



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

PLANNING COMMISSION PUBLIC MEETING AGENDA

Created: September 7, 2016 Posted September 8, 2016 at 12:00 PM

MONDAY, September 12, 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 August 8, 2016 MINUTES
- F) CALL FOR PUBLIC COMMENT NOT RELATED TO AGENDA ITEMS
- G) NEW BUSINESS
 - 1. Site Plan Review for Project 2016-09SP – Charlevoix Pointe Condominiums (115 Pine River Lane).
 - a. Staff presentation.
 - b. Applicant presentation.
 - c. Call for public comment.
 - d. Planning Commission determination of findings of fact.
 - e. Motion.
 - 2. Consideration of Sub-Committee to Investigate Short Term Rental Regulations.
 - a. Planning Commission discussion.
 - b. Motion.
- H) OLD BUSINESS
 - 1. Review of Zoning Ordinance Amendments
 - a. Review language for potential updates.
 - b. Direction for language changes, further staff research, 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
Tuesday, August 9, 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, John Elzinga, Mary Eveleigh, Julee Roth, RJ Waddell
Members Absent: Toni Felter, Rick Golding
City Staff: Interim Planner Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

Motion by Member Clock, second by Member Roth to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of July 11, 2016 Minutes

Member Waddell stated that under Item C, it should read "Member Waddell" instead of "Chair Chamberlain" and the first sentence of Item J should be "Chair Chamberlain" instead of "Member Waddell". Motion by Member Elzinga, second by Member Eveleigh to approve the July 11, 2016 minutes as corrected. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Items

Albert Wojan spoke on behalf of his sister Madelyn Renaud. He stated that a garage was added onto a house that abuts his sister's property. The property is located on W. Hurlbut and Sheridan Streets, owned by Evelyn Loy. He noted that particular property has been situated as it has been for 50+ years. The new garage was built under the stipulation that the front yard would change. He said corner lots in the City have two front yards, a primary and a secondary, and he questioned how the primary front yard was determined.

Mr. Wojan stated that the house appeared to face Sheridan Street and the decision was made to switch the front entrance to W. Hurlbut. He said that with the new garage all entrances face Sheridan. He questioned that if the traditional front entrance changes to the new front yard, can the shed and patio remain where they are. He noted that the shed and patio were not permanent structures. He requested an answer so that this issue doesn't arise again and he felt that the vague language "traditional front entrance" should be clearly defined in the Zoning Ordinance.

Ms. Renaud said that the postal address of the property in question was 209 Sheridan Street. Chair Chamberlain stated the definition of front lot line for corner lots: the shortest of the two lot lines tangent to the street right-of-way or road easement. Mr. Wojan stated the issue is by switching the front entrance to W. Hurlbut it now allows the side yard setbacks to be 8' instead of 25', as the backyard is now a side yard. The Commission advised that the issue would need to be brought before the Zoning Board of Appeals.

Ms. Renaud questioned whether Ms. Loy could keep the shed and deck as is. Interim Planner Panoff responded that it would be an existing, non-conforming structure and yes they could remain. Ms. Renaud noted that they were existing, but not permanent because there was no foundation under either structure. Member Clock commented that the homeowner did not consider that side of her property the front yard when the shed and deck were installed. Interim Planner Panoff stated that a new shed would not be allowed, but because it already exists they could not force the homeowner to remove the shed. Member Eveleigh stated that the best course to take would be to bring the matter before the Zoning Board of Appeals. Member Roth felt that the Board needed to further clarify the Zoning Ordinance. Chair Chamberlain stated that each member of the Commission could review the situation and then determine if the Commission wanted to forward the matter to the Zoning Board of Appeals.

G. New Business

None.

H. Old Business

1. Review of Zoning Ordinance Amendments

a. Review Language for Potential Updates

Interim Planner Panoff began a review of proposed Zoning Ordinance amendments. Member Roth referenced page 5 in the agenda packet and stated that the subsections reference both boathouses and inland dredging and should be separated for clarification. Discussion followed regarding upland dredging by special permit only and inland dredging issues. The Commission concurred that inland dredging and upland dredging needed to be defined clearly in the Ordinance. Interim Planner Panoff summarized that the Commission wanted to add definitions for inland and upland dredging to the Ordinance, add upland dredging instead of inland dredging in Table 5.60 as a special use, and clarify section 5.46.

Member Clock referenced Section 5.60 "all fences shall be constructed with the finished side exposed to the neighboring properties". She commented that there are fences that are double-faced. Member Roth indicated that deer fences were not addressed in this section. Interim Planner Panoff stated that he has not received complaints about deer fencing. Member Waddell questioned whether a permit was required to put up a deer fence and Interim Planner Panoff recommended that there should be a permit.

Member Waddell questioned the regulations for a corner lot whereby a front yard fence had to be a maximum height of 3', but a side yard fence could be 6'. Interim Planner Panoff clarified that the side yard started behind the edge of the house.

