

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: April 4, 2016 Posted April 7, 2016 at 1PM

MONDAY, April 11, 2016 at 7:00 P.M. in the City Council Chambers.

- 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 MARCH 14, 2016 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) OLD BUSINESS
 - 1. 2nd Public Hearing on proposed PUD rezoning for property on Division Street.
 - a. Staff introduction.
 - b. Applicant presentation.
 - c. Call for public comment.
 - d. Planning Commission determination of findings of fact.
 - e. Motion
 - 2. Enacting Shoreline Zoning Protection Around Lake Charlevoix Presentation.
 - a. Presentation by Claire Karner of LIAA.
 - b. Planning Commission questions and discussion.
 - c. Direction to LIAA.
- H) NEW BUSINESS
 - 1. Discussion on Land Use Master Plan updates.
 - a. Discuss updates Chapter 4 and 5 of the Master Plan.
 - 2. Potential Zoning Ordinance Amendments.
 - a. Review list of potential updates.
 - b. Direction for further staff research, draft amendments, etc.
- I) STAFF UPDATES
- J) REQUESTS FOR NEXT MONTHS AGENDA OR RESEARCH ITEMS.
- K) ADJOURNMENT

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CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, March 14, 2016 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 7:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair:	Sherm Chamberlain
Members Present:	Judy Clock, Toni Felter, John Hess, RJ Waddell, Mary Eveleigh
Members Absent:	John Elzinga, Dave Novotny, Julee Roth
Interim City Planner:	Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

Member Hess stated that he had adjacent property and therefore would recuse himself from the first item under New Business. Chair Chamberlain stated that Carol Amick has been a long standing client and therefore he would be recusing himself as well.

D. Approval of Agenda

There was a general consensus to approve the agenda as presented.

E. Approval of February 8, 2016 Minutes

Motion by Member Hess, second by Member Felter to approve the February 8, 2016 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

John Hess, former Planning Commission Chair, thanked the Commission members again for their support over the years and he believed that the Planning Commission has done an outstanding job. He stated that the Commission had accomplished a Master Plan and a new Zoning Ordinance, and was working well with the Township.

G. New Business

1. Public Hearing on Proposed PUD Rezoning for Property on Division Street

Chair Chamberlain and Member Hess moved to sit in the audience during this agenda item.

a. Staff Introduction

Interim Planner Panoff stated that the Commission only had four members present who were able to vote on this item. Technically four members could make a decision but, he advised that they should wait until next month to vote on this matter with more members present.

Interim Planner Panoff stated that the applicant updated their proposal to include 48 apartment units, changed the layout to reflect more of a community style as was suggested at the last Planning Commission meeting, and submitted two potential site plans for consideration.

b. Application Presentation (if requested)

Aaron Nordman, Performance Engineers, stated that his firm was representing the project. He indicated that the development team came before the Planning Commission in February to discuss a preliminary concept for this property. His firm considered the comments from that meeting and also spoke to representatives at Networks Northwest. Performance Engineers looked at a walkable community as well as some of the features that would make the project more in line with the Master Plan. Mr. Nordman explained that the site was close to the school, bike path, and walking paths. He discussed the difference between affordable and subsidized housing. Mr. Nordman indicated that increasing the density is one way to make units more affordable by spreading out the costs of the development.

Discussion followed regarding the potential rent for the units. Members of the audience asked questions and addressed issues regarding density, feasibility study, traffic concerns, noise concerns, and monthly rent amounts.

c. Calling for Public Comments

Pam Carr, Meech Street, stated that when the assisted living center was built, they were supposed to put up a berm with privacy improvements and she ended up with three pine trees at the end of the property. She explained that her view was a driveway for heavy delivery trucks and dumpster pickup. She stated that the center finally put up a wall behind the dumpster, and added a picnic table along the back of her property for their staff to have their cigarette breaks. She identified her property near the proposed apartment complex on the displayed map and stated that the apartments were too intense for the neighborhood. Ms. Carr expressed concerns about traffic, noise, lighting, pet problems, security, whether or not there would be a manager on site, dumpster, garbage, and the number of units in the project. She suggested that the project be changed to townhomes with garages for professionals.

Brian Warner stated he owned two properties on Division Street and there were apartment buildings behind his property. He had a fence in his backyard and no trespassing signs because people were jumping over his fence taking shortcuts to school. He felt that noise and traffic from this project would be overwhelming.

Phyllis Huss, resident of 326 Meech since 1977, favored the plan with the parking on the inside of the development. She felt sad at the loss of deer and kids not able to build forts on the property. She believed that the density was too much for the property, and she would like to see a larger buffer area around the property.

d. Planning Commission Determination of Findings of Fact

The Commission agreed to delay the findings of fact until the next Planning Commission meeting.

e. Motion

Motion by Member Eveleigh, second Member Felter, to table this item until the next Planning Commission meeting. Motion passed 4-0 with Chair Chamberlain and Member Hess both abstaining.

Chair Chamberlain and Member Hess rejoined the meeting.

2. Donation of Acacia Buoy

a. Presentation by Mark Heydlauff

City Manager Heydlauff stated that the United States Coast Guard (USCG) offered to donate the last service buoy from the *USCG Acacia* which was stationed in Charlevoix for some time. He suggested placing the buoy with the *St. Marys Challenger* propeller. He stated that there were some similar items in Bridge Park and there could be a potential for a unique, nautical history setting along the channel.

b. Planning Commission Questions and Discussion

There was general discussion among the Commission regarding the placement of the buoy and whether part of the buoy should be buried. The Commission wanted to see a site plan as to how the buoy would be placed. Member Hess suggested placement along the channel at Bridge Park or near the fish hatchery or north of the Beaver Island Boat Company building storage containers.

c. Motion

Motion by Member Felter, second by Member Eveleigh, to recommend acceptance of the donation [*USCG Acacia* buoy] and that the City Council consider placement near the fish hatchery or near the Beaver Island Boat Company storage area. Motion passed by unanimous voice vote.

Manager Heydlauff stated that the *Challenger* propeller donation and the buoy donation would be on the agenda for the March 21st Council meeting.

3. City Bike Racks

a. Presentation by Mark Heydlauff

City Manager Heydlauff stated that this item was brought before the Commission a couple of times and he specifically wanted to highlight the map that Interim Planner Panoff prepared which showed existing and proposed bike rack locations. Staff recommended that the Commission accept the bike rack donation and place it at Bridge

Park. He stated the location currently had a small bike rack that is overwhelmed in the summer and this location would encourage bikers to park their bikes and walk through downtown.

Member Elzinga stated that the new Lake to Lake Trail will bring more bikers than anticipated. City Manager Heydlauff indicated that the bicycling community would welcome additional bike racks. He explained that the Bike Share bike racks were light blue in color and suggested that they should keep to the same color. He felt that Hoop Skirt Alley and Van Pelt Alley might be good locations for the smaller 5-bike racks.

b. Planning Commission Discussion and Questions

City Manager Heydlauff responded to inquiries from the Commission members. Member Waddell stated he was surprised that there was only one bike rack near the beach and lakefront parks. Discussion followed regarding the design and color of suggested bike racks.

c. Motion

Motion by Member Waddell, second by Member (unclear), to recommend the 18-stall rack to be mounted in Bridge Park and that the bike racks be consistent in the blue color, but also Staff needs to look at the additional cost to have the rack painted or powder coated in blue. Motion passed by unanimous voice vote.

H. **Old Business**

1. Discussion on Land Use Master Plan Updates

a. Discuss Updates to Goals, Objectives, and Action Items List

Chair Chamberlain referenced a 1980 map from the Master Development Plan for the Downtown Area. He stated he was thinking of design concepts at some key blocks within the community. He recalled that DDA/Main Street Executive Director Doyle indicated that the Housing Study showed that there was the potential for 80 residential units in the downtown area. He stated that for example, the Oleson block was under-utilized and also suggested looking at the Van Pelt Alley area where Consign Design was located.

Interim Planner Panoff stated that he wanted to continue the Commission's review of Chapter 3, *Community Vision and Goals*, and the following items were discussed and changed as indicated:

4.1 *Provide High Quality Public Services and Infrastructure at a Lower Cost to the Taxpayers*

- 5th bullet, change to read: "Prepare a facilities master plan that consolidates the Electric and Street Departments as advised by consultants."

5.1 *Improve Water Quality Protection*

- 3rd bullet, add: "Coordinate with the DNR to provide proper signage regarding not dumping bait fish."

Member Hess stated that he had to leave the meeting and asked to comment on Section 5.2 before he left. He expressed concern about the language related to off-shore wind power and renewable energy sources and felt that the expense associated with such resources may be cost prohibitive.

5.2 *Integrate Environmental Best Practices into City Utilities and Operations*

- 1st bullet, change to read: "Promote the County Recycling Program"
- 2nd bullet, change to read: "Consider more fuel efficient vehicles when replacing City fleet."
- 3rd bullet, delete: "such as off-shore wind power"
- 7th bullet, delete: "LED"
- 8th bullet, delete this item entirely
- 9th bullet, change: "LED" to "more energy efficient"

6.1, *Encourage Higher Density in Appropriate Locations*

- 1st bullet, remove reference to form-based code and add language regarding Main Street initiatives
- 2nd bullet, change to read: "provide incentives for higher density developments in the downtown area"

6.2, *Promote Infill Development*

- 1st bullet, change "amend" to "review"

Member Eveleigh stated that applicable studies referenced in the Master Plan should be actual attachments to the Plan instead of just noted as an appendix.

I. Staff Updates

City Manager Heydlauff indicated that Zach Panoff was doing a great job in the Interim Planner position he was not in a hurry to move forward with hiring a Planning Director.

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

None.

K. Adjournment

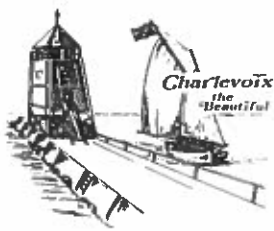
Motion by Member Eveleigh, second by Member Clock to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:43 p.m.

Joyce M. Golding/tgm

City Clerk

Sherm Chamberlain

Chair



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OFFICE OF PLANNING AND ZONING

Zach Panoff, Interim City Planner/Zoning Administrator
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(231)547-3265

MEMORANDUM

TO: Planning Commission Members

DATE: April 7th, 2016

SUBJECT: April 11th Meeting

Planning Commission Members,

This month will see a second public hearing regarding the proposed Planned Unit Development (PUD) rezoning for the Division Street Apartments. Again, the applicant has supplied two potential site plans for the project and increased the density of the development to 48 apartment units on the site. I have included the report that was sent out last month containing sample findings of fact for all of the review standards found in Section 5.145 and other relevant sections from Article 14 of the Zoning Ordinance. They are meant only as a start and after hearing the applicant presentation and public comments during the meeting you are free to add, change or remove them as the Commission sees fit. Your recommendation via motion following the hearing, be it for approval or denial, will be forwarded on to City Council, who will also hold a public hearing concerning the project and make their own determination.

Also, Claire Karner of the Land Information Access Association (LIAA) will attend the meeting to present methods of enacting shoreline zoning protections around Lake Charlevoix. She will supply ideas for altering City ordinances to enact certain protections and ask for direction for LIAA to prepare some sample amendments to the code that can be considered in the future by the Planning Commission.

We will also continue reviewing the Master Plan. Please review Chapters 4 and 5 so they can be discussed at the meeting. The latest updates I have on those, and other sections, will be supplied at the meeting.

Finally, I have a list of potential updates to the Zoning Ordinance for the Commission to consider pursuing. The list is as follows:

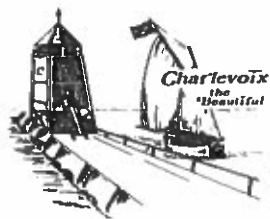
1. Define pervious and impervious surfaces more thoroughly
2. Retaining wall height and setback from property lines
3. Limits on length of review for projects requiring Site Plan Review
4. Inland dredging without a boathouse on Round Lake

5. Administrative site plan review for downtown businesses
6. Special Use permits for Offices in the CBD

As retaining walls came up in the fall of last year, I have supplied some research and sample ordinances that were gathered at the time, but for the other items I would like to have the Commission discuss and supply staff with direction as to further research, drafting sample amendments to the code, etc. on the items that are found to be worth more consideration.

Regards,

Zach Panoff



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

PLANNING COMMISSION REPORT

AGENDA TITLE: Project 2016-02 PUD: Divison Street Apartments
Planned Unit Development (PUD) Review
PUBLIC HEARING DATE: Monday, April 11, 2016 7:00 PM

- | | |
|------------------|---|
| EXHIBITS: | <ol style="list-style-type: none">1. Planned Unit Development (PUD) application.2. Proposed plans provided by Performance Engineers.3. Public Comments.4. City of Charlevoix Zoning Ordinance. |
|------------------|---|

I. GENERAL INFORMATION:

Applicant/Developer: LSB Ventures LLC
8534 Kemper Road
Cincinnati, OH 45249

Agents: Jim Malewitz, Civil Engineer, Performance Engineers, Inc.
John Murray, Broker, Bershire Hathaway HomeServices

Owners: Carol Amick Stimpson Revocable Trust

Requested Action: PUD rezoning to allow for the construction of 4-12 unit apartment buildings on the large vacant lot on Division Street.

Zoning: R2

Project Location: 602 Division Street

Project Site Size: 4.32 Acres

Existing Land Use: Vacant with the exception of a small shed.

Adjacent Land Uses: N Charlevoix Elementary School, single family residential (All in Charlevoix Township)
E Single-family homes
S American House senior living facilities
W Single-family homes

Adjacent Zoning: N R1 One-family Dwelling District (Charlevoix Township) (13513, 13601 Division St., 8091 Carson Ave.)
E R1 Residential Low Density (614 Division, 450 Loper Ln., 627 Petoskey Ave.)

- S R4 Residential Planned High Density (615 Petoskey Ave. – American House)
- W R1 Residential Low Density (314, 318, 322, 324, 326 Meech St.)

PROJECT DESCRIPTION/LOCATION:

The applicant is requesting a PUD Rezoning in order to construct 48 apartment units in 4 separate buildings on the site, located on Division Street, just to the north of the American House Senior Living Facility.

Air Photo from 2010 (Property lines are approximate.)



TWO DIFFERENT PLAN OPTIONS:

The applicant and their agents have provided two separate site plan options for this proposal. Option A contains apartment buildings on the INSIDE of a ring road contained on site and Option B has apartment buildings OUTSIDE of the ring road. They are similar, and in both cases will contain the three story apartment buildings shown in the elevation drawings, but guidance is sought on which layout is preferred by the Planning Commission. The two options are similar enough that the review standards should apply to both, unless otherwise stated in the findings.

PROPERTY ZONING HISTORY:

The Zoning Ordinance adopted in 1941 does not specifically include a designation for this parcel. Under the 1978 Zoning Ordinance the subject parcel was zoned R-1 Single Family Residential. When the new Zoning Ordinance was adopted on August 5th, 2013 the parcel was rezoned to a R2 Residential Medium Density zoning designation based on the lot size and other more intense residential uses adjacent to, and in the vicinity of, the subject property.

II. PUD REVIEW STANDARDS:

The following section is taken directly from the Section 5.145 (pg. 145) 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 recommend approval or denial. 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* and bulleted where necessary.

5.145. Review Standards: In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:

- (1) The PUD will promote the intent and purpose of this Article.

The Planning Commission finds that the proposed PUD promotes the intent and purpose of the authorizing Article in several ways. The proposed development: is innovative in design and layout of the structures, achieves economy and efficiency in the use of the land, preserves significant natural features and open space, promotes efficient provision of public services and utilities, minimizes adverse traffic impacts, provides better housing opportunities that are suited to the area, and encourages the use of an existing site in a way that protects and safeguards the subject property and the surrounding area. It also promotes a higher quality development than can be achieved on the existing zoning designation of the site and furthers the vision and goals of the 2011 Land Use Master Plan by utilizing smart growth concepts and meeting several goals relating to infill development and efficient use of public utilities.

- (2) The PUD will comply with the standards, conditions and requirements of this Article.

