

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

MONDAY, FEBRUARY 10, 2020 AT 6:00 PM in the Council Chambers, City Hall

- 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. January 13, 2020 minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
- H. Old Business
 - 1. Election of Officers
 - 2. Rooftop Usage Discussion
 - 3. Residential Building Size
- 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: January 13, 2020 minutes

DATE: February 10, 2020

ATTACHMENTS:

▣ January 13, 2020 draft minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, January 13, 2020 - 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 Vice Chair Waddell.

B. Roll Call

Vice Chair: RJ Waddell

Members Present: Toni Felter, Brian Gelb, David Gray, Dennis Halverson, Jennifer Muladore, Philip Parr

Members Absent: Sherm Chamberlain, Ben Edwards

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

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Vice Chair Waddell recommended postponing Item G-1 until the Chair could be present at the next meeting.

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

E. Approval of the Minutes

1. December 9, 2019 Meeting Minutes

Motion by Member Felter, second by Member Muladore to approve the minutes of December 9, 2019 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Election of Officers

Item postponed to next month's meeting.

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

Vice Chair Waddell explained that units 1–8 are still duplexes with a wall separating the duplexes and units 9–14 are now duplexes separated by first floor and second floor units (smaller square footage with single bedrooms.) In this new proposal the road is 24' wide which meets the standards. He stated that there was a sidewalk included in front of all the buildings. He noted that the proposal included a fire suppression system and he referenced the new letter from the Fire Chief approving the revised plans on 12/20/19. Vice Chair Waddell stated that they received a letter after last month's meeting from Mr. Golski about the front of the property lines. He stated what looks like a street going between the houses on the plans is actually a driveway and not a street. He referenced sections of the Pine River ZA Report regarding the setbacks.

Member Muladore questioned if the Commission was supposed to be considering the information as revisions of the previous plan. Zoning Administrator Scheel stated they were looking at the exact same buildings (units 1–8) from the last meeting; and units 9–14 were smaller one-bedroom units.

The public hearing was opened and closed as there were no public comments.

Motion by Member Felter, second by Member Gray to approve Project 2019-3-SP without conditions based on significant findings of fact that prove that the project does meet the review standards in Section 153.235. Motion passed by unanimous voice vote.

3. Residential Building Size

Vice Chair Waddell advised that City Council asked the Planning Commission to consider whether a maximum residential building size (10,000 – 15,000 sq. ft.) is appropriate for the City. Zoning Administrator Scheel referenced the 30,000 sq. ft. residence that was the result of combining several lots and Planner Egan commented that it was a question of keeping the buildings in scale with each other.

Vice Chair Waddell questioned how many houses exceeded 10,000 sq. ft. Zoning Administrator Scheel stated that the data would be compiled in the assessor's office. He said that the R-1 district includes many larger waterfront homes at 10,000 to 15,000 sq. ft. Member Halverson questioned if Planner Egan had knowledge of maximum sq. footage restrictions in other communities and she indicated that generally size was addressed with setbacks and height restrictions.

Discussion ensued regarding Council's reason behind wanting to limit square footage which prompted several questions from the members. Planner Egan stated that staff will continue to research this issue, answer the Commission's questions, and give some examples of what square footage looks like on the ground. Vice Chair Waddell requested the number of homes in the City that are over 15,000 sq. ft.

H. Old Business

1. Rooftop Usage Discussion

Community Planner Neal stated that Traverse City's zoning code considers rooftop uses as accessory to a permitted primary use located in an attached building. She further reviewed Traverse City's regulations including: building height, design considerations, historic district, and buildings within their downtown district are not required to provide parking. She stated that the Historic District Commission reviews projects before they go before the Traverse City Planning Commission. Discussion followed regarding Traverse City's regulations and current Charlevoix zoning regulations.

Community Planner Neal reviewed ordinances from the cities of Grand Rapids and Royal Oak as well. She stated many cities look at rooftop usage as outdoor dining uses. Planner Egan suggested for next month they could focus on the impacts of rooftop uses on residential neighbors and bring back potential standards for the Commission to consider.

I. Staff Updates

Planner Egan stated that the Commission's March meeting conflicts with the Presidential Primary Election so the meeting location may change.

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

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

Motion by Member Felter, second by Member Gelb to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 7:01 p.m.

Joyce M. Golding/fgm

City Clerk

RJ Waddell

Vice Chair

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Election of Officers

DATE: February 10, 2020

BACKGROUND

This agenda item was postponed from the January meeting when the current Chair was absent from the meeting. The Election of officers takes place each year and all terms are for one year.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Rooftop Usage Discussion

DATE: February 10, 2020

BACKGROUND

See attached memo for the continuation of this topic.

