Historic District. The Historic Districts Commission may review and recommend additional design considerations. *Plans for the proposed two-story restaurant, The Franklin, were reviewed by the Historic Districts Commission on July 25, 2013.*
- ☐ Buildings located within the downtown district are not required to provide parking, however, rooftop uses located on buildings outside of downtown may be included into the parking ratio as generally required. Providing rooftop space as part of the use may increase the parking requirement.

EXAMPLE ORDINANCE LANGUAGE

A broader review of local ordinances suggests the most commonly regulated accessory use is commercial outdoor seating areas. For example, Section 5.9.24 of the City of Grand Rapids' Zoning Ordinance regulates outdoor seating areas on rooftops located on private property. Zoning ordinances Rooftop seating areas on private property located within 300 feet of a residential use are subject to Special Land Use review. Rooftop seating areas on private property **NOT** located within 300 feet of a residential use are subject to administrative Director Review.

Often rooftop dining can be described as general outdoor dining. The City of Royal Oak Zoning Ordinance includes the following special provisions for Outdoor café service (Section 770-70) which may also be adapted to regulate rooftop dining and seating areas.

- ☐ An outdoor café shall be allowed only during normal operating hours of the establishment.
- ☐ All food preparation shall take place inside the establishment.
- ☐ If alcoholic beverages are to be served, the current Liquor Control Commission rules and regulations shall apply.
- ☐ The gross area of the café shall be included in the required parking calculation.
- ☐ No music, intercom or other noise shall be permitted that impacts adjacent properties.
- ☐ Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Plan Commission in the course of its site plan review process.
- ☐ Café service areas shall comply with all regulations and provision required for the establishment/building.

NEXT STEPS

The ordinance language examples provided may be discussed and evaluated for applicability to the City of Charlevoix. Based on the comments and direction by the Commission, staff may provide any additional information the Planning Commission requires such as a review of sample ordinance language with regard to the Master Plan and Zoning Ordinance.