The Planning Commission finds that the proposed PUD meets all standards, conditions and requirements of this Article, including Sections 5.141 and 5.142

- The Planning Commission finds that the proposal meets the requirements of Section 5.141(1) Recognizable Benefit which requires that at least three of the eight listed benefits should be provided by the development. This project benefits the community by: 1. Allowing for the preservation of significant natural features; 2. Retaining extensive open space on the property; and 3. Being an infill development project on a long vacant lot within the well-developed City limits.*

- *The Planning Commission finds that the proposal meets the minimum size requirement of Section 5.141(2), which states that all PUD's shall contain greater than 21,780 sq. ft. This project parcel contains more than 188,000 sq. ft.*
- *The Planning Commission finds that the development will utilize public water and sanitary sewer as required by Section 5.141(3) of the zoning ordinance.*
- *The Planning Commission finds that the property owner has signed the application for PUD rezoning and gives their consent to the proceedings.*
- *The Planning Commission finds that the proposal is substantially consistent with the goals and objectives of the 2011 Land Use Master Plan. The plan shows the subject parcel as a target for medium density residential development, the same future land use called for for the American House development. The proposal would meet the Master Plan's definition of a medium density multi-family residential development by having a density of less than 13 units per acre (11.1). The Master Plan calls for this type of development in larger infill sites that can utilize clustering techniques and preserve open space in transitional areas. The Master Plan also delineates Smart Growth as a goal of the community, which is followed by this proposal in that it broadens the range of housing choices and opportunities, develops property in an existing community and takes advantage of compact building design.*
- *The Planning Commission finds that the proposal accommodates pedestrian traffic as required by Section 5.141(6) in that foot trails are provided throughout the common areas of the site and paved areas are wide enough to allow for a car and bike to pass one another safely throughout the site.*
- *The Planning Commission finds that the architectural style of the proposed apartment buildings meets the requirements of Section 5.141(7) in that the buildings and their design components would be harmonious with one another and the surrounding area.*
- *The Planning Commission finds that the proposed roads on the site meet the requirements of Section 5.141(8), which requires that safe and efficient vehicular movement is provided on, and entering and exiting the site.*
- *The Planning Commission finds that the proposal meets Section 5.141(9) of the zoning ordinance and qualifies for PUD zoning.*
- *The Planning Commission finds that the proposed PUD meets Section 5.142(1) and contains a use by right already delineated in the zoning ordinance.*
- *The Planning Commission finds that the PUD meets Section 5.142(2) of the zoning ordinance and meets the dimensional requirements (lot area and width, setbacks, height, lot coverage, floor area, parking, etc.) of buildings located in the R4 Residential Planned High Density zoning district.*
- *The Planning Commission finds that the PUD does not seek to deviate from any minimum zoning ordinance requirements as defined in Section 5.142(3).*
- *The Planning Commission finds that the PUD meets the requirements for a Density Bonus as defined in Section 5.142(4). The required 3 of 5 amenities are provided by the proposal: 1. Forty percent or more of the site will be dedicated as open space; 2. The development is in an infill area; 3. The project furthers the goals and vision of the master plan as it relates to smart growth principles.*

- *The Planning Commission finds that the proposed PUD meets the requirements of Section 5.142(5) and preserves roughly 70 percent of the lot as open space, greater than the minimum requirement of 25 percent.*
- (3) The Proposed Project will be compatible with the adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the proposed project.

The Planning Commission finds that the proposal meets the requirements of this section. The proposed use is consistent with other apartment type land uses immediately adjacent and in the general vicinity to the subject parcel. In addition to similar land uses in the area, the proposed use acts as a buffer between the commercially zoned area east of the single family residential area to the west, along with plenty of the natural site being preserved to create a visual buffer between the subject development and its neighbors. City staff has reviewed the proposal and determined that existing public services in the area will have the capacity to service the development without any upgrades or modifications.

- (4) The proposed project will be consistent with the public health, safety and welfare needs of the City.

The Planning Commission finds that the public health, safety and welfare needs of the City will be met by the proposed PUD rezoning. The project seeks to add a substantial number of market rate apartment units to the City, which would further diversify the housing choices available to citizens and/or prospective citizens. No public health or safety issues are raised by the proposal.

- (5) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community which would not otherwise be feasible or achievable under the conventional zoning districts.

The Planning Commission finds that the proposal benefits the prospective users of the project and the community by providing medium density multi-family rental housing that would not be achievable under the existing zoning designation. The single family medium density zoning would allow for roughly 24 single family homes to be built on the site (shown in parallel plan from applicant) which would take away most of the open space and the existing natural features of the site, and could potentially create barriers to renting or owning one of the units due to increased costs associated with detached housing. The proposal adds diversity to the housing stock in the area in a good infill development location.

- (6) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.

The Planning Commission finds that no significant increase in demand for public services will occur and no significant burden will be placed on surrounding areas and

the natural environment. City staff has reviewed the proposal and determined that existing infrastructure will be able to handle the development. As much of the existing natural environment as possible will be preserved and swales around the perimeter and interior of the property will retain water runoff on the site and prevent it from flowing onto adjacent properties.

- (7) The PUD will be consistent with the City's master plan and the following planning principles, as applicable:

- a. Redevelopment and infill locations should be favored over greenfield development

The Planning Commission finds that the proposed PUD is located on an infill location, and would not be extending the public services provided by the City.

- b. Natural features and resources should be preserved or at least conserved;

The Planning Commission finds that adequate natural features and resources will be preserved by the proposed PUD.

- c. Future development/redevelopment shall strengthen the physical character of the City;

The Planning Commission finds that the proposed development fits with the physical character of the City by preserving natural features and containing innovative site layout for prospective users.

- d. Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;

The Planning Commission finds that the proposal utilizes innovative design to provide high quality private and public space for prospective users. Attractive building design and the preservation of natural features gives potential occupants and visitors to the site good public and private activity options.

- e. Places are created with an integrated mix of uses that contribute to the City's identity and vitality;

The Planning Commission finds that the proposed PUD does not contain a mix of uses.

- f. Diverse housing choices are offered, including relatively high density and affordable units;

The Planning Commission finds that the PUD provides a greater amount and more diverse supply of housing choices for the community at a slightly higher density than is allowed under existing zoning.

- g. Parks, open space and recreational areas are incorporated into future development; and

The Planning Commission finds that open space and the preservation of natural features are incorporated into the proposed PUD.

- h. Places are connected and accessible throughout the community by transportation methods other than automobiles.

The Planning Commission finds that the proposed PUD does not contain a sidewalk along Division Street, but could utilize the walk across the street to provide off-street access to other areas for walkers and bikers. The site is also located near the on-street route that connects to the Little Traverse Wheelway on the north side of Charlevoix.

- (8) The PUD will respect or enhance the established or planned character, use and intensity of development within the area of the City where it is located.

The Planning Commission finds that the proposed PUD will respect the character and use of development within the surrounding area. The proposal will retain a substantial amount of the existing natural wooded features of the site and shield the four proposed buildings from surrounding properties. Multi-family developments already exist on adjacent or nearby properties, so the use is not out of character for the area and the proposed intensity is in line with existing zoning and the projections of the City's master plan.

III. CONDITIONS OF APPROVAL:

The following section is taken directly from the Section 5.143(1) (pg. 141) of the Zoning Ordinance. The Planning Commission may impose conditions of approval on the site plan based on the following criteria.

5.143(1) - Conditions

Reasonable conditions may be imposed upon the PUD approval by the planning commission and/or city council as part of the final decision of the PUD application. The conditions imposed shall be recorded in the minutes of the approval action and remain unchanged except upon amendment of the PUD in accordance with the procedures of Section 5.147. Conditions may include, but are not limited to, those necessary to:

- a. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected;
- b. Ensure that the use is compatible with adjacent land uses and activities;
- c. Protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration,

- residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- d. Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions;
 - e. Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards;
 - f. Ensure compatibility with other uses of land in the vicinity; and
 - g. Ensure compliance with the final development plan and the provisions of this ordinance.

No Conditions of Approval recommended for the project.

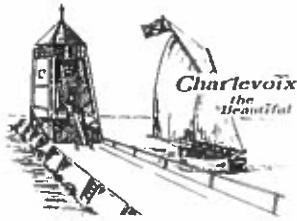
5.143(2) - Performance Guarantee

The city council or planning commission may require reasonable performance guarantees in accordance with Section 5.122 of this ordinance to ensure completion of specified improvements within the PUD.

A Performance Guarantee is not recommended for this project.

IV. PLANNING COMMISSION ROLE AND OPTIONS:

1. Recommend denial of Project 2016-02 PUD to city council based on specific findings of fact that prove the project does not meet the review standards in Section 5.145.
2. Recommend approval of Project 2016-02 PUD without conditions to city council, based on specific findings of fact that prove the project does meet the review standards in Section 5.145.
3. Recommend approval Project 2016-02 PUD with conditions to city council, based on specific findings of fact that prove the project does meet the review standards in Section 5.145.
4. Table the decision on Project 2016-02 PUD. (Usually this option is only used when additional information is needed to assist the Planning Commission in making the decision.)



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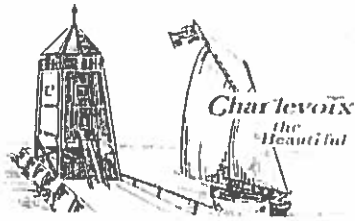
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Zach Panoff, Interim City Planner/Zoning Administrator
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PLANNED UNIT DEVELOPMENT (PUD) APPLICATION PROCEDURES

1. Applicants shall hold a pre-application meeting with the Zoning Administrator to discuss the project and the review process. The Zoning Administrator will identify the specific requirements for PUD review at that time.
2. Applicant completes the Application for Rezoning to PUD, provides the review fee (\$325) and all supporting documentation required. (See Article 14, Section 5.144(2)) Applications will not be forwarded to the Planning Commission until they are deemed complete by the Zoning Administrator.
3. Upon receipt of completed application, all required documentation and fee(s), a work session with the Planning Commission will be scheduled to review the concept and determine if additional information is needed.
4. Following the work session and once the additional information required by the Planning Commission has been submitted, the public meeting date for the Planning Commission will be set.
5. The City will send notices to all property owners, as listed on the current tax roll, within three hundred (300) feet of subject property no less than 15 days in advance of the public hearing.
6. The Planning Commission shall review the preliminary development plan based on Section 5.145 of the Zoning Ordinance at a public hearing and submit a recommendation to approve, deny or approve with modifications to City Council based on their findings.
7. Following the Planning Commission recommendation, City Council shall conduct a public hearing to review the preliminary development plan based on Section 5.145 of the Zoning Ordinance and the Planning Commission recommendation. City Council shall

approve, deny or approve with modifications the preliminary development plan and PUD rezoning request.

8. If the PUD is approved by City Council the zoning map shall be changed to indicate PUD zoning on the subject parcel(s). If the PUD is approved with modifications, the applicant must submit consent to the modifications, as well as a revised preliminary development plan prior to the zoning map being changed.
9. Within twelve (12) months of City Council approval, a final development plan must be submitted to the Zoning Administrator which meets the requirements of Level B site plan review as shown in 5.119(1) of the Zoning Ordinance.
10. If deemed to be complete by the Zoning Administrator, the final development plan will be forwarded to the Planning Commission, who will determine if the plan conforms with the preliminary development plan approval and any conditions or modifications attached by City Council. If in conformance, the final development plan will be reviewed in accordance with the standards for site plan review (Section 5.120) and the PUD standards (Section 5.145). The Planning Commissions shall approve, deny or approve with modifications the final development plan.
11. The approval of the final development plan shall expire twelve (12) months after approval of the plan, unless construction on any approved development or development phase has begun and is proceeding diligently to completion. (See Section 5.143(4) *Time Limits*)



Date Rec'd: 3/8/2016 Case #: 2016-02 PUD
Fee Rec'd: 3/8/2016 Receipt #: 1.508875

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

LSB Ventures LLC

Applicant

Address of subject property

8534 Kemper Road, Cincinnati OH 45249

Address (City/State/Zip)

Carol Amick Stimpson Revocable Trust

Property Owner Name (If different than applicant)

4731 Bonita Bay Blvd. #2001, Bonita Springs, FL 34134

Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone
() - - - - -

Email

Agent Phone

(231) 675-9905

Email

Current zoning of subject property: R2

Tax ID: 15-052-123-054-10

Current use of property: Vacant

Proposed use of property: 4-TWELVE
82 Eight unit apartment buildings

Dimensions of parcel: 390x480 approx.

Parcel size: 188,172
Square feet

4.32
Acres

The following questions are meant to address the standards that will be considered by the Planning Commission in their review of the proposed PUD. The standards can be found in Section 5.145 of the Zoning Ordinance, please provide responses here or on an attached sheet.

Will the proposed zoning designation be harmonious and appropriate in appearance with the character of the surrounding area; is it compatible with adjacent land uses and does not essentially alter the character of the area in which it is proposed?

The PUD with an R4 use will be a good fit with the neighboring assisted living facility, R1 and R2 zonings. The proposed density is consistent with the zoning of the property.

Is the property, or will the property be, adequately served by public services and facilities relevant to the proposed zoning designation? If needed what services or facilities will be provided with the proposal to meet or mitigate any added burden on public services (ex. Streets, police, fire protection, water and sewer, refuse disposal and schools.)

All utilities are readily available to the site. The proposed development is only 24 units, which will have a minimal burden to existing services.

Will on-site activities, processes, materials, equipment or operating conditions typically associated with the proposed zoning designation create traffic, noise, smoke, fumes, glare, odors or any other products that would be detrimental to any people, property or the general welfare?

The apartments will generate little traffic, noise, fumes, glare, odors, etc. Its affect on the surrounding community will be similar to single family detached living units but with much smaller overall footprint.

Will the use be compatible with the natural environment and be designed to encourage conservation of natural resources and energy?

The apartments will provide living units at much

lower cost and disturbance to the property and require much less energy than the same number of single family residences.

Does the proposed PUD zoning designation meet an apparent need that exists in the City that is not being met by the amount of land currently zoned as such, or by the limitations of the established zoning districts themselves?

Availability of apartments is very limited in Charlevoix. It is believed that this type of development would be very marketable in Charlevoix.

Is the proposed PUD rezoning consistent with the intent and purpose of the Zoning Ordinance and the most recent updates to the Master Plan (2011)? Please see Section 5.145(7) of the Ordinance for more specific areas that should be addressed.

This development would allow for much more preservation of the natural resources of the site. Also it allows for a higher density housing concept to follow the master plan principles.

Do existing conditions on the property (physical, geological, hydrological, etc.) allow for the land to accommodate typical uses associated with the proposed zoning designation?

The existing conditions of the property will accommodate the proposed development and PUD very nicely. Many trees will be able to be saved to allow for this type of housing plan than would with traditional family living units.

Along with this application, the following items shall be provided (from Section 5.144(2) of the Zoning Ordinance) in writing or in drawings in order for an application to be deemed complete and submitted to the Planning Commission for preliminary evaluation.

- (a) Parallel Plan. Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements of this ordinance. A concept layout shall be prepared to scale showing, as applicable, single family and two family lots, townhome and multiple family buildings, parking, setbacks and street right-of-ways. The number of units that could be accommodated under the base zoning shall serve as maximum number permitted, unless a density bonus is approved in accordance with *Section 5.142(4)*. Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.
- (b) Preliminary Development Plan. A preliminary development plan containing the following information shall be submitted:
 - 1. a general location map;
 - 2. a legal description of the subject property;
 - 3. a title block, date, north arrow, scale, name and contact information of applicant and name and contact information of plan preparer;
 - 4. a current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet based on field survey or photogrammetric methods;
 - 5. a map showing the existing flood plains as indicated by the Federal Emergency Management Agency;
 - 6. a property boundary survey;
 - 7. the location of existing natural features including woods, streams, ponds, wetlands and steep (fifteen (15) percent or greater) slopes;
 - 8. existing land uses within the development site and surrounding areas for a distance of three hundred (300) feet, including the approximate location of all buildings, structures, lots and streets (an aerial photo may suffice);
 - 9. the location and identification of existing and proposed public, semi-public or community facilities such as schools, parks, trails, churches, public buildings and dedicated open space;
 - 10. existing zoning on all abutting properties;
 - 11. the approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan;
 - 12. uses proposed within the PUD;

13. number and type of dwelling units proposed, including the number and type of committed affordable units, if any;
 14. conceptual layout;
 15. the general location of proposed interior streets and access points to abutting streets;
 16. the general location of off-street parking facilities and number of spaces proposed; and
 17. perspective drawings or photographs of representative building types, indicating the proposed architectural style and appearance.
- (c) Summary of Intent. A written statement containing the following information shall be submitted with the preliminary development plan:
1. a statement of how the proposed PUD meets each of the qualifying conditions of *Section 5.141*;
 2. a statement of the present ownership of all land within the proposed development;
 3. an explanation of the character of the proposed development including a summary of acres or square footage by type of use, number and type of dwelling units, gross density calculation for dwelling units and minimum standards for floor area, lot size and setbacks;
 4. a complete description of any requested deviations from the applicable spatial or other requirements applying to the property, in accordance with *Section 5.142(3)*.
 5. a general statement of the proposed development schedule and progression of each phase or stage; and
 6. intended agreements, provisions and covenants to govern the use of the development, building materials or architectural styles and any common or open space areas, including the provisions which will organize, regulate and sustain the property owners association, if applicable.