ATTACHMENTS:

▣ Rooftop Usage Memo

To: City of Charlevoix Planning Commission
From: Jennifer Neal, Community Planner
Kathy Egan, Community Development Director
Jonathan D. Scheel, Zoning Administrator
Date: 2/10/2020
Re: Rooftop Uses Discussion, Ongoing

PREVIOUS DISCUSSION

The topic of rooftop uses is an ongoing Planning Commission discussion. Commissioners have reviewed a Rooftop Use Chart including the types of buildings, building standards, and uses that should be permitted on rooftops, examples of rooftop uses, and regulations from the City of Traverse City. Today, we would like to expand on example ordinance regulations by providing a table of comparison standards as well as draft ordinance language.

ORDINANCE COMPARISON TABLE

	City of Traverse City	City of Harbor Springs	City of Petoskey	City of Charlevoix PROPOSED
Residential Districts				R1, R2, R2A, R4, PC
Use	Accessory Use to Permitted Principal Use	Accessory Use to Permitted Principal Residential Use	Accessory Use to Permitted Principal Residential Use	Accessory Use to Permitted Principal Use
Height	R1a, R1b – 35'	Permanent structures ¹ must be within maximum 35' or 2 stories	Permanent structures ² must be within maximum 25' or 2.5 stories	All - 26' ³
Design			N/A	
Parking			N/A	
Other	Use subject to Historic Districts Commission review			Use subject to Historic Districts Commission review
Non Residential Districts				All Commercial Districts - GC, CBD, CM, MC, PO, SR, I, P
Use	Accessory Use to Permitted Principal Use	Permitted Special Land Use as an Accessory Use to Permitted Principal Use	Accessory Use to Permitted Principal Use	Accessory Use to Permitted Principal Use
Height	C-4a – 45' C-4b – 60' – 68' C-4c – 85' – 100'	Permanent structures ⁴ must be within maximum 39' or 3 stories	Parapet wall must be within maximum 40' or 3 stories	SR – 25' PO, GC – 26' CH, I – 30' MC, P, CM - 35' CBD – 40'
Design	Section 1346.09: Durable materials required		Section 902: Architectural Standards	Section 153.170 Building Appearance
Parking	Subject to parking standards in non-CBD areas	Applied based on use	Subject to parking standards in non-CBD areas	Applied based on use
Other	Use subject to Historic Districts Commission review			

¹ Permanent structures exclude means of access including elevator shafts and stairwells.

² Permanent structures exclude means of access including elevator shafts and stairwells.

³ The maximum height permitted for multifamily units in the R4 district is 35'. Additionally, clustered housing in R4 is a maximum of 30'.

⁴ Permanent structures exclude means of access including elevator shafts and stairwells.

DRAFT ORDINANCE

Draft ordinance language is provided for your review. Items in *italics* is new language

DEFINITIONS

Deck, Roof Top. A finished surface constructed above any top plate of a structure without a roof or walls, except for railings, and which is designed to function as useable outdoor area for human activity.

Section 153.118 LODGING, DINING AND ENTERTAINMENT USES

(C) Restaurant with outdoor seating

- (1) Restaurants providing outdoor seating within an at-grade deck or patio or a roof top deck, must first acquire a zoning and building permit from the City and Charlevoix County Building Department.*
- (2) Restaurant outdoor seating shall be allowed only during normal operating hours of the establishment.*
- (3) All food preparation shall take place inside the establishment.*
- (4) If alcoholic beverages are to be served, the current Liquor Control Commission rules and regulations shall apply.*
- (5) Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited.*
- (6) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.*
- (7) Outdoor seating space is subject to the requirements of Off-Street Parking, Loading, Access and Circulation.*

(D) Roof top deck

The following provisions are intended to regulate roof top deck use to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally.

- (1) A zoning and building permit for any roof top deck must be first obtained from the City and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.*
- (2) Parapet walls and perimeter guardrails shall extend around the perimeter of the building and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to Section 153.170.*
- (3) Parapet walls and perimeter guardrails erected as a necessary safety and protective feature shall not increase the overall height of the structure.*
- (4) Any structure on a deck or patio must be permitted under the Zoning Code.*
- (5) Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions is prohibited.*

(6) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to Section 153.172.

(7) Roof top deck space is subject to the requirements of Off-Street Parking, Loading, Access and Circulation.

NEXT STEPS

Based on the comments and direction by the Commission, staff will present a revised ordinance for public hearing and review.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Residential Building Size

DATE: February 10, 2020

BACKGROUND

See attached memo.