Interim Planner Panoff explained what language was added to the retaining wall section. Member Everleigh questioned what if someone was using natural trees or vegetation as a wall or fence and they fail to take care of the landscaping. Member Roth stated that Code Enforcement should be contacted. Member Waddell thought that the retaining wall language was a good start.

Chair Chamberlain referenced the memo from Claire Karner, Community Planner at LIAA, regarding *Enacting Shoreline Zoning Protections Around Lake Charlevoix*. He stated that most of Round Lake was covered in sheet piling and most elevations were set at heights that were above the all-time high water line. He felt the Commission should redefine water elevation; it was kind of a meaningless commodity for houses not on the extreme northeast corner of Round Lake. Member Waddell commented that he could not find where the 582.35' number comes from. Chair Chamberlain stated that number was the highest recorded elevation whereas the ordinary high water mark is a legally defined elevation by each governing body. Discussion continued regarding the high water elevations of 581.5' versus the recommended ordinary high water mark of 582.35' (International Great Lake Datum) for Lake Michigan, Pine River Channel, and Lake Charlevoix. Member Waddell wanted to see a map or a survey that would show how the higher water mark would affect existing properties. Member Clock stated that she would like to know if the Townships have changed their high water mark to 582.35' before the Commission makes a decision.

Member Roth referenced page 10 of the agenda packet, regarding regulating the number of docks allowed. She felt that they needed to be cautious because Harbor Club has installed small docks for paddle boarding or kayaking. She questioned if that would count as two docks. Member Roth felt that would cause a lot of people to be upset. Member Waddell questioned if the finger docks at the marina were counted as one dock. He commented that the way the proposed language was worded is unworkable. Chair Chamberlain stated that it would be difficult to control the number of docks and any alteration would require Army Corps of Engineers and DNR permits. Historically they have a line of navigation that has established the length of the docks.

Member Roth questioned whether the Commission should consider some kind of anchor safety zone near docks so vessels could move around the lake. Member Waddell suggested including a map of where boats are allowed to anchor in the lakes. Member Roth recalled that the Sheriff's Department told her that a right-of-way was needed for maneuvering boats. Interim Planner Panoff indicated that the City could not regulate where boats anchor. Chair Chamberlain suggested checking with the Army Corps of Engineers as to guidelines or safe mooring distances.

Discussion followed regarding the recommended edits listed on page 9 and the Commission concurred to add site plan review for waterfront developments. Member Waddell stated he was not ready to address the suggested language regulating the number of docks on page 10. He felt it was too vague and there were too many issues.

Member Roth stated that the intent appeared to limit boats, however they shouldn't be limiting people's access to boats.

Discussion continued regarding proposed language specifically regulating or prohibiting keyhole/funnel development and the Commission concurred that the language was not needed.

b. Planning Commission Discussion on Rental Regulations

Member Waddell stated he liked South Haven's "Good Visitors Guide", having a contact person available 24 hours a day for rental properties, informing everyone within 300' that the owner was going to rent their home as a short-term rental, and maximum occupancy and maximum visitors allowed. Member Roth suggested that a sub-committee should draft suggested language regarding rental properties.

Chair Chamberlain questioned if City Council had the political will to pass an ordinance regarding short-term rentals. Interim Planner Panoff replied that there were a few who mentioned short-term rentals. Chair Chamberlain directed Staff to look into what type of lodging tax is charged by hotels/motels in town. Members Roth and Waddell agreed to work as a sub-committee to draft short-term rental language. Interim Planner Panoff stated that Amanda Wilkin from the Convention and Visitors Bureau would be a good person to include on the sub-committee.

c. Direction for Language Changes. Further Staff Research, etc.

Member Roth suggested that there should a "safe zone" in the City in front of cameras for an exchange of goods. Interim Planner Panoff responded that would be an issue for the Police Department to address.

I. **Staff Updates**

None.

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

None.

K. **Adjournment**

Motion by Member Elzinga, second by Member Eveleigh to adjourn. Motion passed by unanimous voice vote. Meeting adjourned at 8:53 p.m.

Joyce M. Golding/fgm

City Clerk

Sherm Chamberlain

Chair



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

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: September 8th, 2016
SUBJECT: September 12th Meeting

Planning Commission Members,

The owner/developer of the Charlevoix Pointe Condominiums has re-applied for a Site Plan Review based on the approval that was received in 2013 expiring last fall. For those that are unfamiliar with the project, it consists of a proposal to build 7 townhome style condominiums in three buildings along Pine River Lane. This submittal is all but identical to what was approved previously, but the building corners have been staked again and you are free to visit the site by yourselves or with me. Please do not visit the site with other Planning Commission members. If you would like to see additional site plans, landscaping plans, etc. I have larger copies than those included in the packet in my office, you may come by to view them at any time.