PUD REQUIREMENTS
LSB VENURES LLC
March 4, 2016

1. Recognizable Benefit
 - a. Preservation of significant natural features – The arrangement of these buildings to provide the proposed density allows for the preservation of a multitude of existing trees. Existing zoning would require more hard surfaces and thus a reduction in trees.
 - b. By placing 12-plex apartment buildings in the arrangement proposed large areas of open space are being created. Existing zoning would not allow for this open space concept.
 - c. This piece of property has been vacant for many years without any real purposed. This project will act as an infill development which is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed.
2. Size – This project contain more than 21,780 sft (1/2 acre) – 4.32 Acres Actual
 - a. Rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent lands;
 - b. The proposed uses will complement the character of the surrounding area (will complement American House very nicely);
 - c. The purpose and qualifying conditions of the PUD District can be achieved within a smaller area (the increased density allows for a more open site with trees left intact); and
 - d. The PUD is not being used as a means to circumvent conventional zoning requirements. (This PUD is providing for a need within the community at a location that is very compatible with the intended use).
3. Utilities – The PUD will be served by public water and sanitary sewer.
4. Ownership – This will be provided by written consent or by other means.
5. Master Plan – The master plan calls for developing higher density housing concepts which this PUD accomplishes.
6. Pedestrian Accommodation – The proposed plan allows for a flow of pedestrian travel through the project. Trails will be placed within the common areas so to allow for easy foot traffic throughout.
7. Architecture – The four buildings will be colored similar to what has been depicted on the plans. A representation of a chimney will be placed on each end of the buildings to allow for an aesthetic look for the three and/or two story buildings.

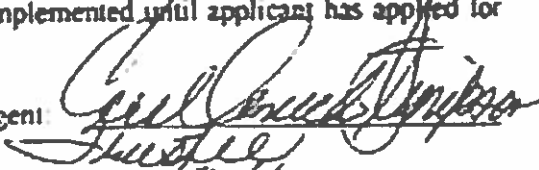
8. Traffic – The oval traffic pattern will allow for safe and easy flow of traffic on site. Curves have been added to the drive to give interest to the project and placement of staggered driveways which allows for landscaping opportunities.
9. Eligible Districts – We believe this zoning qualifies for a PUD.

DENSITY BONUS – In addition to the modification of minimum requirements permitted in Section 5.142(3), the city council, may permit an increase in the total number of residential units allowed within a PUD where it is demonstrated that at least three (3) of the following amenities will be include in the development:

- a. Forty percent or more of the PUD site will be dedicated as open space. The plan shows about 70% open space.
- b. The proposed development is in an infill area. Infill is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed.
- c. The project clearly contributes, in a meaningful way, to the furtherance of the city's vision, goals and smart growth principles as stated in the master plan. This is being me by providing for a more affordable style of living than conventional home sites.
- d. Max density to be considered according to the Master Plan is 13 units per acre this project proposes 48 units over 4.32 Acres = 11 units per acre.

AFFIDAVIT

I, the undersigned, do hereby make application to the City of Charlevoix for approval of the proposed Planned Unit Development application which has been completed 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 selected agent. I agree the statements made in the above application and associated documents are true, and if found not to be true, the approval of the Planned Unit Development rezoning may be void. I also agree to comply with the conditions and regulations required by the approved Planned Unit Development. Further, I agree that if the Planned Unit Development application is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that Planned Unit Development rezoning amendment (or those individual(s) or organization(s) represented by the applicant) will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. For purposes of site inspection, I also agree to notify the City of Charlevoix Zoning Administrator when locations of lot lines are located and staked on the ground. I also agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. I understand that the City may impose conditions of approval and that the conditions must be met by the specific times as defined in the adopted Planned Unit Development rezoning amendment. Finally, if necessary, I understand that this is a Planned Unit Development, and if approved, construction of any structures cannot be implemented until applicant has applied for and the City has issued a site plan review approval.

Property Owner Signature or Authorized Agent: 

Date: 3/8/16



Performance Engineers Inc.

Civil / Structural Engineering

April 7, 2016

City of Charlevoix Planning Commission
210 State Street
Charlevoix, MI 49720

RE: PUD Rezoning for the LSB Ventures LLC Property at Division St.

Planning Commission Members:

Performance Engineers, Inc. (PEI) has been working with LSB Ventures, LLC on a proposal for a multi-family housing PUD located on Division St. As you are aware, we have gone through a great deal of effort to present initial development concepts, collect comments from the board and the public, coordinate with Networks Northwest for additional planning data, and thoroughly evaluate the City's Master Plan for development of multi-family housing within the City limits. Through this process we believe that the proposed PUD development plan has been greatly improved from its initial concept, resulting in a site plan that not only meets the development standards of the City's Zoning Ordinance and Master Plan, but also the very real need for affordable housing within our community.

LSB Ventures LLC has presented the board with revised site plans that addresses many of the concerns that were brought up at the first planning board meeting. Two plans have been developed that allow for a configuration of parking and buildings that make better use of the land and provide a more aesthetically pleasing site design.

Some changes that have been incorporated in the plans are as follows: the entrance road has been moved to line up with Carson Avenue to address intersection and traffic safety concerns, the parking has been placed to better serve the apartment units, an additional floor has been added to the apartment buildings to better utilize the available development density, and false chimneys have been added to the buildings to provide a more attractive building design.

These changes came about, in part, through coordination efforts with Networks Northwest. Networks Northwest provides regional planning support for communities in our area, including information on economic development, transportation, housing, and zoning. They also perform research and conduct studies producing data for communities to use in developing housing strategies. One such study is a "Target Market Analysis" for Charlevoix County that used data from a 2015 Northwest Michigan Target Market Analysis, prepared by LandUseUSA. The relevant portion of this study for the proposed PUD is summarized in a table that looks at potential housing market demand sectors vs. demographic data (the table is attached for reference). Using the data from this study, we see that the projected housing market over a 5-year period is dramatically skewed towards potential renters instead of potential home buyers, at a ratio of about 4.5 renters to every 1 home buyer.

The other key piece of information that we see from the data is that about half of these renters are considered extremely low income households (less than \$20,000 MHI) and the other half are low to moderate income households (MHI \$20,000 to \$50,000) with very few higher income households considered potential renters. The proposed multi-family housing development is intended to serve this low to moderate income rental demand. Where affordable housing would be a rental in the \$700 to \$1,000 range. When you look at the regional changes occurring here in regard to homeownership vs rental rates and obstacles to growth in a low to moderate income demographic, it is clear that affordable housing as proposed here is in very high demand for the growth of our community.

The question becomes where should this housing demand be met? The City of Charlevoix has provided their answer to this in their Master Plan. The Master Plan provides specific review standards and design elements for evaluating a development proposal to determine whether or not it is consistent with the planning goals of the City. The City's Planner has gone through a very thorough evaluation of the proposed PUD development, comparing the proposal to the standards of the Master Plan. Based on the draft findings of fact produced through this review process, it appears that the proposed development meets every review standard of the Master Plan.

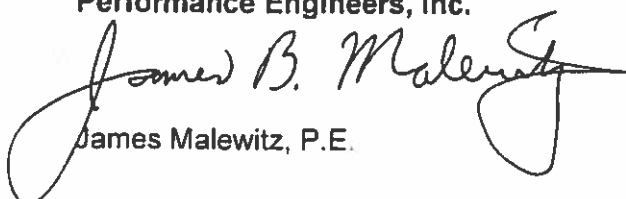
This is in effect stating that the site and the proposed development are exactly where this housing demand should be met. This fact is further demonstrated by the lack of other available properties within the City where a multi-family, affordable housing development could be placed. Through a review of current MLS listings, it appears that there is no other property of a similar size on the market right now that would be zoned for multi-family housing. The largest available property is about an acre in size, supporting not more than about 13 units.

PEI and the development team of LSB Ventures LLC appreciate all the effort and energy that the City staff and Planning Commission members have put into working together with us to produce a high quality PUD, multi-family development plan. While we understand that there is objection to this project from some of the surrounding property owners, we hope that the Planning Commission will take into consideration their Planner's draft response to Part 5.145 part (8), which provides a good summary of the overall situation...

"the Planning Commission finds that the proposed PUD will respect the character and use of development within the surrounding area. The proposal will retain a substantial amount of the existing natural wooded features of the site and shield the four proposed buildings from surrounding properties. Multi-family developments already exist on adjacent or nearby properties, so the use is not out of character for the area and the proposed intensity is in line with existing zoning and the projections of the City's master plan."

We look forward to having further discussions at the next public hearing and ultimately working with the City in fulfilling a desperate need within this community, affordable housing.

Sincerely,
Performance Engineers, Inc.


James Malewitz, P.E.

Charlevoix County Target Market Analysis Summary

A residential "target market analysis" was conducted by real estate consultants LandUse USA in 2014 for all counties in Northwest Michigan. The analysis analyzes demand from various demographic groups for multi-family housing types from potential "movers" both inside and outside the study area. The complete study and methodology are available online at www.networksnorthwest.org.

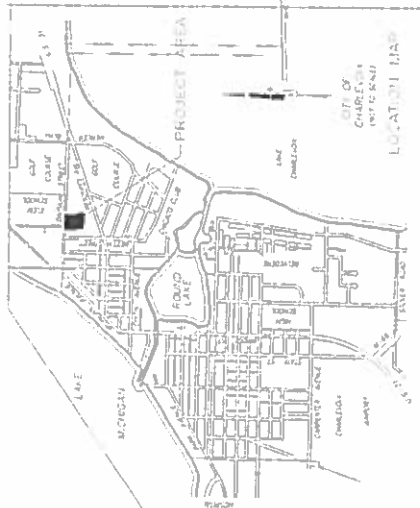
Potential Annual Market Demand, 2014-2019: Charlevoix County

	Annual Market Potential – Owners*	Annual Market Potential – Renters*	Median Household Income	% that are single- person households	Median rent	Median Home value
Young singles	19	34	\$37,000	64%	\$550	\$89,000
Young families	0	1	\$30,500	15%	\$450	\$46,000
Lower-income families/households	0	24	\$29,000	17%	\$525	\$92,000
Low-income Gen X	0	80	\$19,000	80%	\$475	\$75,000
Lower-income Boomers	1	39	\$34,500	80%	\$525	\$92,000
Low/moderate- income blue collar boomers	18	8	\$33,000	42%	\$455	\$75,000
Moderate-income Boomers	6	5	\$48,500	51%	\$700	\$147,000
Moderate/Higher- income boomers	1	0	\$44,500	48%	\$600	\$99,000
Lower-income seniors	1	32	\$20,000	69%	\$500	\$95,000
Moderate-income seniors	2	1	\$38,500	48%	\$875	\$187,500
Higher-income seniors	1	0	\$92,000	30%	\$1,100	\$275,000
Total	49	224				

**Conservative scenario. An aggressive scenario, i.e. with active efforts to attract new residents, could triple the market potential.*

Data from the 2015 Northwest Michigan Target Market Analysis, prepared by LandUseUSA. Underlying data provided by the Internal Revenue Services; US Decennial Census; American Community Survey; and Experian Decision Analytics

Division Street Apartments
Planned Unit Development
Site Plan
For
LSB Ventures LLC
Pt. of the W 1/2 SE 1/4 of Section 23, T.34 N. R.8 W.
City of Charlevoix, Charlevoix Co., MI



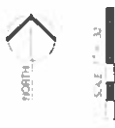
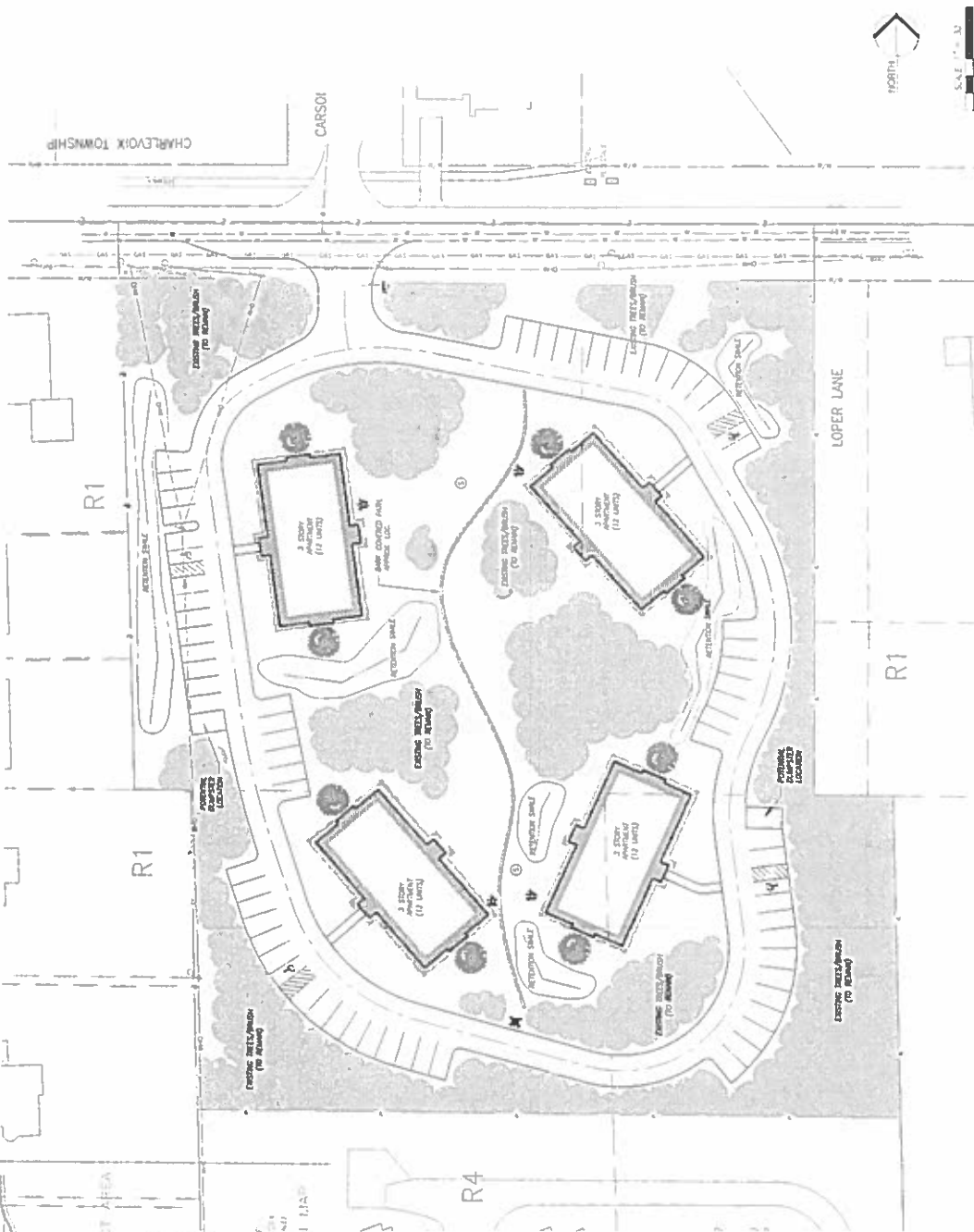
SITE NOTES