ATTACHMENTS:

- ▣ Residential Building Size Memo
- ▣ Supplemental Info

To: City of Charlevoix Planning Commission
 From: Jennifer Neal, Community Planner
 Kathy Egan, Community Development Director
 Jonathan D. Scheel, Zoning Administrator
 Date: 2/10/2020
 Re: Residential Building Size Discussion, Ongoing

PREVIOUS DISCUSSION

The Planning Commission previously discussed residential building size at the January 13, 2020 meeting. In order to provide more information about existing conditions we have provided a review of residential lot and building sizes in the single-family zoning districts, R1, Residential Low Density and R2, Residential Medium Density. The R1 district is generally bounded by Lake Michigan on the west, Charlevoix Township on the north, Lake Charlevoix on the east, and Round Lake on the south, with some larger lot R1 zoned areas in the southern half of the city. The majority of the parcels that make up the R2 district are located in the south-central portion of the city.

The R1 district contains slightly larger lot sizes with many located on Lakes Michigan and Charlevoix and Round Lake while parcels in the R2 district are smaller, more urban in nature as they largely surround the central business district. This is reflected in the Zoning Ordinance where the minimum lot area in the R1 district is 9,000 square feet (SF) and the minimum lot area in the R2 district is 6,000 SF. The ordinance also permits a maximum 40% lot coverage in both the R1 district and the R2 district. This means the largest footprint a house may have on the minimum lot size is 3,600 SF in the R1 district and 2,400 SF in the R2 district.

We have prepared a summary table of residential building sizes in the single-family residential districts.

EXISTING CONDITIONS

District	Commonly Referred to Area	Largest Residence Size Floor Area (SF) / Lot Size (Acres)	Average Residence Size (SF)
R1, Residential Low Density	All	16,514 / 1.1	
	Round Lake Residences Image A	16,514 / 1.1	3,594
	C & O Club Residences Image B	5,350 / 0.6	3,655
	Lake Michigan Residences Image C	8,131 / 1.7	4,360
	South of the Bridge		1,346
R2, Residential Medium Density	The Valley Residences Image D	3,798 / 0.2	1,624

Based on the average lot sizes provided in the table, residences in each single-family district are generally within the amount permitted by maximum lot coverage, with the exception of residences in R1 nearest Lake Michigan.