Also on the agenda will be discussion about further action on investigating short term rental regulations. If the Planning Commission wishes to establish a sub-committee to look at the issue, that is best done through a motion stating the intent of the committee and designating PC members willing to participate in the group. A few members of the public that wish to participate have been identified, but they do not need to be appointed to the committee as it would only be active in an advisory role. A call for citizens interested in being involved can be put out before the committee would be scheduled to meet. Based on the discussion at the last meeting, the role of this sub-committee would be to come up with a recommendation, and presumably a draft ordinance, regarding addressing the quality, safety, and neighborhood impact of short term rentals to put forth to the Planning Commission for consideration.

Finally, updated zoning ordinance amendment language is included for your review. Unfortunately I have not heard back from the Army Corps of Engineers yet regarding mooring in Round Lake, so that will have to wait until a later date.

Regards,

Zach Panoff



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

PLANNING COMMISSION REPORT

AGENDA TITLE: Project 2016-09 SP: Charlevoix Pointe: Site Plan Review

PUBLIC MEETING DATE: Monday, September 12, 2016 7:00 PM

- | | |
|------------------|--|
| EXHIBITS: | <ol style="list-style-type: none">1. Site Plan Review application.2. Plans provided by applicant.3. City Engineer Recommendations.4. City of Charlevoix Zoning Ordinance. |
|------------------|--|

I. GENERAL INFORMATION:

Applicant/Developer: Midtown Development Inc.
Tim Burden, President
311 E. Eighth St.
Traverse City, MI 49684

Agents: Mansfield Land Use Consultants
Douglas Mansfield, President
Petra Kuehnis, Landscape Architect
830 Cottageview Drive, Suite 201
Traverse City, MI 49684

Owners: Charlevoix Pointe, LLC.
Tim Burden, Managing Partner
311 E. Eighth St.
Traverse City, MI 49684

Requested Action: Phased construction of 7 single-family attached townhome style single family dwelling units.

Zoning: R4 Residential Planned High Density

Project Location: 115 Pine River Lane

Project Site Size: 0.69 Acres or approximately 30,231 Square Feet

Existing Land Use: Vacant with the exception of a garage

Adjacent Land Uses: N Single family home, Charlevoix Country Inn Bed and Breakfast, Weathervane Terrace Inn and Suites.
E Single-family home, the Weathervane Terrace Inn and Suites.
S City owned land along the Pine River Channel.

	W	The Lake House Condominiums.
Adjacent Zoning:	N	R1 Single Family Residential (106 and 110 W. Dixon Ave.) and CH Commercial Hospitality (104 W. Dixon Ave. - Weathervane Terrace Inn and Suites)
	E	R4 Residential Planned High Density (113 Pine River Lane) and CH Commercial Hospitality (111 Pine River Lane – Weathervane Terrace Inn and Suites)
	S	SR Scenic Reserve (Across Pine River Lane)
	W	R4 Residential Planned High Density (119 Pine River Lane – Lake House)

PROJECT DESCRIPTION/LOCATION:

The applicant is requesting site plan approval for a condominium development consisting of 7 single-family attached townhome style dwelling units in 3 separate buildings on the site, located at 115 Pine River Lane. The development is the same as what was proposed and approved in 2013, and would go by the name Charlevoix Pointe. The applicant is re-applying for Site Plan Review because their previous approval expired in November of 2015.

Air Photo from 2010 (Property lines are approximate.)



MASTER PLAN CONSIDERATIONS: *Please note that Site Plan Review is not based on consistency with the Land Use Master Plan, this section is included only for general reference.

The 2011 Land Use Master Plan shows the subject property to be a target location for infill development (pg. 21) and shows that a high density residential use would be appropriate based on the future land use map.

The Master Plan also delineates Smart Growth as a goal of the community. This concept provides strategies for growing in a way that supports economic development, creates strong neighborhoods and provides residents with a clean, healthy environment. Several of the principles of Smart Growth apply to the Charlevoix Pointe development, including:

1. Create a range of housing opportunities and choices.
2. Create walkable neighborhoods.
3. Strengthen and direct development to existing communities.
4. Take advantage of compact building design.
5. Make development decisions predictable, fair and cost effective.

In addition, several of the community goals, along with their corresponding objectives and action items, align with the proposed Charlevoix Pointe Condominiums.

1. The goal to provide high quality public services, infrastructure, utilities and amenities to Charlevoix that are sustainable and cost effective (pg. 34) is achieved by increasing municipal water, sewer and electric users, one of the identified action items.
2. Encouraging higher density, infill development and/or redevelopment consistent with surrounding land uses and neighborhood character (pg. 35) has two objectives that are realized by the development, encouraging higher density in appropriate locations and promoting infill development.

PROPERTY ZONING HISTORY:

The Zoning Ordinance adopted in 1941 included an R-1 Residence District I designation to this parcel. Under the 1978 Zoning Ordinance the subject parcel was changed to a C-1 Community Service Commercial zoning designation. When the new Zoning Ordinance was adopted on August 5th, 2013 the parcel was rezoned to a R4 Residential Planned High Density zoning designation based on the lot size and other high density residential uses adjacent to the property and in the immediate vicinity.