CURRENT ZONING: R1
PROPOSED ZONING: R1
PROPOSED USE: THREE STORY APARTMENT BUILDINGS
PROPOSED BUILDINGS: 4 BUILDINGS - 72 TOTAL UNITS FOR COMPLEX
E LOT COVERAGE BY BUILDINGS: 10.0%
E LOT COVERAGE BY HARD SURFACE (P.V. BUILDINGS): 9.0%
STORY REQUIREMENTS FOR R1:
FRONT YARD: 15 FEET
REAR YARD: 15 FEET
SIDE YARD: 20 FEET
BUILDING HEIGHT NOT TO EXCEED 35'
PROPOSED BUILDING HEIGHT AT ROOFTOP: 33.1 FEET

ADDITIONAL SITE INFORMATION:
SOURCE & LOCATIONS TO CITY OF CHARLEVOIX, MI & LOPER LANE TO BE APPROVED AT LATER DATE
NOTES: SEE EXHIBIT ON PLAN DEWOTE EXISTING EASEMENTS
OWNER: LSB VENTURES LLC
PROPERTY OWNER: CHARLEVOIX TOWNSHIP
DATE: 11-05-12-01-10
COURTESY MAY OR MAY NOT BE CONSTRUCTED

**DIVISION STREET APARTMENTS
PLANNED UNIT DEVELOPMENT
SITE PLAN
FOR
LSB VENTURES LLC**

PT. OF THE W 1/2 SE 1/4 OF SECTION 23, T.34 N. R.8 W.
CITY OF CHARLEVOIX, CHARLEVOIX CO., MI



Performance Engineers, Inc.
Civil / Structural Engineering
406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone (231) 547-2121
Fax (231) 547-0084
www.performanceeng.com
Copyright © 2007

NO.	DATE	DESCRIPTION
1	11/14/12	PRELIMINARY
2	11/14/12	REVISED
3	11/14/12	REVISED
4	11/14/12	REVISED
5	11/14/12	REVISED
6	11/14/12	REVISED
7	11/14/12	REVISED
8	11/14/12	REVISED
9	11/14/12	REVISED
10	11/14/12	REVISED

**SITE PLAN
PROPOSAL**
LSB VENTURES LLC
DIVISION STREET APARTMENTS P.U.D.

DATE: 11/14/12
DRAWN BY: JAY A. C. JR.
CHECKED BY: JAY A. C. JR.
SCALE: 1" = 30'

16-4798
16-4798
16-4798

**DIVISION STREET APARTMENTS
PLANNED UNIT DEVELOPMENT
SITE PLAN
FOR**

LSB VENTURES LLC

**PT. OF THE W 1/2 SE 1/4 OF SECTION 23, T34 N, R8 W,
CITY OF CHARLEVOIX, CHARLEVOIX CO, MI**



Performance Engineering, Inc.
Civil / Structural Engineering
406 Potoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0064
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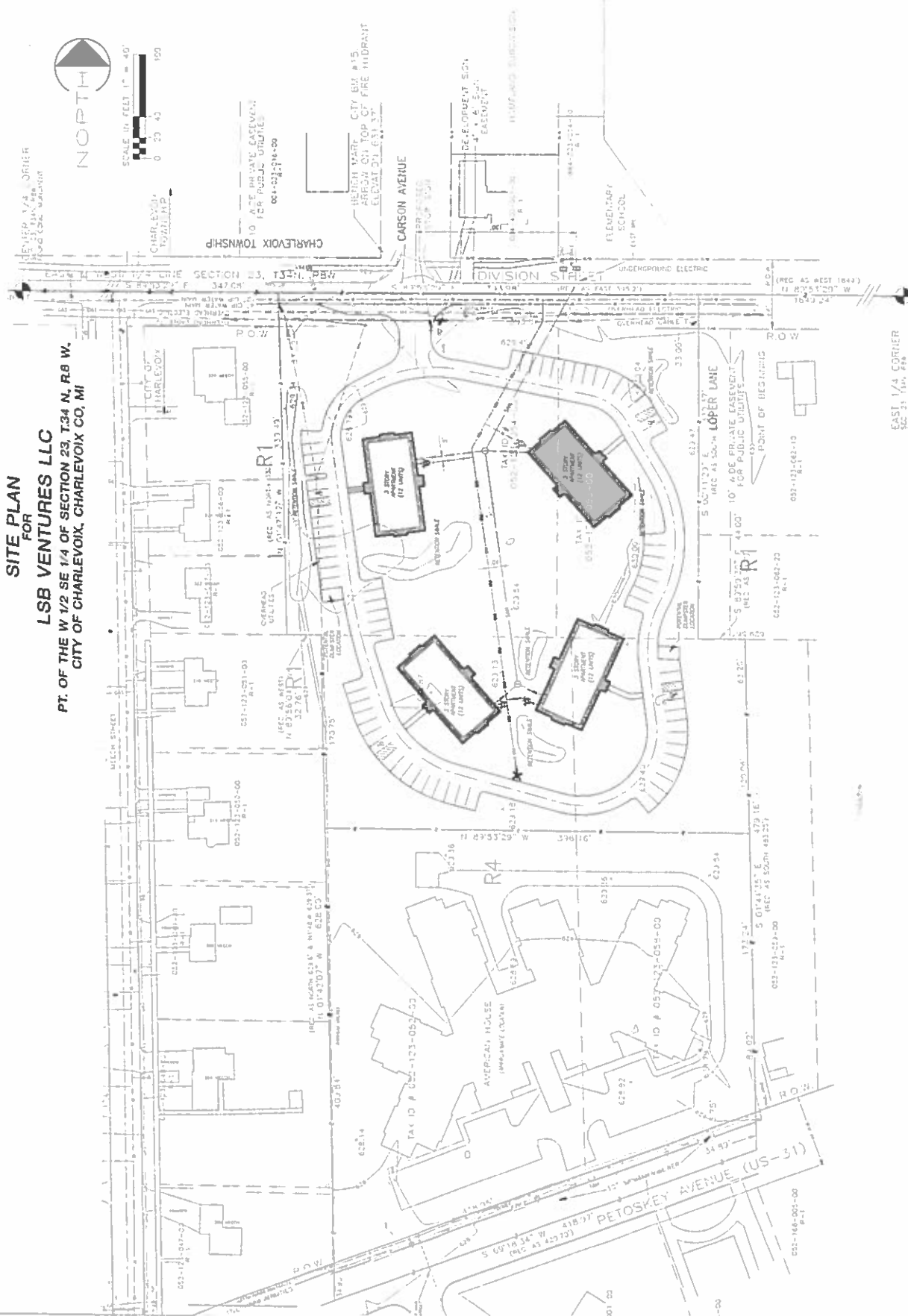
www.performanceeng.com

NO.	DATE	DESCRIPTION
1	12/15/16	1. PRELIMINARY
2	12/15/16	2. REVISIONS
3	12/15/16	3. REVISIONS
4	12/15/16	4. REVISIONS
5	12/15/16	5. REVISIONS
6	12/15/16	6. REVISIONS
7	12/15/16	7. REVISIONS
8	12/15/16	8. REVISIONS
9	12/15/16	9. REVISIONS
10	12/15/16	10. REVISIONS

LSB VENTURES LLC
DIVISION STREET APARTMENTS P.U.D.
3 STORY - EXTERIOR
PARKING - UTILITIES

PROJECT NO. 16-4798
DATE: 12/15/16
DESIGNED BY: JAC/AD
CHECKED BY: JAC/AD
SCALE: 1" = 40'

16-4798
SHEET 1 OF 1



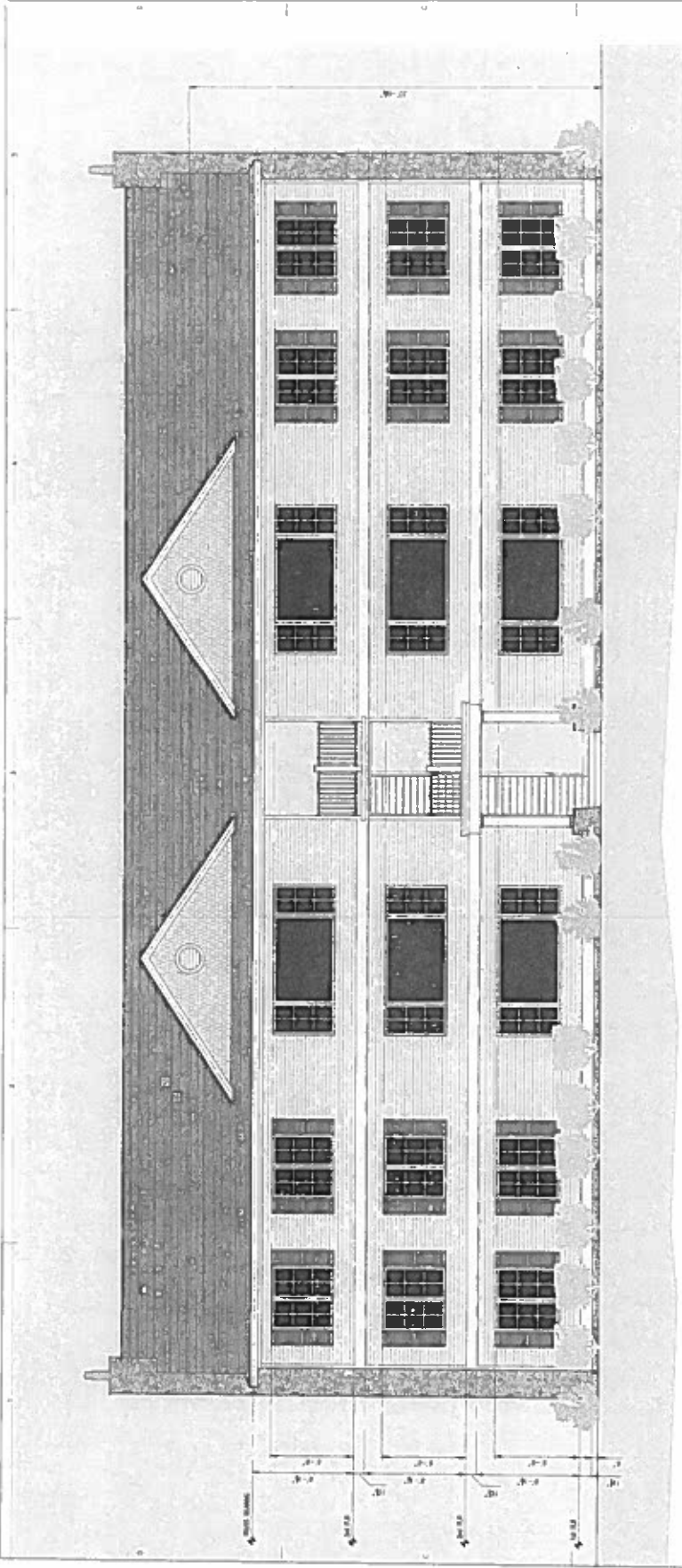
Performance Engineers, Inc.
 CML / Structural Engineering
 400 Peachtree Avenue
 Atlanta, Georgia 30308
 Phone: (404) 521-1221
 Fax: (404) 521-0084
 www.performanceeng.com



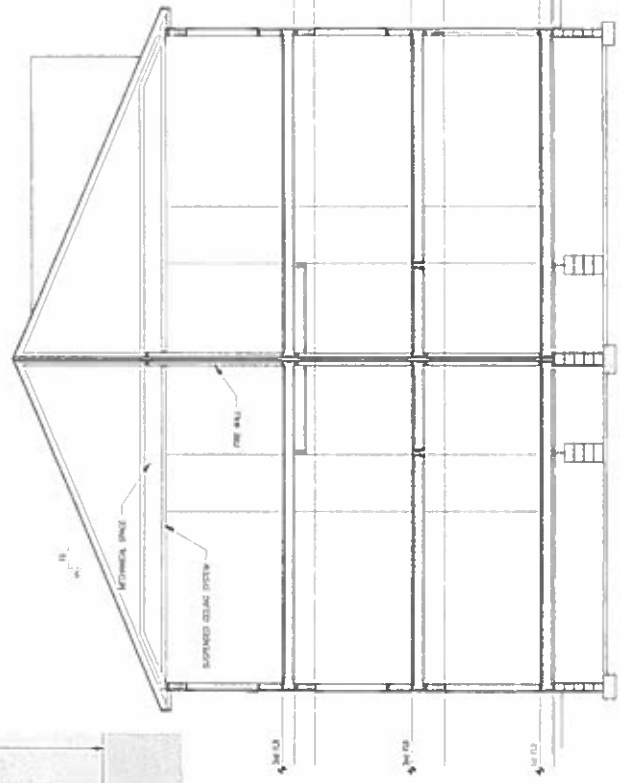
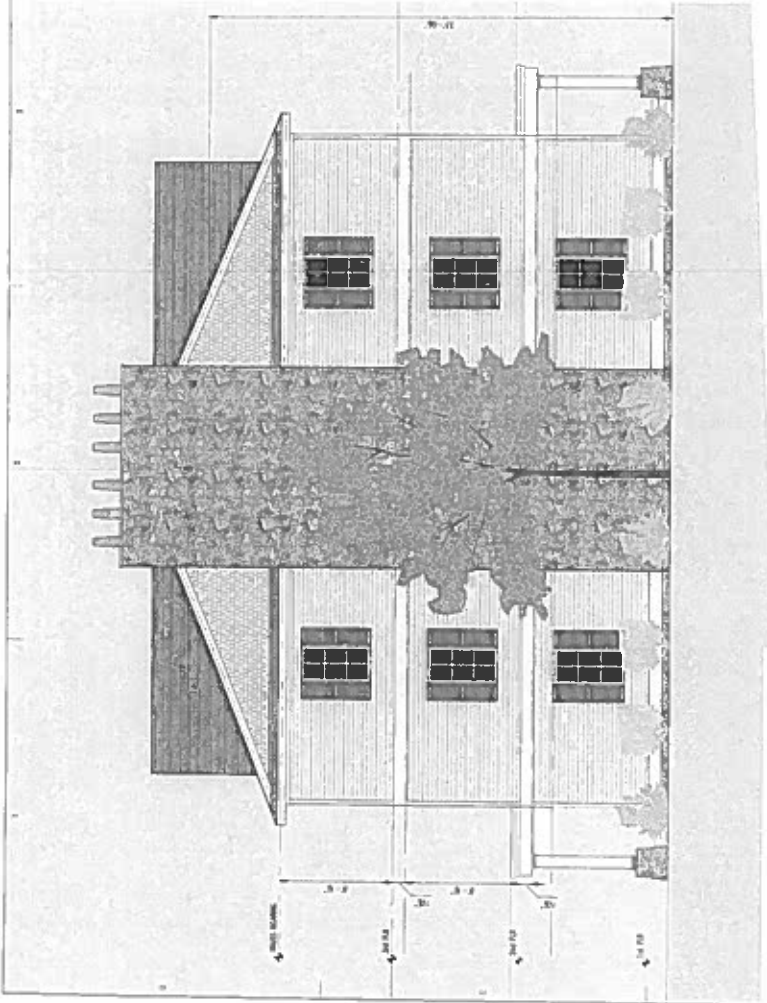
LSB VENTURES LLC
 DIVISION STREET APARTMENTS P.U.D.
 CHARLOTTE, NORTH CAROLINA
 OWNER: LSB VENTURES LLC
 ARCHITECT: CHARTERED

DATE	11/17/16
BY	LSB
DESCRIPTION	3 STORY ELEVATION
PROJECT	LSB VENTURES LLC
LOCATION	DIVISION STREET APARTMENTS P.U.D.
CHARLOTTE, NC	

APARTMENT BLDG.
3 STORY ELEVATION
A3



C1 FRONT ELEVATION
 1" = 1'



Performance Engineers, Inc. Civil / Structural Engineering 408 Pinebush Avenue Charlotte, NC 28209 Phone: (704) 547-4121 Fax: (704) 547-0084 www.performanceeng.com		CONSULTING L&B VENTURES LLC DIMENSION STREET APARTMENTS P.U.D. CHARLOTTE, NORTH CAROLINA L&B VENTURES LLC 117 South St. - Charlotte, NC 28201		SHEET 12.1 APARTMENT BLDG. 3 STORY ELEVATION A4	
DATE: 11/11/11 DRAWN BY: J. L. BROWN CHECKED BY: J. L. BROWN SCALE: 1/8" = 1'-0" 3/27/18 REV. 1: REVISION		12.1		12.1	

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

Date: March 1, 2015

To: Office of Planning & Zoning
Zack Panoff, Interim City Planner
210 State St.
Charlevoix, MI 49720

RE: Case Number: 2016-02 PUD
Applicant: LSB Ventures LLC

Applicant is Requesting to construct 4 multi-family apartment buildings containing 32 total units on 4.6 acres at 602 Division Street.