VISUAL DESCRIPTION

Round Lake Residences Image A



★ 304 E. Dixon Avenue



C & O Club Residences
Image B



★ 126 C & O Club Drive



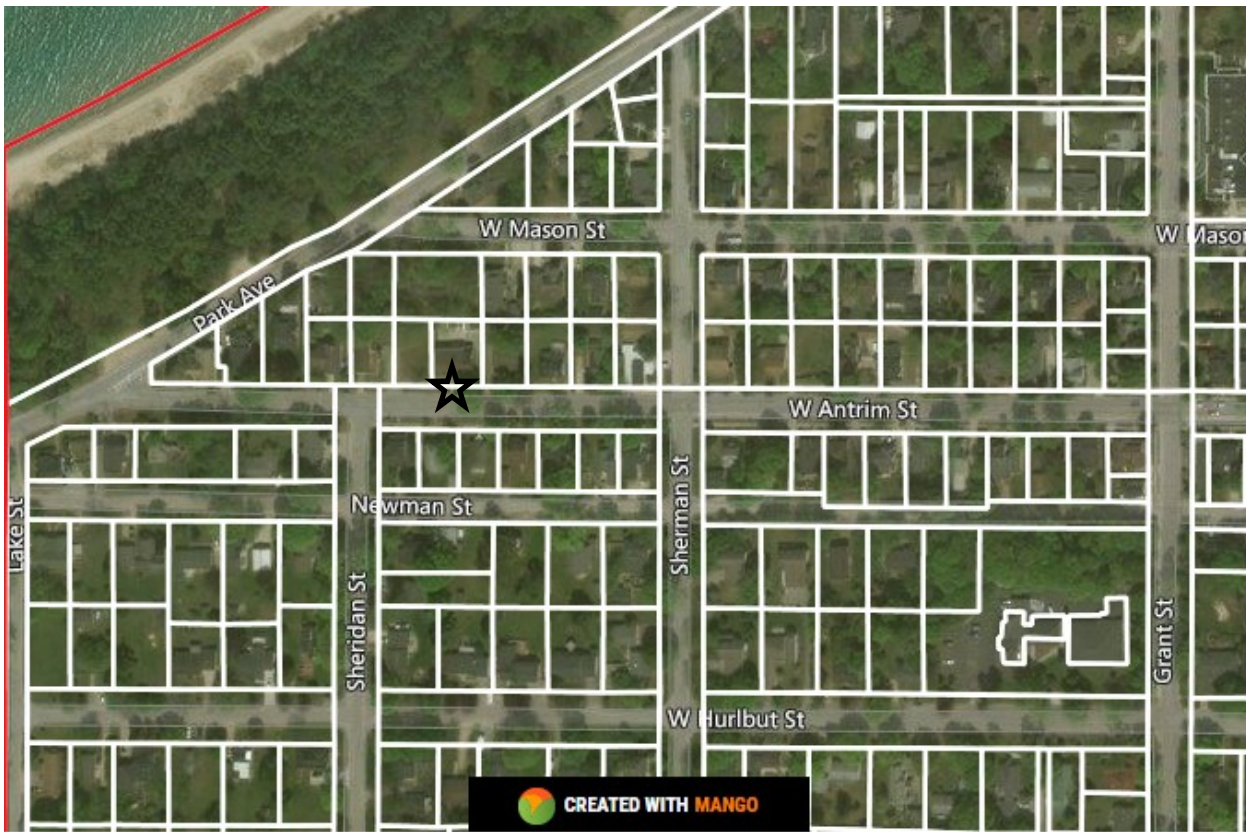
Lake Michigan Residences
Image C



★ 515 Michigan Avenue



The Valley Residences
Image D



★ 409 Antrim Street



STAFF RECOMMENDATION

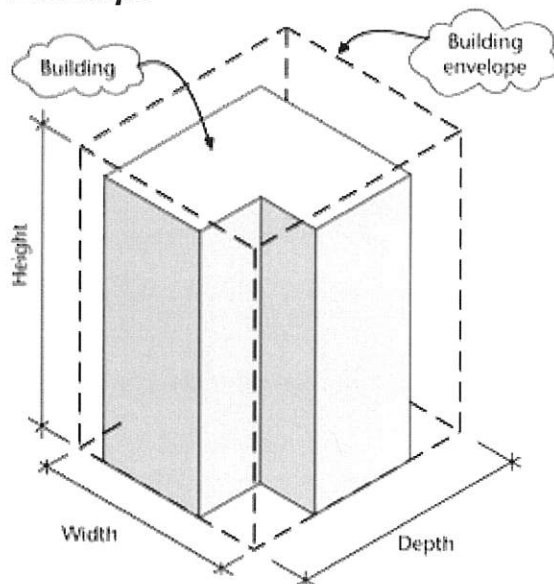
Both nationally and locally, the single-family housing market has continued to steer towards larger homes, and thus has the potential to increase average home size in the city. The previous Planning Commission discussion indicated the largest residences in the city are out of scale or unproportional to residences in the surrounding area such as the aforementioned examples, the largest residences in the city. We request clarification as to the main issue or goal the City wishes to achieve with regard to residential building sizes. However, if maintaining proportions within the neighborhood is the goal of the Planning Commission, we recommend one or more of the following as potential solutions.

- ☐ Establishing a maximum lot size;
- ☐ Decreasing the lot coverage percentage (the permitted ratio of building size compared to lot size);
- ☐ Establishing a maximum building size comparable to surrounding structures;
- ☐ Creating residential design standards; and/or
- ☐ Incorporating residential code language similar to a form based code.

NEXT STEPS

Based on the comments and direction by the Commission, staff will provide any additional information the Planning Commission requires such as a comparison of Zoning Ordinances or best practices review.

Building Envelope



A building envelope is the maximum three-dimensional space on a zoning lot within which a structure can be built, as permitted by applicable height, setback and yard controls.

Contextual Zoning

Contextual zoning regulates the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character.

✕

Some bulk rules limit the amount of the lot that can be covered by a building, or the inverse – a required minimum amount of open space. Other rules require yards that cannot be occupied by a building, or height limits that cannot be exceeded. Still other rules may determine how close to or far from the street the front building wall may be, and the minimum or maximum building height before a setback must be provided. Rules establishing minimum lot sizes, court sizes and distances between buildings (or separated parts of the same building) also affect the building envelope. Once a potential building form has been established, other bulk regulations, such as density regulations, further determine the shape, size and configuration of the building.

The **development** is compatible with the scale and character of the surrounding area

"Floor area ratio" is the total **floor area** on a **zoning lot**, divided by the **lot area** of that **zoning lot**. If two or more **buildings** are located on the same **zoning lot**, the **floor area ratio** is the sum of their **floor areas** divided by the **lot area**. (For example, a **zoning lot** of 10,000 square feet with a **building** containing 20,000

square feet of **floor area** has a **floor area ratio** of 2.0, and a **zoning lot** of 20,000 square feet with two **buildings** containing a total of 40,000 square feet of **floor area** also has a **floor area ratio** of 2.0)

EXAMPLE CHART

Area of **Zoning Lot** (in square feet)

Maximum Percent of **Lot Coverage**

10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41