II. SITE PLAN REVIEW:

The following section is taken directly from the Section 5.120 (pg. 130) of the Zoning Ordinance. The Planning Commission has made findings of fact to determine if the proposal meets each of the following standards. The Planning Commission finds that this proposal meets all of the following standards based on findings of fact. The findings are all bulleted and in *italics*.

5.120. Standards for Site Plan Approval: A site plan shall be approved only upon a finding of compliance with the following standards:

- (1) The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.
 - *The Planning Commission finds that the site plan proposal complies with Section 5.25 (pg. 23) of the Zoning Ordinance, which states that R4 Planned High Density Residential districts allow for site condominiums and townhouses.*
 - *The Planning Commission finds that the site plan proposal complies with Section 5.26 (pg. 23) of the Zoning Ordinance, which states that attached single family dwellings and site condominiums are a use by right in R4 districts.*
 - *The Planning Commission finds that the site plan proposal complies with Section 5.27(1) (pg. 25) of the Zoning Ordinance which requires that the minimum lot width and area for a parcel in the R4 zoning district must be 80 feet and 15,000 square feet, respectively. The measurements of the lot are 110 feet wide and approximately 30,000 square feet.*
 - *The Planning Commission finds that the site plan proposal complies with Section 5.27(5) (pg. 27) of the Zoning Ordinance which establishes the required building setbacks (25 feet in front and rear, 10 feet on sides), distance between buildings (10 feet), minimum floor area (1100 square feet for 2 stories) and maximum building height (30 feet) for single family attached dwellings in an R4 zoning district.*
 - *The Planning Commission finds that Section 5.27(6)(a)(1) (pg. 27) has been met since the developer has indicated the buildings will be constructed in phases with the completion of Units 1, 2 and 3 first, with the remaining units following. The Zoning Administrator will ensure each construction phase meets the requirements of this Article and any conditions of approval.*
 - *The Planning Commission finds that the proposed parking areas do not interfere with any recreation areas and there are no service areas since this is not a commercial or industrial development. (5.27(6)(b)(1) (pg. 28))*
 - *The Planning Commission finds that all areas will be bituminous asphalt, concrete, or pavers. The City Engineer has reviewed the grading and drainage plan and the Planning Commission finds this standard has been met provided that the applicant meets the conditions outlined in the report. (5.27(6)(b)(2) (pg. 28))*
 - *The Planning Commission finds that since no service areas are required this standard does not apply. (5.27(6)(b)(3) (pg. 28))*
 - *The Planning Commission finds that the Fire and Police Chief has reviewed the project and feels that there is safe and efficient ingress and egress from Pine River Lane to the access driveway servicing the development. The access driveway will require removal of three public parking spaces on Pine River Lane to accommodate a sufficient driveway width and ensure ease of access for emergency service vehicles. The Planning Commission finds that the traffic resulting from this development will not significantly affect congestion and flow to Pine River Lane and US 31/Michigan Avenue. This intersection has known, seasonal congestion and ingress/egress challenges resulting from US 31/Michigan Avenue traffic and the bridge going up. The traffic resulting from this development will not significantly affect existing conditions and challenges. (5.27(6)(b)(4) (pg. 28))*

- *The Planning Commission finds that the proposed development will be serviced by all necessary public water supply and sewer disposal systems, if the necessary engineering standards and required upgrades to the water line recommended by the Public Works Department and City Engineer are met. This standard is met provided the applicant meets the conditions of approval outlined in this report. All utilities are proposed to be located underground within the development. (5.27(6)(b)(5) (pg. 28))*
 - *The Planning Commission finds that the proposed development complies the minimum floor requirements, width, and other standards for residential uses outlined in Section 5.47(1)(a thru i) (pg. 51).*
 - *The Planning Commission finds that since the development is serviced by an access drive, each structure need not front a publicly dedicated street consistent with the access requirements of Section 5.60(3) (pg. 79).*
 - *The Planning Commission finds that the proposed fence to be located along Pine River Lane meets the height and spacing requirements of Section 5.65 (pg. 81).*
 - *The Planning Commission finds that if the recommendations and conditions are met concerning water supply and sewage disposal facilities the requirements of Section 5.77 (pg. 86) will be met.*
 - *The Planning Commission finds that the Landscaping Plan contains the required buffer areas, number of trees, and shrubs located in appropriate locations throughout the site to meet and exceed the minimum requirements outlined in Section 5.81 (pg. 88).*
 - *The Planning Commission finds that the development exceeds the minimum required parking spaces under Section 5.92(8) (pg. 102), which is 2 spaces per single family unit. Each unit will have two additional spaces outside the garage. Section 5.92(7) (pg. 102) does not permit exceeding the minimum number of spaces unless the Planning Commission finds that it is necessary. Due to the known parking and congestion problems along Pine River Lane, staff recommends the Planning Commission allow the additional 2 spaces, which is part of the driveway, delineated about halfway down on the east side.*
- (2) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- *The Planning Commission finds that the proposed development is harmonious with the character of the surrounding area and landscaping features have been implemented to minimize impact to adjacent single family lots. The development is located in an area that is already largely occupied with multiple family and motel/hotel developments, so the design is generally harmonious and not out of place. The landscaping plan provides for the placement of arbor vitae along the shared property line with 113 Pine River Lane to provide a screen between the single family home and the access drive. The landscaping plan also includes a screen and buffer along the north property line.*
- (3) The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the greatest extent possible.
- *The Planning Commission finds adequate measures have been taken to limit hazards to adjacent properties. The additional traffic that would go along with 7 single family units is not expected to be high in volume. Buffers and landscaping planned around the edge of the property will be sufficient to limit glare and other potentially negative effects from*