To Whom it May Concern,

Upon reviewing the above Notice of Public Hearing, I would like to express my support with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and country to do all we can to improve and promote growth in any way possible.

Sincerely,

Haggard's Plumbing & Heating

Planner

From: Tom Darnton <tdarnton@me.com>
Sent: Wednesday, March 23, 2016 9:09 AM
To: Planner
Subject: Apartments proposed for north side

Zach and others,

I am a resident of Hayes Township and a working realtor in the Charlevoix area. I am familiar with the north side neighborhood where the apartment construction is proposed, having just sold a house there. Charlevoix and the surrounding area have a significant need for affordable rental housing, as has been thoroughly documented. These proposed apartments would address that need without overwhelming the neighborhood. I urge their approval.

Thanks for your attention to this.

Tom Darnton
07720 Indian Trails Road
231.675.9787

Planner

From: Greg Bryan <gtbryan@charter.net>
Sent: Wednesday, March 16, 2016 10:03 AM
To: Planner
Subject: Apartments
Attachments: Greg.vcf

We indeed have a housing crisis in the Charlevoix area, and we do need apartments somewhere. I am not opposed to this site, my only concern is the zoning is for single family residential, and when we had the discussion about putting the assisted living facility in, which required a rezone, assurances were made to the neighbors that the rest of the parent parcel would be single family. I know verbal agreements in real estate are not binding, but if the current neighbors are opposed I would have to go along with their objections. If neighbors can be satisfied I say go ahead. I'm sure it will be a nice development.

Greg Bryan RE/MAX Charlevoix
231-547-9980 ext 14 office
231-499-7608 cell
701 Bridge St Charlevoix 49720

Planner

From: Marilynne Joy <billandmarilynne@icloud.com>
Sent: Monday, March 14, 2016 9:11 AM
To: Planner
Subject: Public hearing March 14 2016

We are opposed to the proposed development of the 32 unit apartment complex. This should remain residential. It will increase traffic in a already high volume area. The safety of the school children should be your first concern.

William and Marilynne Joy
13601 Division
Charlevoix, Mi 49720

Sent from my iPad

Planner

From: Janice McKay <reverendjan@gmail.com>
Sent: Sunday, March 13, 2016 11:10 PM
To: Planner
Subject: 602 Division Street development

Dear Planning Commission,

I am located on Petoskey Avenue a few doors East of American House.

This letter is in response to the development of 602 Division Street.

This property is charming and has lovely trees and a few will be left as a buffer. Let's be realistic. The large buildings and concrete for 32 plus apartments doesn't leave much room for more than a few trees to border the property and hopefully border the front of the property so that the complex is hidden. Unfortunately people that live in the city do not want trees in front of their homes because of the security risk.

Another irritating aspect of this complex is that city people are insecure in the dark and require and feel secure with bright security lights at night. Will these lights be dark on one side so that they do not infiltrate our backyards?

Check the side street on Meech and the light intensity is so bad that it's like daylight. I like to see the stars and I have to go to the country to enjoy their full beauty. In addition, the school security light is bright and is not a happy edition to see at night from my kitchen window or backyard.

In addition, we will have 32 cars plus slamming their doors, shouting, and playing loud music at night either through open windows or when they come home at night before they close their car doors. A slammed door instead of gently closing a door for noise courtesy, can be heard for at least a half a mile in an opportune atmospheric condition.

Then there is the final issue. We have two apartment buildings on Petoskey Avenue close to this new complex. Are there many places in a one block area that have three apartment complexes that house over a hundred people? This includes rental living within the close proximity of a school?

Regardless of my input this housing unit will be developed. It is a money making venture for those involved with the excuse that we need rental units.

Thank you for your time and consideration,

Janice L. McKay

p.s. I hope that the property is checked for endangered plants and I will miss the deer who keep their fawns in this forest nursery.

Planner

From: kim <kimberly@seeuupnorth.com>
Sent: Sunday, March 13, 2016 11:30 AM
To: Planner
Subject: Apartments

Dear Planner,

Its time to allow some new living accommodations in order to keep Charlevoix moving forward but still maintain the charm. Charlevoix desperately needs additional living. Not only to sustain the town but the schools as well as the businesses in the town. Please approve this new development and keep Charlevoix growing. Thank you.

Kimberly Engstrom

Planner

From: John Yaroach <John@charlevoix.com>
Sent: Friday, March 11, 2016 1:05 PM
To: Planner
Subject: Support for Apartments on Division

Please acknowledge my support for the Apartment plan on Division street at the upcoming planning Commission Meeting. The plan as submitted will create needed multi-unit housing for the Charlevoix community in an attractive and relatively private setting, in a location ideally suited for that density.

John Yaroach
Associate Broker
231-675-2555 Cell
231-547-9905 Office
231-547-0243 Fax



BERKSHIRE HATHAWAY
HomeServices
Michigan Real Estate

Planner

From: John Murray <jgm@charlevoix.com>
Sent: Friday, March 11, 2016 11:48 AM
To: Planner
Subject: Division Apartments

Zack,

I was just writing in to give my support of the apartments to be built on Division Street.

As a realtor for over 33 years in downtown Charlevoix I can't tell you how many calls I receive

every week for people looking for good rental apartments. I think it would be a great addition to the city of Charlevoix.

Thank You John Murray

JOHN G. MURRAY
ASSOCIATE BROKER
BERKSHIRE HATHAWAY HOME SERVICES
800-748-0535
231-547-9905 office
231-675-9905 cell
www.johnmurrayrealtor.com



BERKSHIRE HATHAWAY
HomeServices
Michigan Real Estate

Planner

From: David Levy <dlevy@freeway.net>
Sent: Monday, March 14, 2016 12:34 PM
To: Planner
Subject: [BULK] Apartments on Division

I support this project and believe it would be a benefit to our community. Thank you for your consideration.

David

David Levy
Associate Broker
Berkshire Hathaway Home Services
Michigan Real Estate
203 Bridge Street, Charlevoix, MI 49720
231-675-5555 231-547-9905 800-748-0535
davidlevy.BHHSMichiganRealEstate.com
davidlevy@bhhsmi.com



Checked by Avast Antivirus. www.avast.com

Dear Zach Paroff,

I am writing this comment about the proposed development of 4.6 acres behind Meech St. on the north side with the proposal of 32 units. That would be more than 8 families per acre! I call that very high density in an established nice neighborhood including Division St. Carson Ave & Meech St where the homes have been there over 50 years!

I also question the time of Monday March 14th when many of us are away & can't be there. I did not get this letter until Sat. & I am writing this letter the following Tuesday. You need to put this off until mid

April when most people are back from the winter

The school has always been a great neighbor, but during school hours with buses, cars etc Division St is already very busy. As a reminder we are now down to 2 schools. The new high school built three miles out of town never should have been built and has caused a bit of bitterness in this community.

Some proposals you might not be aware of are:
The proposed 72 units at Whipper
The proposed 30 unit Condo on Park ave. next to the hospital
The proposed 90 units off M66 - Pine Lake Club
A Walmart, who now is closing many stores after they

wiped out the competition.

Since we no longer have
Consumers, the Coast Guard,
Charlevoix Manufacturing,
Soon ~~Defito~~ & many more
our population is no where
what it was in the 70's-80's

We have May St apts, old
hosp rentals, The north side
apts off 31 & many more
rentals that are empty.

I see no reason to
help the buyer and seller
in their greed to make
a lot of money to the
detriment of a wonderful
& viable neighborhood.

Sincerely
Maureen LaBlanc

ARTICLE 14 PLANNED UNIT DEVELOPMENTS (PUDs)

5.140. Intent

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of **structures** constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and **open space**; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other **zoning districts** alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the adopted Charlevoix **Master Plan**.

5.141. Qualifying Conditions

In order to qualify for PUD approval, the project must satisfy the conditions of this section. It is the applicant's responsibility to demonstrate in writing that each of the following criteria is, or will be, met by the proposed PUD:

- (1) *Recognizable Benefit.* A PUD shall achieve recognizable and substantial benefits that would not be possible under the existing zoning classification(s). At least three (3) of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - (a) preservation of significant natural features;
 - (b) a complementary mix of land uses or housing types;
 - (c) extensive **open space** and recreational amenities;
 - (d) connectivity of **open space** with **adjacent** greenway corridors;
 - (e) enhancement of small town appeal;
 - (f) improvements to **public streets** or other public facilities that mitigate traffic and/or other development impacts;
 - (g) coordinated development of multiple small **parcels**; or
 - (h) infill development and/or removal or renovation of blighted **buildings**, sites or contamination clean-up.
- (2) *Size.* Each PUD shall contain a minimum of twenty-one thousand, seven hundred eighty (21,780) square feet; provided sites containing less than twenty-one thousand, seven hundred eighty (21,780) square feet may be considered for rezoning to PUD, if the **city council** determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the **city council** shall determine that:
 - (a) rezoning the area to PUD will not result in a significant adverse effect upon nearby or **adjacent** lands;
 - (b) the proposed **uses** will complement the character of the surrounding area;



- (c) the purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
 - (d) the PUD is not being used as a means to circumvent conventional zoning requirements.
- (3) *Utilities.* The PUD shall be served by public water and sanitary sewer.
 - (4) *Ownership.* The PUD application shall be filed by the property owner, lessee or other person with legal interest in the property and written consent by the owner. The proposed development shall be under unified ownership or control so one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants and/or deed restrictions indicating that the development will be completed in its entirety as proposed.
 - (5) *Master Plan.* Proposed use(s) and design of the PUD shall be substantially consistent with the city's adopted master plan.
 - (6) *Pedestrian Accommodation.* The PUD shall provide for integrated, safe and abundant pedestrian and bicycle access and movement within the PUD and to adjacent properties.
 - (7) *Architecture.* Building forms, relationships and styles shall be harmonious and visually integrated through the use of common materials, colors, treatment and scale.
 - (8) *Traffic.* The PUD shall provide for safe and efficient vehicular movement within, into and out of the PUD site. Traffic calming techniques, parking lot landscaping and other sustainable design solutions shall be employed to improve traffic circulation, storm water management, pedestrian safety and aesthetic appeal.
 - (9) *Eligible Districts.* Land within any zoning district may qualify for PUD zoning.

5.142. PUD Requirements

- (1) *Permitted Uses.* Any use permitted by right or special use approval in any zoning district may be permitted within a PUD, subject to the provisions of Section 5.141 Qualifying Conditions and the requirements of this section.
- (2) *Minimum Lot Size and Zoning Requirements.* Lot area and width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in Table 5.142(2), shall be applicable for all such uses within a PUD unless modified in accordance with Section 5.142(3). In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

Table 5.142(2): Minimum Zoning Requirements	
Land Use	Applicable Zoning District
Single family	R1; R2
Two family	R2A
Townhome	R4
Multiple family	R4



Retail, office, service business	GC
Industry	I
Institutional	GC

- (3) **Modification of Minimum Requirements.** District regulations applicable to a land use in the PUD may be altered from the requirements specified in *Table 5.142(2)*, including, but not limited to, modification from the **lot area and width, building setbacks, height, lot coverage, signs and parking.** The applicant for a PUD shall identify in writing all intended deviations from the zoning requirements. Modifications may be approved by the **city council** during the preliminary development plan review stage, after **planning commission** recommendation. These adjustments may be permitted only if they will result in a higher quality and more sustainable development consistent with the purposes of PUD expressed in *Section 5.140*. The modifications shall also satisfy at least four (4) of the following criteria:
- (a) preserve the best natural features of the site;
 - (b) create, improve or maintain **open space** for the residents, employees and visitors beyond the minimum required by *Section 5.142(5)*;
 - (c) commit that at least ten (10) percent of all **dwelling units** in the PUD will be affordable units;
 - (d) provide a mix of residential types such as single family, townhouse and/or multiple family;
 - (e) employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption;
 - (f) introduce new development concepts, such as cohousing;
 - (g) include a mix of residential and non-residential **uses**; and
 - (h) incorporate pathways for pedestrians and bicycles within the PUD and connectivity to **adjacent uses**.
- (4) **Density Bonus.** In addition to the modification of minimum requirements permitted in *Section 5.142(3)*, the **city council**, after **planning commission** recommendation, may permit an increase in the total number of residential units allowed within a PUD where it is demonstrated that at least three (3) of the following amenities will be included in the development:
- (a) more than twenty (20) percent of the total units within the PUD will be committed as affordable units;
 - (b) forty (40) percent or more of the PUD site will be dedicated as **open space**;
 - (c) low impact development design principles will be employed to minimize storm water runoff;
 - (d) the proposed development will be an infill or redevelopment project; and/or
 - (e) the project clearly contributes, in a meaningful way, to the furtherance of the city's vision, goals and smart growth principles as stated in the **master plan**.



- (5) **Open Space.** At least twenty-five (25) percent of the area of a PUD site shall be preserved as **open space**, in accordance with the following requirements. For purposes of this requirement, "green roofs" shall be counted as **open space**.
- (a) **Areas Not Considered Open Space.** The following land areas shall not be counted as required **open space** for the purposes of this section:
1. the area within any **public street** right-of-way or **private street easement**;
 2. any **easement** for overhead utility lines, unless **adjacent** to qualified **open space**;
 3. fifty (50) percent of any flood plain, wetland, water body or steep slope (fifteen (15) percent or greater) area and fifty (50) percent of the area of any golf course;
 4. the area within a platted lot or site condominium unit, unless the lot has been dedicated to **open space** via conservation easement or other means of ensuring that the lot is permanent **open space**; and
 5. **parking and loading areas**.
- (b) **Specifications for Required Open Space.** Required **open space** areas shall meet the following specifications:
1. shall be for **use** by all residents, employees and visitors of the PUD, subject to reasonable rules and regulations. In the case of a golf course, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees or assessments for **use**;
 2. if the site contains a river, stream or other body of water, the city may require that a portion of the required **open space** abuts the body of water;
 3. leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from **public street** rights-of-way;
 4. protects the roadside character by establishing **buffer zones** along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly onto existing roadways;
 5. shall be configured so the **open space** is reasonably usable by residents of the PUD;
 6. shall be of sufficient size and dimension and located, configured or designed in such a way as to achieve the applicable purposes of this chapter and enhance the quality of the development. The **open space** shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it;
 7. to the extent practical, **open space** areas shall be linked with adjacent **open spaces**, public parks, bicycle paths or pedestrian paths;
 8. pedestrian access points to the required **open space** areas from the interior of the PUD shall be provided and clearly identified by **signs** or a visible improved path for safe and convenient access;
 9. grading shall be minimal, with the intent to preserve existing topography and landscaping where practical; and



10. may contain ball fields, tennis courts, **swimming pools** and related **buildings**, community buildings, golf courses and similar recreational facilities. However, no more than fifty (50) percent of the required **open space** may contain any of these **uses**.

5.143. General Provisions

- (1) **Conditions.** Reasonable conditions may be imposed upon the PUD approval by the **planning commission** and/or **city council** as part of the final decision of the PUD application. The conditions imposed shall be recorded in the minutes of the approval action and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of *Section 5.147*. Conditions may include, but are not limited to, those necessary to:
 - (a) Ensure that public services and facilities affected by the proposed land use and **site plan** will not be adversely affected;
 - (b) Ensure that the use is compatible with **adjacent land uses** and activities;
 - (c) Protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately **adjacent** to the proposed land use or activity, and the community as a whole;
 - (d) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions;
 - (e) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards;
 - (f) Ensure compatibility with other **uses** of land in the vicinity;
 - (g) Ensure compliance with the final development plan and the provisions of this ordinance.
- (2) **Performance Guarantees.** The **city council** or **planning commission** may require reasonable performance guarantees in accordance with *Section 5.122* of this ordinance to ensure completion of specified improvements within the PUD.
- (3) **Interior Streets.** **Public or private streets** may be required to be extended to exterior **lot lines** in order to allow connection to existing or planned **streets on adjacent parcels** in order to provide for secondary access, continuity of the circulation system and to reduce traffic on **collector streets**.
- (4) **Time Limits.** Each PUD shall be under construction within twelve (12) months after the date of approval of the final development plan. If this requirement is not met, the **city council** may, in its discretion, grant one extension not exceeding up to twelve (12) additional months; provided that prior to the expiration of the initial twelve (12) month period, the applicant shall submit reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the initial twelve (12) month approval period, or within an authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect. At the expiration of the



applicable period of time, the **planning commission** or **city council** may initiate proceedings for the rezoning of the property to some other zoning district.

5.144. PUD Review Procedures

The following procedures shall be followed in the establishment of any PUD:

- (1) **Pre-Application Conference.** Prior to filing a formal application for a PUD, the applicant shall meet with the **zoning administrator** and others, as the **zoning administrator** determines, in order to review the general character of the proposed development, i.e., its scope, nature and location. At this time, the applicant shall be advised of the PUD review procedures and the various information, studies, etc., which may be required as part of the review process.
- (2) **Preliminary PUD Application.** An application for rezoning to PUD shall be submitted to the **zoning administrator** on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the **city council**. In addition, the application shall include the following:
 - (a) **Parallel Plan.** Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements of this ordinance. A concept layout shall be prepared to scale showing, as applicable, single family and two family lots, townhome and multiple family buildings, parking, setbacks and street right-of-ways. The number of units that could be accommodated under the base zoning shall serve as maximum number permitted, unless a density bonus is approved in accordance with *Section 5.142(4)*. Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.
 - (b) **Preliminary Development Plan.** A preliminary development plan containing the following information shall be submitted:
 1. a general location map;
 2. a legal description of the subject property;
 3. a title block, date, north arrow, scale, name and contact information of applicant and name and contact information of plan preparer;
 4. a current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet based on field survey or photogrammetric methods;
 5. a map showing the existing flood plains as indicated by the Federal Emergency Management Agency;
 6. a property boundary survey;
 7. the location of existing natural features including woods, streams, ponds, wetlands and steep (fifteen (15) percent or greater) slopes;
 8. existing land uses within the development site and surrounding areas for a distance of three hundred (300) feet, including the approximate location of all buildings, structures, lots and streets (an aerial photo may suffice);



9. the location and identification of existing and proposed public, semi-public or community facilities such as schools, parks, trails, **churches**, **public buildings** and dedicated **open space**;
 10. existing zoning on all **abutting** properties;
 11. the approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan;
 12. **uses** proposed within the PUD;
 13. number and type of **dwelling units** proposed, including the number and type of committed affordable units, if any;
 14. conceptual layout;
 15. the general location of proposed interior **streets** and access points to **abutting streets**;
 16. the general location of off-street parking facilities and number of spaces proposed; and
 17. perspective drawings or photographs of representative building types, indicating the proposed architectural style and appearance.
- (c) Summary of Intent. A written statement containing the following information shall be submitted with the preliminary development plan:
1. a statement of how the proposed PUD meets each of the qualifying conditions of *Section 5.141*;
 2. a statement of the present ownership of all land within the proposed development;
 3. an explanation of the character of the proposed development including a summary of acres or square footage by type of **use**, number and type of **dwelling units**, gross density calculation for **dwelling units** and minimum standards for floor area, lot size and **setbacks**;
 4. a complete description of any requested deviations from the applicable spatial or other requirements applying to the property, in accordance with *Section 5.142(3)*.
 5. a general statement of the proposed development schedule and progression of each phase or stage; and
 6. intended agreements, provisions and covenants to govern the **use** of the development, building materials or architectural styles and any common or **open space** areas, including the provisions which will organize, regulate and sustain the property owners association, if applicable.
- (3) *Preliminary PUD Plan and Rezoning.*
- (a) Planning Commission Review. Upon receipt of the PUD application and related materials, the **planning commission** shall conduct a work session with the applicant to review the development concept and determine the need for additional information, if any, prior to conducting a public hearing.



- (b) **Additional Information.** If required by the **planning commission**, the applicant shall submit additional information and/or studies to support the request such as, but not limited to: impact assessment, traffic analysis, storm water study or a market feasibility study.
 - (c) **Public Hearing.** Upon completion of its initial review and following receipt of any additional materials, the **planning commission** shall conduct a public hearing, notice of which shall be in accordance with the requirements of *Section 5.192*.
 - (d) **Recommendation.** Following the public hearing, the **planning commission** shall review the PUD request and the preliminary development plan based on conformance with the standards of *Section 5.145* and shall make a recommendation to the **city council** to approve, deny or approve with modifications the request for PUD zoning and the preliminary development plan.
 - (e) **City Council Action.** Upon receipt of the **planning commission** recommendation, the **city council** shall conduct a public hearing, notice of which shall comply with the requirements of the Zoning Enabling Act, and review the preliminary development plan and the record of the **planning commission** proceedings. Based on the standards of *Section 5.145* and the recommendation of the **planning commission**, the **council** shall approve, deny or approve with modifications the preliminary development plan and rezoning request.
 - (f) **Zoning Map.** If the PUD zoning is approved, the **zoning administrator** shall cause the zoning map to be changed to indicate the planned unit development. If the preliminary development plan is approved with modifications, the applicant shall file with the **zoning administrator** written notice of consent to the modifications and a properly revised preliminary development plan prior to the map being changed.
- (4) ***Final Development Plan.*** Within twelve (12) months of the **city council's** approval of the preliminary development plan and PUD rezoning, the applicant shall submit a final development plan for the entire PUD or one or more phases to the **zoning administrator**, in accordance with the requirements for Level B site plan review, as contained in *Table 5.119(1)* of this ordinance. If determined to be complete by the **zoning administrator**, copies of the plan shall be forwarded to the **planning commission**.
- (a) **Phased Projects.** If the PUD is to be developed in phases, the final development plan may be submitted for one or more phases of the overall PUD. A tentative schedule for the completion of each phase and commencement of the next phase shall also be submitted for **planning commission** approval.
 - (b) **Extension of Time Limit.** One extension of the time period for submitting the final development plan may be granted by the **planning commission** for up to an additional twelve (12) months if a request is submitted by the applicant in writing prior to the expiration of the original twelve (12) month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original twelve (12) months or an approved extension, the preliminary development plan shall be null and void. In addition, the **planning commission** or **city council** may initiate a rezoning of the property to another zoning district.
 - (c) **Subdivision Plat.** For any PUD requiring subdivision plat or site condominium approval, the subdivision plat or **site condominium** shall be submitted



simultaneously with the final development plan and reviewed concurrently as part of the PUD.

- (d) **Review and Action.** The **planning commission** shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions or modifications attached to the PUD rezoning by the **city council**. If it is determined that the final plan does not substantially conform to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with *Section 5.144(3)*. If the final development plan is consistent with the approved preliminary development plan, the **planning commission** shall review the final plan in accordance with the standards for site plan review, *Section 5.120* and the PUD standards of *Section 5.145*. The **planning commission** shall prepare a record of its findings and shall approve, deny or approve with modifications the final development plan.

5.145. Review Standards

In considering the PUD request, the reviewing body must find that the proposed development meets all of the following general standards:

- (1) The PUD will promote the intent and purpose of this Article.
- (2) The PUD will comply with the standards, conditions and requirements of this Article.
- (3) The proposed project will be compatible with **adjacent uses** of land, the natural environment and the capacities of public services and facilities affected by the proposed project.
- (4) The proposed project will be consistent with the public health, safety and welfare needs of the city.
- (5) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community which would not otherwise be feasible or achievable under the conventional **zoning districts**.
- (6) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (7) The PUD will be consistent with the city's **master plan** and the following planning principles, as applicable:
 - (a) Redevelopment and infill locations should be favored over greenfield development;
 - (b) Natural features and resources should be preserved or at least conserved;
 - (c) Future development/redevelopment shall strengthen the physical character of the city;
 - (d) Quality design is emphasized for all **uses** to create an attractive, distinctive public and private realm;
 - (e) Places are created with an integrated mix of **uses** that contribute to the city's identity and vitality;



- (f) Diverse housing choices are offered, including relatively high density and affordable units;
 - (g) Parks, **open space** and recreational areas are incorporated into future development; and
 - (h) Places are connected and accessible throughout the community by transportation methods other than automobiles.
- (8) The PUD will respect or enhance the established or planned character, **use** and intensity of development within the area of the city where it is to be located.

5.146. Development Agreement

- (1) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the city in a recordable form, that sets forth the applicant's obligations with respect to the PUD.
- (2) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required modifications, other documents which comprise the approved PUD and all conditions attached to the approval by the city.
- (3) A phasing plan shall also be submitted, if applicable, describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- (4) The agreement shall also establish the remedies of the city in the event of default by the applicant in carrying out the PUD and shall be binding on all successors in interest to the applicant.
- (5) All documents shall be executed and recorded in Charlevoix County.

5.147. Deviations From Approved Final PUD Site Plan

Changes to an approved PUD shall be permitted only under the following circumstances:

- (1) *Notify Zoning Administrator.* The holder of an approved PUD final development plan shall notify the **zoning administrator** of any desired change to the approved PUD.
- (2) *Minor Change Determination.* Minor changes may be approved by the **zoning administrator** upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified modifications imposed as part of the original approval. Minor changes shall include the following:
 - (a) reduction of the size of any **building** and/or **sign**;
 - (b) movement of **buildings** and/or **signs** by no more than ten (10) feet;
 - (c) landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 - (d) changes in floor plans which do not alter the character of the **use** or increase the amount of required parking;
 - (e) internal rearrangement of a **parking lot** that does not affect the number of **parking spaces** or alter access locations or design; or



- (f) changes required or requested by the City of Charlevoix or any other county, state or federal regulatory agency in order to conform to other laws or regulations.
- (3) *Major Change Determination.* A proposed change not determined by the zoning administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan. While not required, the planning commission may elect to hold a public hearing in which case the notification requirements of *Section 5.144(3)(c)* shall be followed.

5.148. Appeals and Variances

The zoning board of appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the zoning board of appeals have authority to grant variances for or with respect to a PUD or any part thereof.

Enacting Shoreline Zoning Protections around Lake Charlevoix

Project Overview and Recommendations

City of Charlevoix Planning Commission Meeting – April 11, 2016

Based on previous shoreline protection work in the communities surrounding Lake Charlevoix, it is clear that local elected and appointed officials believe that maintaining the water quality of the lake is important for future economic development and quality of life in the region. In an effort to build upon previous shoreline protection work, the Enacting Shoreline Zoning Protections project was launched to help protect the water quality of Lake Charlevoix through the adoption of shoreline protection zoning standards in the ten jurisdictions surrounding the lake. The project promotes the understanding and acceptance of the need for shoreline protection standards in the City of Charlevoix, City of Boyne City, City of East Jordan, Bay Township, Charlevoix Township, Eveline Township, Evangeline Township, Hayes Township, Marion Township, and South Arm Township.

Funding for this project was provided through a 319 Grant from the Michigan Department of Environmental Quality, Non-Point Source Program that was secured by the Tip of the Mitt Watershed Council. Project partners working on this, and other, portions of the grant include Tip of the Mitt Watershed Council, MSU Extension, and the Lake Charlevoix Association.

The project team, led by the Land Information Access Association (LIAA), a non-profit community services organization in Traverse City, convened a steering committee made up of local planning and zoning officials to help guide the creation of definitions and standards for waterfront properties around the lake. LIAA created a steering committee report and project website (lakecharlevoixprotection.org) that include a summary of the findings and recommendations from previous shoreline protection efforts, a summary of current shoreline protection zoning standards in the ten jurisdictions surrounding Lake Charlevoix, and recommendations for definitions and zoning standards to help protect Lake Charlevoix's water quality.

Review and analysis of the work by the previous shoreline protection studies shows that local municipalities can be effective in protecting water quality by managing development and redevelopment on waterfront properties. The project team and steering committee used the findings of these previous studies to guide the creation of the shoreline protection recommendations for the local units of government around the Lake.

Current Shoreline Protection Zoning Standards in the City of Charlevoix

The City of Charlevoix has already gone to great lengths to protect the shoreline and water quality of Lake Charlevoix. The City's Zoning Ordinance contains many standards and regulations that help prevent shoreline degradation, limit the impacts of stormwater runoff, and help prevent pollution of the Lake. The City's residents, elected officials, and planning commissioners should be proud of their commitment to the continued protection of this valuable natural resource. The table on the following page illustrates

the Zoning Ordinance's standards and regulations related to shoreline protection and indicates where they meet the recommendations created as a part of this project.

Community	City of Charlevoix		
Zoning District	R1	SR	MC
Defined High Water Elevation/OHWM	581.5' I.G.L.D.		
Setback from OHWM	50'	50'	0'
Maximum Impervious Surface Coverage	40%	30%	-
Shoreline Buffer/Greenbelt Requirement	-	-	-
Native vegetation requirement in greenbelt	-	-	-
Prohibition of pesticides, herbicides, fertilizers in greenbelt	-	-	-
Specific prohibition of lawn in greenbelt	-	-	-
Requirement of trees/woody plants in greenbelt	-	-	-
Cutting/pruning of greenbelt vegetation limited	-	-	-
Prohibition of beach sanding in greenbelt	-	-	-
Prohibition of alteration of area between water's edge and high water elevation	-	-	-
Requires that new low-growing plantings be spaced for complete ground coverage in two years	-	-	-
Allows a single, small (200 s.f.) waterfront viewing platform in the greenbelt	-	-	-
Allows a single path (6' maximum width) through the greenbelt to the water	-	-	-
Allows for the maintenance of existing natural shoreline buffers, where they exist	-	-	-
Requirement of all county, state, federal permits be obtained prior to zoning permit being issued	-	-	-
Formal Planning Commission site plan review for all waterfront uses	-	-	-
Dock regulation	-	-	-
Specific keyhole/funneling standards	-	-	-
Prohibition of seawalls	-	-	-
Engineered stormwater control system requirement	Yes*	Yes*	Yes*

**All site plans submitted for approval must show the location and type of all proposed surface water drainage facilities.*

Recommendations for further shoreline protection zoning standards in the City of Charlevoix

After reviewing the recommendations of the previous shoreline protection work groups and discussing appropriate shoreline protection standards for the ten jurisdictions surrounding Lake Charlevoix, the project team and steering committee identified specific categories for which recommendations should be made. The categories that are applicable to cities are:

- High water elevation
- Engineered stormwater control systems
- Conditions for issuance of zoning permits
- Formal planning commission site plan review

- Shoreline protection structures
- Keyhole and funneling practices
- Number and use of docks

As shown in the table on the previous page, the City of Charlevoix Zoning Ordinance (Zoning Ordinance) contains some shoreline protection standards that align with the recommendations of the Enacting Shoreline Protections project. However, some of the recommended standards are not included in the Zoning Ordinance and we are requesting that the Planning Commission review these recommendations and consider amending the Zoning Ordinance to better protect the shoreline and water quality of Lake Charlevoix. The following recommended amendments to the Zoning Ordinance are included for your review and consideration.

Redefine Ordinary High Water Mark

It is recommended that the Zoning Ordinance be amended to define the Ordinary High Water Mark of Lake Charlevoix as 582.35' I.G.L.D. This elevation is the highest water level recorded on the lake and historical lake levels have frequently been higher than the defined Ordinary High Water Mark (OHWM). Standardizing a High Water Elevation of 582.35' helps ensure the effectiveness of shoreline buffers around the lake. Specific language to define the Ordinary High Water Mark as 582.35' I.G.L.D. could be added to Part 1 Article 2 Section 5.12 Definitions N-O.

Conditions for Issuance of Zoning Permits

By requiring that all necessary permits be obtained prior to the issuance of a zoning permit, jurisdictions can be sure that the requirements of all other agencies are being met by the proposed development. This could be added to Part V Article 16 Section 5.161. Zoning Permits.