vehicles. Dark sky compliant lighting is proposed to limit glare and many of the residents will be walking due to the close proximity of services offered in downtown area.

- (4) Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

(a) TRAFFIC CIRCULATION.

The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on movement on abutting streets and adjacent properties.

- *The Planning Commission finds there would be one vehicular access point from Pine River Lane to Charlevoix Pointe requiring the removal of three parking spaces. This access would be paved, between 15 and 20 feet wide, and allow for two way traffic circulation within the site. On site pedestrian traffic would utilize the same surfaces as vehicular traffic and the sidewalk along Pine River Lane at the front of the site would be maintained or replaced along its entire length if disturbed during construction. The Charlevoix Pointe access point would be located approximately 90 feet from the Weathervane Terrace Inn and Suite's driveway and approximately 100 feet from The Lake House's driveway. The Fire and Police Chief has approved the access points and internal vehicular and pedestrian circulation routes.*

(b) STORM WATER.

Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.

- *The Planning Commission finds that all storm water is to be detained on-site with underground infiltration systems that utilize multiple dry wells and a bottomless storm chamber system. Building runoff is to be captured by gravel drains beneath the eaves. These systems have been reviewed and the City Engineer has approved the plan with conditions. A silt fence will be utilized along the west, south and east property lines to ensure that no on-site drainage is allowed to leave the site. Provided that the recommendations of the City Engineer have been met, the Planning Commission finds this standard has been met.*

(c) LANDSCAPING.

The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure the proposed uses will be adequately buffered from one another and from surrounding property.

- *The Planning Commission finds that the existing slope in the middle of the site will be largely preserved, as will the major trees along the property lines. One ash tree at the south west corner of the site will be removed and replaced with several smaller trees. There are no substantial trees that would be in danger of removal on the interior of the property. Vegetative buffers are to be used on the east and west sides of the lot between the single- and multi-family developments, as well as the Weathervane Terrace Inn and Suites. A sign and split rail fence will be placed along the front of the lot providing separation from the sidewalk.*

(d) SCREENING.

Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with Section 5.81(9) (pg. 94) to shield residential properties from noise, headlights and glare.

- *The Planning Commission finds that the landscaping plan identifies appropriate screening adjacent to abutting residential uses consistent with the requirements of Table 5.81(3)(g)(pg. 90) and 5.81(3)(h)(pg. 90).*

(e) LIGHTING.

Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

- *The Planning Commission finds that all site lighting will be building mounted and comply with dark sky principals. No lighting plans are necessary at this time.*

(f) UTILITY SERVICE.

All utility service shall be underground, unless impractical due to engineering difficulties.

- *The Planning Commission finds that Charlevoix Pointe will utilize city utilities (water, sewer and electric), which will be buried and connect to existing lines or upgraded lines.*

(g) EXTERIOR USES.

Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

- *The Planning Commission finds that there are no exterior uses delineated on the plans that need to be screened. The development will require one or two electric transformers that will be near the west property line that cannot be screened due to public safety requirements.*

(h) EMERGENCY ACCESS.

All building and structures shall be readily accessible to emergency vehicles.

- *The Planning Commission finds that the site plan has been reviewed and preliminarily approved by the Fire Chief. The Fire Chief feels the structures and buildings have adequate access provided any recommendations or conditions are met by the applicant.*

(i) WATER AND SEWER.

Water and sewer installation shall comply with all city specifications and requirements.

- *The Planning Commission finds that if the applicant follows all recommendations and conditions outlined by the Public Works Superintendent and City Engineer that this standard is met.*

(j) SIGNS.

Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

- *The Planning Commission finds that a sign identifying the development is to be incorporated into the fence at the front of the property. The sign meets the size and height requirements of the Article 11, Signs (pg. 111).*

III. CONDITIONS OF APPROVAL:

The following section is taken directly from the Section 5.121 (pg. 131) of the Zoning Ordinance. The Planning Commission has imposed conditions of approval on the site plan based on the following criteria.

5.121. Conditions of Site Plan Approval.

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

- (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
- (2) Ensure that the Use is compatible with adjacent land uses and activities.
- (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

CONDITIONS OF APPROVAL (1- 9)

- *The City Engineer and Public Works Superintendent are recommending that the water line be upgraded to service this development. The Public Works Superintendent is requesting that the developer finance the costs of this upgrade.*

At this point the applicant is requesting to begin construction prior to the water line infrastructure being installed. In order to accommodate this request and ensure that the proposal meets the required Water Supply and Sewage Disposal Facilities as required under Section 5.77 (pg. 86), City staff are recommending that the developer's portion of the water line costs be in hand prior to construction. Based on the findings contained in this report, the recommendations of the City Engineer and Public Works Superintendent and Criteria 1 for conditions of approval, the Planning Commission recommends the following conditions:

- 1. Prior to construction of the necessary upgrades to the water line, the applicant or developer shall provide full payment of their portion of the construction costs based on the bid accepted by the City. (Cost is estimated to be \$38,000 to \$46,000** and will be based on the linear feet to extend from the existing 8 inch main to the subject property).
This amount is an estimate, cost will be finalized as the same percentage of the total project cost once bids for the entire project have been received by the City.*
 - 2. The applicant or developer shall design, engineer, obtain DEQ approval and construct the water and sewer system from the Pine River Lane mains to service each unit based on the specifications required by the City. The applicant or developer shall be responsible for all costs and shall pay the associated tap in fees per unit as required by the City Treasurer. The plans shall be reviewed and approved by the City Engineer prior to submission to the DEQ. The City Engineer shall inspect the water and sewer mains/lines prior to being buried or filled.*
 - 3. Prior to issuance of a zoning permit, the applicant or developer shall approve utility easement documents drafted by the City Attorney necessary so that the City retains legal access to the utilities within the development in the future for upgrades, maintenance or any other reason necessary to provide utility service. The easement documents shall be recorded with the Site Condominium documents at the County Register of Deeds.*
- The Planning Commission finds that the City Engineer has reviewed the grading and drainage plan and all calculations provided by the developer's engineer. (See Exhibit 5) The engineer finds that the storm water plan and associated features are adequate but recommends two additional requirements. Based on these findings, to ensure that storm water runoff does not have a negative impact on adjacent properties, and Criteria 2 and 3, the Planning Commission recommends the following conditions:*
 - 4. The developer or condominium association shall implement a maintenance plan to ensure that the sumps are cleaned out twice a year at roughly 6 month intervals. Documentation shall be submitted to the City Zoning Administrator proving the maintenance plan is being followed.*
 - 5. Two additional feet sumps shall be added to each catch basin.*
 - 6. All storm water management features shall be inspected by the City Engineer prior to being filled or covered up.*

- *The Fire Chief has reviewed the proposed development for public safety considerations (Fire protection and EMS Service) including the location of the buildings, access drive width and slope, and hydrant location. (See Exhibit 4) The City Engineer has also reviewed the slope of the access drive. Based on the Fire Chief and City Engineer recommendations to ensure the highest level of public safety, and based on Criteria 1 and 3, the Planning Commission recommends the following condition:*
 7. *The access drive shall not exceed a slope of 13% grade and the top of the slope shall incorporate a vertical curve.*
- *The City Attorney, City Manager and Zoning Administrator have all reviewed the proposed plans and agree that a performance bond is necessary to ensure the requirements of the zoning ordinance are met and the site is developed in a manner that protects the public, health safety and welfare of the property owners in the immediate vicinity and the City as a whole. The Planning Commission agrees with this recommendation and finds that a performance guarantee is required. The City Engineer has offered a detailed opinion on costs that can be found in Exhibit 5. Based on these findings and Criteria 3,5, and 7 the Planning Commission recommends the following condition:*
 8. *Prior to issuance of a zoning permit, the applicant or developer shall provide a performance bond in the amount of \$30,000. The bond shall be in a form acceptable to the City Attorney so that all documents related to the performance bond are enforceable by the City and to ensure that the performance bond will accomplish its purposes, guarantee compliance with all applicable provisions or requirements of this ordinance and guarantee completion of the approved land use as approved with conditions, if any, or, in the discretion of the City, restoration of the site to its original condition. The Performance Guarantee shall remain in effect until the Zoning Administrator approves the completion of all 7 units, site restoration and landscaping.*
 9. *The applicant or developer shall include any conditions contained within this report, or imposed by City Council, in the condominium association documents filed with the Register of Deeds.*

5.122. Performance Guarantee

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required. The City Council may require that a performance guarantee be furnished to ensure compliance with the requirements and conditions imposed under the City's Zoning Ordinance. The amount of the performance guarantee shall be set forth by the City Council, and shall be an amount acceptable to the City in covering the estimated cost of improvements associated with the project for which zoning approval is sought. This performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or a surety bond, and shall be deposited with the treasurer of the City. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The City shall not require the deposit of the performance guarantee before the date on which the City is prepared to

issue the permit. The City shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvement as work on the required improvements progresses.