Require formal Planning Commission site plan review for all waterfront uses

Requiring formal site plan review for any waterfront use gives local units of government detailed information and more precise documentation on proposed projects adjacent to the Lake. The site plan review process ensures that each of these projects is meeting the required standards of the ordinance and allows zoning staff to simply verify that development is occurring according to the approved plans. Specific language to require site plan review for all waterfront uses could be included in Part IV Article 12: Site Plan Review – Part 5.116. Applicability.

Shoreline Protection Structures

Seawalls can cause degradation of shoreline areas on the waterside of the wall and additional erosion of adjacent shorelines on either side of the wall. It is recommended that the construction of seawalls be prohibited within the Zoning Ordinance in favor of revetments and engineered natural shorelines, except where there is no other practical alternative. A new section in the ordinance could be added to Part II Article 8 General Provisions to prohibit the construction of seawalls in most instances. Additionally, references to sea walls in Part II Article 7 would need to be amended.

Specifically regulate number of docks allowed

It is recommended that the Zoning Ordinance specifically regulate the number of docks allowed for each waterfront parcel to help protect water quality by limiting the opportunity for erosion and fuel and chemical pollution from increased boat dockage on the Lake. Specific language to regulate the number of docks allowed on each waterfront parcel could be included within Part II Section 5 under the schedule of Uses.

Specifically regulate or prohibit keyhole/funnel development

It is recommended that the Zoning Ordinance specifically regulate or prohibit keyhole, or funnel, development where multiple property owners or parcels are allowed lake access on a single waterfront parcel. Keyhole practices can greatly increase the number of docks and motorized watercraft on the lake, increase runoff and pollution, and increase shoreline erosion. By limiting the number of motorized boats that are able to be docked on individual waterfront parcels, water quality can be protected by reducing the potential for fuel and chemical spills. Additionally, congestion and aesthetic issues are reduced when keyholing/funneling is prevented. Specific language to regulate, or prohibit, keyhole/funnel development could be included within Part III Article 8: General Provisions.

Chapter 3. Community Vision and Goals

3.1 Public Involvement

Charlevoix's master plan was prepared in a way that maximized public participation. Dating back to 2004, the Planning Commission and staff held numerous public meetings, visioning sessions, and administered two community surveys to seek input. The results of these discussions were then reflected in plan goals. Specific outreach activities included, but were not limited to the following:

- 2004: Charlevoix participates in a Regional Multi-Jurisdiction Smart Growth Planning Initiative, addressing issues about transportation, housing, economic development, environmental protection, and the delivery of public services. (See Appendix E)
- 2005-06: City Planner works with the Planning Commission to undertake a community survey, holds a community meeting to gather input, and drafts the 2006 Plan Revision- Goals, Objectives and Policies. (See Appendix D)
- 2008: To help better define goals, objectives, and policies, the Planning Commission holds multiple meetings and training sessions on master plan topics.
- 2009: Four high school government classes discuss the master plan with the City Planner and respond to a survey. (See Appendix B)

Most recently, in February of 2009, about 800 community surveys were distributed to property owners, residents, business owners, and civic organizations to seek additional input. To ensure renters, year-round and season residents, were included, the



sample was based on property tax and voter registration records. The 85 question survey covered many topics including housing, economic development, city services, parks and recreation, future development, airport operations, and historic preservation. Again, the survey results were evaluated and helped better define the community vision, goals, objectives and action items. The survey and results can be found in Ap-

CITY OF CHARLEVOIX COMMUNITY SURVEY

In accordance with Michigan law (Michigan Planning Building Act, M.C.L. 165.5 (a)(1)), the City of Charlevoix Planning Commission must prepare a master plan for the City of Charlevoix. A master plan is a land use and infrastructure plan that sets land goals, objectives, and policies for community growth and development. The Master Plan is essentially a visionary document reflecting what the community will look like in the future and how those goals will be accomplished. The Master Plan will cover topics such as future housing needs, economic development, transportation, infrastructure, parks and recreation, etc. Master-planned communities result in higher property values, safer streets and a better town, higher quality of City services, and a more attractive place for tourists, and a more vibrant business.

As an essential first step in the update of the City of Charlevoix Master Plan, the Planning Department is asking City of Charlevoix residents, businesses, and property owners to complete this survey. The time you spend answering these questions is critical toward helping shape the new Charlevoix Master Plan, and, in turn, the future of the City of Charlevoix. Please understand the results of this survey will not necessarily result in policy changes, new policy, or discontinuing existing policies. The intent is to gather valuable citizen input to make the City a better place to live, work and/or visit. Your input is important and appreciated. There are no "right" or "wrong" answers to the survey. The survey was designed to take less than 15 minutes. If you do not have enough time to answer a question, skip it or check the "no opinion" box. If you have questions or comments not covered in this survey, you are encouraged to include them in the space provided at the end of this survey. You may also voice them to the Charlevoix City Planner, Mike Spencer (see attached telephone list).

You must be a **REGISTERED VOTER** or **PROPERTY OWNER** or **BUSINESS OWNER** in the City to complete this survey. You must submit this cover page and the survey. Once staff verifies that you are a registered voter or property owner, the surveys will be entered anonymously. We have to ensure that the information gathered is valid and not affected by special interests or individuals outside the Community. That will also ensure that we gather information from a broad sample of individuals throughout the City.

How do I get a copy of the survey and what do I do once completed? Roughly 8000 surveys are being mailed out to a random sample of city property owners and registered voters. If you do not receive one in the mail, you should still complete the survey. It can be downloaded from the City Website at www.cityofcharlevoix.org. They can also be e-mailed, faxed, or mailed upon request. Once completed, the survey can be mailed to the City Planning Office. Personal postage envelopes can be provided upon request. Completed surveys may also be returned by fax or e-mail to the City Planner.

SURVEY DUE DATE
April 24, 2009

Mike Spencer, City Planner
330 State Street, Charlevoix, MI 49720
mikespencer@cityofcharlevoix.org
Phone: 231-547-1885, Fax: 231-547-5617

Name _____
City of Charlevoix Address _____

pendix A.

3.2 “Smart Growth” and the City of Charlevoix.

Charlevoix is committed to the principles of Smart Growth, which is an initiative that began to evolve in the early 1990s. Its overall goal is to provide a framework for communities to grow in ways that support economic development and jobs; create strong neighborhoods with a wide range of housing, commercial, and transportation options; and achieve healthy communities that provide residents with a clean environment. The following principles are the foundation for achieving Smart Growth. More information can be found in Appendix G.

1. Provide a mix of land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development to existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration in development decisions.

Both the Michigan Association of Planning and the Charlevoix County Future Land Use Plan identify the need and importance of Smart Growth and encourage municipalities

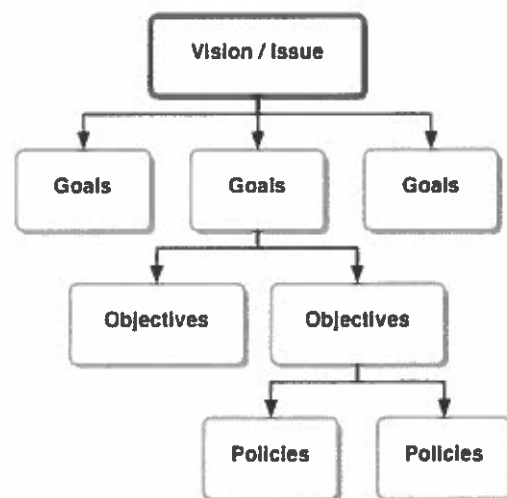
to integrate these principles into master plans, land use regulations, and policies. Consequently, based on public input and guided by the County Future Land Use Plan, a number of Smart Growth principles have been integrated into this Master Plan.

3.3 How this Chapter is organized.

The chapter begins with a short vision statement that describes community values and a future direction for Charlevoix. Following that are six broad goals, which help define *how* the community will achieve its vision.

Each goal is further supported by more focused and specific objectives. Finally, for each objective, bulleted policies, or action items are identified that are to be completed over time to implement plan recommendations. Chapter 5 also contains an implementation matrix that outlines who is responsible for a particular action item, when it should be done, and which funding sources are available for its completion.

The following diagram shows how goals, objectives, and action items are organized:



3.4 The Vision Statement

While the Master Plan is an expression of Charlevoix's commitment to its future, the following vision statement is its underpinning:

"Charlevoix will strive to be the focal point for the region and build on its distinctive character, downtown, and diverse neighborhoods; while respecting its unique setting and environment and creating a foundation for future economic prosperity and personal success."



3.5 Community Goals, Objectives, and Action Items.

GOAL: *Protect and enhance Charlevoix's small town character, unique downtown, cultural and historic resources, and scenic beauty.*

1.1 PRESERVE AND ENHANCE CHARLEVOIX'S UNIQUE SMALL TOWN CHARACTER

- Inventory and analyze the features contributing to Charlevoix's character; identify how development regulations can best protect and/or enhance them.
- ~~Educate and involve the public in~~

~~exploring form-based zoning codes that support streetscape and commercial and neighborhood design based on community context and character.~~

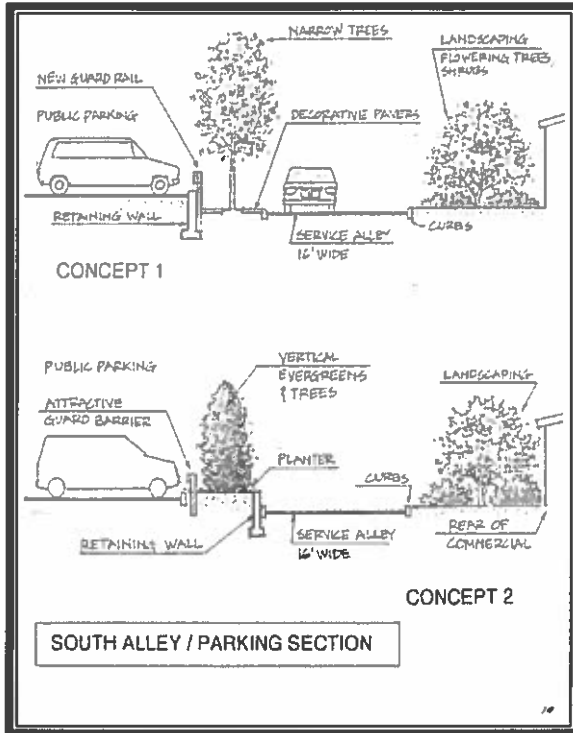
- Revise zoning regulations to ~~limit strip commercial and~~ encourage smaller scale development on commercial corridors with established maximum building sizes and parking away from the street side of buildings.
- Work with area townships, including Charlevoix, Marion, and Hayes on a regional plan to ~~define appropriate locations for large scale commercial, or big box stores.~~
- ~~Amend the zoning ordinance to regulate certain land uses, including sexually oriented businesses and those related to medical marijuana.~~
- Continue to enforce ~~amend~~ the nuisance ordinance and look into adopting a property maintenance ordinance to better address the clean-up of blighted or poorly maintained properties.
- Research the feasibility of establishing a rental inspection program, and/or property maintenance ordinance.

1.2 ENHANCE SCENIC BEAUTY

- Coordinate ongoing efforts with City staff, MDOT, Charlevoix County and surrounding townships, and seek public input to secure grant funding for Corridor Improvement Districts on US 31 and M-66.
- ~~Establish~~ Enforce existing consistent landscaping design standards for commercial development, parking lots, and public lands consistently.
- Support Keep Charlevoix Beautiful

(KCB) and its petunia planting program, based on future budget considerations.

- Continue to support the Shade Tree Commission and expand the Tree Planting Program, based on budget considerations. Seek alternative forms of funding, such as donations and grants.



1.3 PRESERVE AND ENHANCE THE DOWNTOWN.

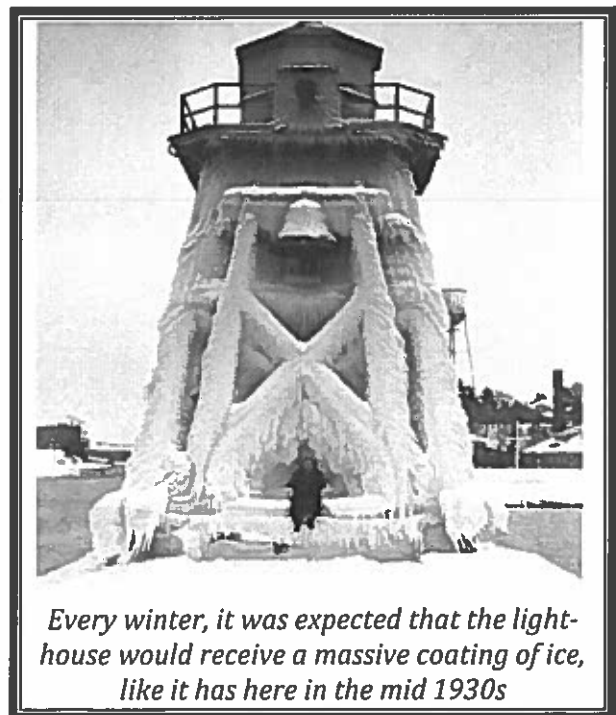
- Support the efforts of the Charlevoix Main Street boards and volunteers as the program expands.
- Involve and educate the general public, building and business owners, and the DDA about the potential demand for greater flexibility in the Central Business District zone's allowed uses. form-based-zoning codes as a means of providing a consistent building character and an appropriate mix of downtown uses.
- Investigate the demand for services that support local initiatives, such

as Trail Towns, and focus economic development strategies and promotions appropriately.

- Amend the zoning ordinance to allow flexible parking requirements and higher densities.

1.4 PROTECT HISTORIC AND CULTURAL RESOURCES.

- Continue to support the efforts of the Historic District Commission and the Charlevoix Historical Society.
- Continue educating property owners about historic districts and seek to establish districts where there is strong support.
- Support efforts by the Historical Society to design and locate a privately funded kiosk that provides historical information about Charlevoix and promotes the Harsha House Museum.
- Support improvements and long-term maintenance of the lighthouse.



GOAL: Maintain a diverse, regional economy that supports sustainable year-round business development and enhances Charlevoix as a tourism and second home destination.

2.1 ENCOURAGE REGIONAL COLLABORATION ON ECONOMIC DEVELOPMENT

- Continue collaboration with the Chamber of Commerce, local governments, and the business community ~~to form a Charlevoix Area Economic Development Corporation that is charged with~~ regarding regional economic development.
- Support efforts to ~~prepare and implement~~ the Regional Comprehensive Development Strategy (CEDS) ~~put out by Networks Northwest,~~ designed to retain, grow, and attract new business.
- Aggressively market and provide incentives to businesses in emerging industries.
- Support and promote technological advances, such as high speed internet and fiber optic networks in Charlevoix to encourage economic development.
- Evaluate, and if necessary, amend the Industrial Tax Abatement Program so that Charlevoix remains competitive.
- Coordinate with Charlevoix Township, community leaders, and property owners to plan for and promote future development. ~~of the Ancestral Industrial Park.~~
- Work with surrounding townships to identify other suitable areas for economic development; explore 425 agreements where appropriate.
- Explore a program to waive or reduce utility extension, or hookup fees for businesses seeking to expand.

- Continue to support and promote expanding Coast Guard operations in Charlevoix.

2.2 PROMOTE CHARLEVOIX AND THE REGION AS A VIALE PLACE TO LIVE AND WORK YEAR-ROUND. TOURIST AND SECOND HOME DESTINATION.

- Encourage and utilize Placemaking strategies as a way to promote Charlevoix as a place to live and work full-time.
- Continue to support and work with the Chamber, CVB, and other community groups to promote and expand events, festivals, and recreation opportunities.
- Promote diverse and viable housing options by encouraging developers through affordable housing incentives and flexible Zoning Ordinance requirements.
- Work with the real estate community to help market Charlevoix to targeted groups interested in relocating to the area. ~~or purchasing a second home.~~

2.3 ENCOURAGE ECONOMIC SUSTAINABILITY AND GROWTH IN DOWNTOWN CHARLEVOIX

- Work with the DDA, Chamber of Commerce, Charlevoix Main Street Merchants Organization, and the Convention and Visitors Bureau to develop and implement a downtown marketing plan that serves to retain existing establishments, while attracting new businesses and residents to fill vacant or underutilized buildings.
- Support and expand current downtown winter activities and pursue other winter recreational or promotional events ~~in East Park.~~
- Support ~~investigate~~ the Michigan Main Street Program as a way of en-

couraging economic development and providing tax credits for downtown redevelopment projects.



***GOAL:** Work cooperatively with surrounding municipalities, governmental agencies, non-profits, and private sector organizations on a variety of issues.*

3.1 COOPERATE WITH CHARLEVOIX TOWNSHIP ON PLANNING AND ZONING.

- Hold an annual meetings between the Charlevoix and Charlevoix Township, Marion Township, Norwood Township and Hayes Township Planning Commissions to discuss land use related topics and resolve any zoning issues.
- For border areas and properties, coordinate land uses, zoning regulations and street extensions that expand the City's grid.

3.2 COORDINATE EFFORTS TO PROVIDE SAFE AND EFFICIENT TRANSPORTATION SYSTEMS

- Host an annual meeting between the City, MDOT, Charlevoix County, and surrounding townships to discuss transportation-related issues, enhancements, and funding opportunities.
- Work with MDOT to study summer-time traffic counts, review potential options to alleviate related traffic congestion and evaluate development proposals that may affect US 31 traffic, in particular for areas where there is no secondary access, such as West Dixon.

- Hire a qualified transportation consultant, if financing is available, to evaluate transportation issues and recommended enhancements.
- ~~Explore the feasibility and funding mechanisms to construct an underground pedestrian crossing under U.S. 31 on the north side.~~

3.3 WORK COOPERATIVELY TO ENCOURAGE AND FACILITATE ALTERNATIVE FORMS OF TRANSPORTATION.

- Evaluate the local transportation system and look to integrate "complete streets" policies for future infrastructure planning and design.
- Increase public awareness and provide better signs that mark routes to promote walking and biking.
- Establish a City wide and regional bike route.
- Incorporate bike lanes into the design and future construction of streets and roads.
- Continue to ~~support~~ enhance the Lake to Lake Trail initiative ~~during its planning, design, and construction phases.~~
- Work with surrounding communities and Charlevoix County ~~to~~ in the development of a regional trail system to connect with Boyne City, East Jordan, and Elk Rapids.
- Inventory existing sidewalks and identify and prioritize new sidewalk connections.
- Further investigate, implement and promote the Trail Town initiative in conjunction with LIAA and local groups and organizations.



3.4 COORDINATE EFFORTS ON NATURAL RESOURCE PROTECTION.

- Work cooperatively with all jurisdictions to adopt a unified Stormwater Control Ordinance for Charlevoix County.
- Work with the Charlevoix County Planning Commission to evaluate current and future industrial and/or mining operations that may impact natural resources and coordinate their appropriate locations and zoning regulations to minimize their impacts.
- Work with organizations like Tip of The Mitt Watershed Council, the Little Traverse Land Conservancy, and the Lake Charlevoix Association to inform the public on water quality protection measures and conservation easements.
- Encourage a county-wide land bank or a transfer of development rights program.



GOAL: Provide high quality public services, infrastructure, utilities, and amenities to Charlevoix that are sustainable and cost effective.

4.1 PROVIDE HIGH QUALITY PUBLIC SERVICES AND INFRASTRUCTURE AT A LOWER COST TO THE TAXPAYERS.

- Study public service consolidation with surrounding communities so that costs can be lowered, while maintaining or improving quality.
- Increase municipal water, sewer, and electric users to spread out operational costs.
- Cooperate with surrounding townships to expand infrastructure into areas without public water and sewer in a manner that does not encourage sprawl.
- Integrate Geographical Information Systems and revise capital improvement plans to more effectively predict and plan for future infrastructure upgrades.
- Prepare a facilities master plan that reflects future improvements, new buildings, and consolidating the Electric and Street Departments as advised by consultants, relocating

the Street Department to 401 West Carpenter behind the Electric Department.

***GOAL:** Reflect high environmental standards in land use policies, public education and in the design of municipal facilities, utilities, and stormwater management systems.*

5.1 IMPROVE WATER QUALITY PROTECTION

- Seek grant funding to complete a comprehensive study of the municipal stormwater management system.
- Continue to implement best management practices to address stormwater quantity and quality.
- Provide signs at the Marina and City boat launch concerning boat maintenance and measures to control the spread of invasive species.
- Coordinate with the DNR to provide proper signage regarding not dumping fish bait.
- Educate the public about ways to mitigate impacts on the stormwater system from lawn clippings, leaves and other organic waste.
- Closely monitor the municipal water supply system to minimize or prevent leaks and/or ruptures.
- Study options and consider implementing alternative methods of storing and collecting yard waste



This is one of the recently completed rain gardens incorporated into the Park Avenue storm drainage system.

5.2 INTEGRATE ENVIRONMENTAL BEST PRACTICES INTO CITY UTILITIES AND OPERATIONS.

- Promote the County Recycling Program. ~~and investigate curbside recycling.~~
- Consider ~~hybrid, electric, or~~ more fuel efficient vehicles when replacing the City fleet.
- Continue to purchase electricity from renewable energy sources.
- Coordinate with the county and area townships to support renewable energy sources. ~~such as off-shore wind power.~~
- Expand and improve the Energy Optimization Program by providing incentives and better educating residential and commercial users.
- Research the feasibility and potential grant opportunities available to power City buildings and facilities through alternative energy sources.

- Evaluate and test higher efficiency LED street lights.
- ~~Coordinate with the Charlevoix County Recycling Committee to seek grant funding for a glass pulverizer.~~
- Continue to upgrade City facilities with energy features such as more energy efficient LED lights, motion sensing lights, and more efficient HVAC systems.

GOAL: Encourage higher density, infill development and/or redevelopment consistent with surrounding land uses and neighborhood character.

6.1 ENCOURAGE HIGHER DENSITY IN APPROPRIATE LOCATIONS.

- Amend the zoning ordinance, and review Main Street Program recommendations ~~consider a form-based code~~ to accommodate higher densities in appropriate neighborhoods and the downtown.
- Provide incentives for higher density developments in the downtown area.

6.2 PROMOTE INFILL DEVELOPMENT

- ~~Amend~~ Review the Zoning Ordinance to allow for further subdividing and subsequent development of vacant land provided that it is consistent with the surrounding neighborhood.

Harbor Springs

(10) Fence and Wall Restrictions. For all single- and two-family uses, fences shall be permitted, subject to the following restrictions:

(a) Within a side yard, no fence or wall, other than a retaining wall, shall be higher than four (4) feet unless any part above such height is uniformly distributed so that at least fifty percent (50%) of the space is open and unobstructed, provided the maximum height shall not exceed five (5) feet.

(b) Within a rear yard, no fence or wall, other than a retaining wall, shall be higher than six (6) feet.

(c) Within a front yard, no fence or wall other than a retaining wall shall be higher than four (4) feet.

(d) On any corner lot, no fence or wall, except a retaining wall, shall exceed four (4) feet in height along any street line, nor along the required setback of any such lot; except that in the area formed by the lot corner, and the two points twenty feet each way along the street line from said corner, no fence or wall, except a retaining wall, shall exceed three (3) feet in height.

(e) No fence or wall other than a retaining wall shall be constructed or maintained on any rear line constituting the side line of another lot which exceeds the height of any fence or wall permitted to be constructed on said side lot line. For other than single- and two-family uses, the size and location of fences shall be included within a Site Plan presented for approval to the Planning Commission, and no fence shall be constructed without Site Plan approval.

Boyne City

Other specified structures. Walls, driveways, curbs, retaining walls, mailboxes, nameplates, lampposts, birdbaths and structures of a like nature shall be permitted in any front, side or rear yard.

Grand Haven

Waterfront District:

Retaining Walls: Prohibited along public streets when greater than 3 feet in height.

In multi Family Developments:

A wall or decorative fence may be installed five (5) feet from the front property line. Solid walls of concrete, stone or masonry may be no higher than three (3) feet tall, except where required to retain a slope. Decorative fencing or hedges may be used to define the front yard, and shall not exceed four (4) feet in height. A sloped yard may be terraced with more than one (1) retaining walls.

Architectural Treatment. Blank walls, including retaining walls and screening walls in excess of three (3) feet in height, shall not be permitted when visible from a right-of-way, park or public parking area. At least 60% of the wall area between two (2) feet and eight (8) feet in elevation above the sidewalk or adjacent grade shall be designed to create a pleasant environment for pedestrians. Such façades shall have one or more of the following characteristics:

Various (Not in the area)

3-4 feet allowed in front yards along right-of-ways, 6-10 feet allowed along private yards. Some require a engineering review if above that height. (mostly larger cities)

Albuquerque

See attached.

Jefferson County, CO

See attached.

§ 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.**(A) Height regulations.***ALBUQUERQUE*

- (1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:
 - (a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.
 - (b) Where contiguous to non-residential property, it does not exceed ten feet in height above the abutting grade on the residential side except in the required front-yard setback.
 - (c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
 - (d) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (2) A wall, fence, retaining wall, or vertical combination of these that face a public street right-of-way, a public park, open space, or designated trail and is in a residential zone may be built within a required setback, provided:
 - (a) It does not exceed three feet in height above the abutting grade on the street side and 11 feet in height above the abutting grade on the private side within the required front yard; or shall not exceed six feet in height above the abutting grade on the street side and 14 feet in height above the abutting grade on the private side within the required side or rear yard, except:
 1. Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section;
 2. A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height

provided the wall does not exceed six feet in height above the abutting grade on the private property side of the wall. Such wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section.

3. Design elements may project vertically two feet above the allowed wall height. Such elements shall have a maximum width of five feet, and are allowed at intervals of no less than 200 feet.
- (b) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence, retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the public street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.
- (c) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the street side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (d) Sound mitigation. A wall, retaining wall or a vertical combination of these that face a public street right-of-way may be higher than otherwise allowed on any residentially zoned property, for an existing residence where approved as a conditional use. The wall height shall be no higher than eight feet in height above the abutting grade on the public side of the wall and must be at least ten feet from the property line in areas where walls are limited to three feet in height. Where a wall is along a sloped street, the wall may be stepped at intervals not to exceed eight feet, and each interval may be eight feet in height at the lower end of the interval. For approval of sound mitigation walls, the following conditions shall be met:
 1. The existing traffic noise level during daytime exceeds 67 dB(A) Leq (Table 1 of Title 23 Part 772 of the Code of Federal Regulations, and as amended) at any location on the affected property.
 2. The proposed solid wall provides a sound level reduction of at least 4 dB(A) Leq as compared to the noise level without the solid wall;
 3. The maximum wall height approved shall be limited to that required to reduce sound levels to 67 dB(A);
 4. The design of the wall shall include at least two facade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section;
 5. A noise analysis shall be certified by a licensed Engineer and must be collected in the following manner:
 - a. The existing sound levels must be measured using an instrument sensitive to pressure fluctuations and meeting the standards of the ANSI S1.4-1983 Type 1 or Type 2 or those of International Electro Technical Commission (IEC) Publication 651 or those of the latest respective revisions thereof;

- b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;
 - c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methodology. An alternative predictive methodology in consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.
 - (3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:
 - (a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and
 - (b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.
 - (4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer, based on a finding that it would not be a traffic hazard, approves its type and location.
- (B) Barbed tape, razor wire, barbed wire or similar materials.** Barbed tape, razor wire, barbed wire or similar materials are prohibited in and abutting residential zones, and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones. Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.
- (C) Design regulations.**
- (1) Applicability. These design regulations shall apply to the following:
 - (a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:
 - 1. Arterial, collector and local street rights-of-way;
 - 2. Public park;
 - 3. Public open space; and
 - 4. Designated public trails.
 - (b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with subsections (B)(2)(b) Façade and (B)(2)(c) Materials and texture of this section.
 - (c) The public street side of all front, side, and rear yard walls that require a special exception.
 - (2) Design standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.



Jefferson County, Colorado
Planning & Zoning Division

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RETAINING WALLS PERMIT SUBMITTAL REQUIREMENTS

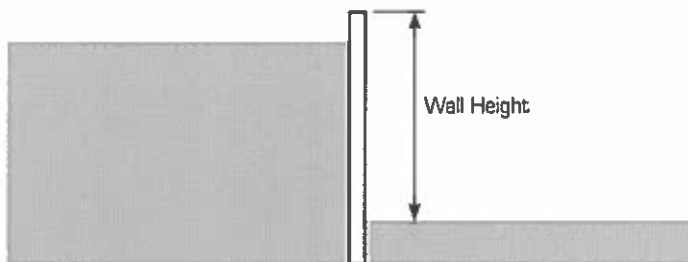
REQUIREMENTS

Fees are on-line at our web site or call 303-271-8700.
Make checks payable to Jefferson County Treasurer.

Maximum Height

Retaining walls shall not exceed a maximum height of eight (8) feet unless approved by a Board of Adjustment variance.

Wall Height	Requirements
< 36"	No Permit Required
37" - 8'	Miscellaneous Permit Site Plan - showing entire property to scale & engineering requirements
> 8'	Minor Variation or Board of Adjustment Variance approval, Miscellaneous Permit Site Plan - showing entire property to scale & engineering requirements



Engineering Requirements

Retaining walls more than 36" inches in height must be designed by an engineer, per the Jefferson County Zoning Resolution (Section 16.E.14.e). In order to obtain a permit for construction of the retaining walls stamped construction plans, details and supporting calculations must be provided to the county.

- 1. Construction plans**
Need to indicate how the proposed wall height will vary along its length
 - 2. Details**
Elevations showing top and bottom of wall for critical points along each wall length
 - 3. Supporting Calculations**
Must demonstrate an adequate factor of safety with respect to:
 - Bearing capacity
 - Overturning
 - Sliding
 - Internal stability
 - Global stability may be required dependent upon site conditions
- Note:** Surcharge loads due to sloping backfill, adjacent vehicles and structures must be taken into account

The design parameters used for retaining wall analysis may require consultation from a geotechnical engineer. Sites with expansive soils, steep slopes, vehicles or structures near the walls and/or walls exceeding 8 feet in height may require a specific geotechnical study.

Note: Additional information may be required. For further assistance with engineering requirements please contact the Planning and Zoning Division.

GENERAL INFORMATION

Setbacks

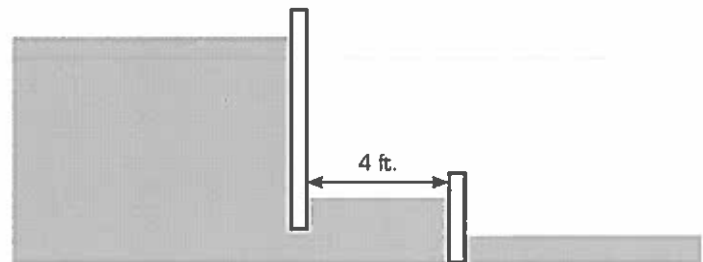
Setbacks for all grading and erosion control activities shall be at least 7 feet from property boundaries and 25 feet from off-site occupied structures. The Planning and Zoning Division may waive setback requirements provided the applicant can adequately demonstrate that activities occurring within the setback limitations will not adversely affect adjacent properties. (Section 16.E.10.a). Roads and driveways are exempt from setback requirements (Section 16.E.10.b).

Drainage

When surface drainage is discharged onto any adjoining property, it shall be discharged in such a manner that it will not cause an increased hazard to the stability of any cut and fill slope or any building or structure (Section 16.E.12.c). Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities whose design has been specifically approved by the Planning and Zoning Division prior to the permit approval (Section 16.E.12.i).

Tiered Walls

If a series of retaining walls is desired, the required horizontal distance between walls is a minimum of 4 feet (Section 16.E.14.e). No individual wall may exceed 8 feet without first receiving a variance approval through the Board of Adjustment.



Grading

If the construction of a retaining wall will result in grading/land disturbance of more than 5,000 square feet of area, a Grading Permit or Notice of Intent will be required (Section 16.B.2).

Easements

Encroachment into utility easements requires approval by all agencies with interest in the easement. Encroachment into drainage easements requires approval from the Planning and Zoning Division.

- ☛ All performance standards in Section 16 of the Jefferson County Zoning Resolution must be met.
- ☛ The information provided in this handout, is provided to assist individuals in the construction of a retaining wall. Additional permit requirements may need to be met. Consult with the Planning and Zoning Division before any construction activities occur.