IV. PLANNING COMMISSION ROLE & OPTIONS:

1. Deny Project 2016-09SP based on specific findings of fact that prove the project does not meet the review standards in Section 5.120.
2. Approve Project 2016-09SP without conditions, based on specific findings of fact that prove the project does meet the review standards in Section 5.120.
3. Approve Project 2016-09SP with conditions, based on specific findings of fact that prove the project does meet the review standards in Section 5.120.
4. Table the decision on Project 2016-09SP. (Usually this option is only used when additional information is needed to assist the Planning Commission in making the decision.)



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

LEVEL B SITE PLAN APPLICATION

Midtown Development 115 Pine River Lane
Applicant Address of subject property

311 E Eighth St, Traverse City, MI 49684
Address (City/State/Zip)

Charlevoix Pointe, LLC
Property Owner Name (If different than applicant)

311 E. 8th St., Traverse City, MI 49684
Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone (231) 218-4983 Email tim.k.burden@gmail.com

Agent Phone (231) 218-4983 Email tim.k.burden@gmail.com

Zoning of subject property: R-4 (H. Density Res.) Tax ID: 15-052-127-002-00

Current use of property: Vacant Proposed use: Single Family Attached Dwellings

Dimensions of parcel: 110' x 220' Parcel size: 30,231 sqft (Square feet) .69 acres

Please describe the type of construction proposed:

Wood frame construction, w/stone veneer, shingle and lapboard style siding

Dimensions of proposed construction excluding eaves: _____

Total square footage of proposed construction: 7 3,190 sqft units

Height of proposed construction to the top of the roof: 36'

Height of proposed construction to the midpoint of the roof for gabled roof: 30'

Roof Type: Gable, Hip, Gambrel, Mansard, Flat. Other: Gabled roof

AFFIDAVIT

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance. I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her 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 site plan may be void. I also agree to comply with the conditions and regulations required by the approved development plan. Further, I agree that if the site plan is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that site plan (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 and proposed structures 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 Decision and Order. Finally, I understand that this is a site plan application, and if approved, cannot be implemented until applicant has applied for and the City has issued a zoning permit.

Property Owner Signature or Agent: _____

Date: 8/20/16

THIS SECTION FOR OFFICE USE ONLY

Zoning District: _____ Project #: _____

Receipt Number: _____ Approved: ☐ Denied: ☐

Lot Coverage Calculations: Existing: _____

Proposed: _____

Total: _____

Lot Size: _____ Percentage: _____

Staff findings or notes: _____

Zoning Administrator Signature: _____ Date: _____

August 19, 2016

Application for:
Site Plan Review
for
Charlevoix Pointe Condominiums



Submitted to:
City of Charlevoix
210 State Street
Charlevoix, MI 49720
(231) 547-3270



Mansfield
Co
Land Use Consultants

Table of Contents

Application

- Project Team
- Project Summary
- Site Plan Drawing
- Project Narrative
- About the Developer
- Air Photo Exhibit
- Zoning Exhibit
- Property Information
- Agency Agreement

Drawing Index

- Civil Plan Set
 - Cover Sheet
 - Notes Sheet
 - Existing Conditions & Demolition Plan
 - Site Plan & Dimension Plan
 - Grading & Storm Plan
 - Utility Plan
 - Landscape Plan
 - Details Sheet
- Architectural Plan Set
 - Floor Plans
 - Front Elevation
 - Side and Rear Elevations

Project Team

Developer:

Midtown Development, Inc.
Tim Burden, President
311 E Eighth St
Traverse City, MI 49684
Phone: (231) 218-4983
Email: timkburden@gmail.com

Owners:

Charlevoix Pointe, LLC
Timothy K. Burden, Managing Partner
311 E. 8th Street
Traverse City, MI 49684

Planning and Engineering Consultant:

Mansfield Land Use Consultants
Douglas Mansfield, President
830 Cottageview Drive, Suite 201
Traverse City, MI 49684
Phone: (231) 946-9310
Email: dougm@maaeps.com

Architecture Consultant:

Progressive Associates, Inc.
Chip Ironside, Progressive North LLC
425 Michigan Street, Suite #3
Petoskey, MI 49770
Phone: (231) 487-9290
Email: ciron@charter.net

Project Team

Project Summary

Project Parcel:

Tax ID 15-052-127-002-00

Project Location:

115 Pine River Lane

Tax Description:

Beg N line Pine River Lane 387 ft NW W to bridge N10°E 150 ft
S77°50 ft N10°E 92.88 ft W160 ft S10°W 222ft to N Line Pine
River Ln E110 ft to beg beginingpt of Gov Lot 1 Sec 27 T34N
R8W & of Gov Lot Sec 2 26-34-8

Current Zoning:

R-4 Planned High Density Residential
a Use-by-Right, level B Site Plan Review

Existing Use:

Vacant

Building Set Backs:

Front 25ft
Rear 25ft
Side 10ft

Parcel Size:

0.69 acres

Proposed Use:

7 single-family attached townhouse style dwelling units
3,190 square foot units
3 bed / 3 bath
2 car garage

Structures:

2^{1/2} stories
Gable roof forms
30 feet tall (*finished grade to the height between the eaves and the ridge*)
Wood frame construction
stone veneer and shingle and lapboard style siding

Project Summary

Project Summary continued

Parking:

<i>(2 spaces per unit required) x 7 units</i>	<i>14 spaces required</i>
Each unit has a 2-car garage	14 spaces
Driveway parking spaces	13 spaces
<u>Visitor parking spaces</u>	<u>3 spaces</u>
	30 spaces provided

Loading:

none required

Lighting:

All proposed fixtures are building mounted, full cut-off, dark sky compliant.

Utilities

Municipal water
Municipal sewer
Natural gas
Locally available electricity
On-Site storm water detention



Site Plan Drawing

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI

p 231.946.9310
f 231.946.8926

Introduction

Midtown Development, Inc., successful developer of many high density urban residential projects, proposes to construct seven attached single-family townhome style dwelling units called Charlevoix Pointe located at 115 Pine River Lane. The property is owned in trust by the Carey family.

Project Location / Existing Conditions *(see site plan sheet 2 and 3 of 8)*

The 0.69 acre project site has been vacant for at least one half dozen years. The proposed project is a use-by-right in the R-4 zoning district. Surrounding zoning includes single-family to the north, hospitality/commerce to the east and R-4 to the west. The site has approximately 110 linear feet of frontage on Pine River Lane and a lot depth of about 220 linear feet to the north. The site's grade elevation rises 18-feet from the south end fronting Pine River Lane, up to the north end. Municipal utilities requiring some routine upgrades are available along Pine River Lane. The site does not contain any significant trees or vegetation.

Site Plan Layout *(see site plan sheet 4 and 5 of 8)*

The seven single-family townhome style dwelling units that make up the proposed Charlevoix Pointe development are located in three buildings. The finished floor elevations of the units rise with the slope of the site from the front to the back of the property.

- Units 1 and 2 are located at a 604.5 elevation.
- Unit 3 is 6-feet higher at 610.5 elevation.
- Unit 4 rises another 2.5-feet to a 614.0 elevation.
- And units 5 thru 7, which are located at the back of the project site are 7.5-feet higher at 621.5 elevation.



CHARLEVOIX POINTE
Preliminary 3-D Site Layout

Project Narrative

Building Aesthetic *(see architectural plan set)*

These changes in building elevations along with the various gable roof lines provide movement and interest in the building forms resulting in a more visually appealing structure.

The aesthetic of the structures is further enhanced with a variety of siding materials and textures. A combination of stone veneer, horizontal lapboard and shingle style siding provide visual interest. While garage entrances are minimized under a large deck and behind elephant foot columns on a stone veneer base. Patterned paving in front of each unit creates a pedestrian scaled feel to the site's hardscape, while extensive landscaping softens all of the edges.

**Landscaping** *(see site plan sheet 7 of 8)*

A privacy fence planted with evergreen vines provides screening for the single-family uses to the north.

To the east, an evergreen hedge of pyramidal arborvitae will provide some relief from the Weathervane Terrace Inn's blank three storey cement wall which encroaches very close into the property line setback.

A hedge of globe arborvitae along the south eastern property boundary is placed on the property line with the neighboring lot owner's permission.

The western property boundary is planted with a decorative hedge of red twigged dogwood, providing year round color interest along the wall of the structures.

A 3-foot high decorative fence softened with evergreen vines maintains the pedestrian scale along Pine River Lane. The site development sign is artfully incorporated into the fence.

All of the plants selected are hardy to the region, and will be irrigated to ensure health and vigor.

Project Narrative

Condo Units *(see architectural plan set)*

Each of the three bedroom/ three bathroom residential units occupies a 36-foot by 38-foot foundation footprint and is 2-1/2 stores (30 feet) tall. The units have a two-car garage and all but one unit has two additional driveway parking spots. The main living area is located on the second floor. The entire top floor (*under roof*) is a master suite. The total square footage of living space for each unit is 3,190 square feet. The condominium Master Deed, Bylaws and related exhibits are provided to the City for review by the City's attorney.

Utilities and Services *(see site plan sheet 6 of 8)*

Municipal sewer and water is available along Pine River Lane. Sewer and water extensions into the site exceed the 10 minimum separation distance. Through preliminary discussions with the City engineer, it was determined to allow the situation with special provisions for construction.

The site plan has been reviewed and preliminarily approved by the local Fire Department officials.

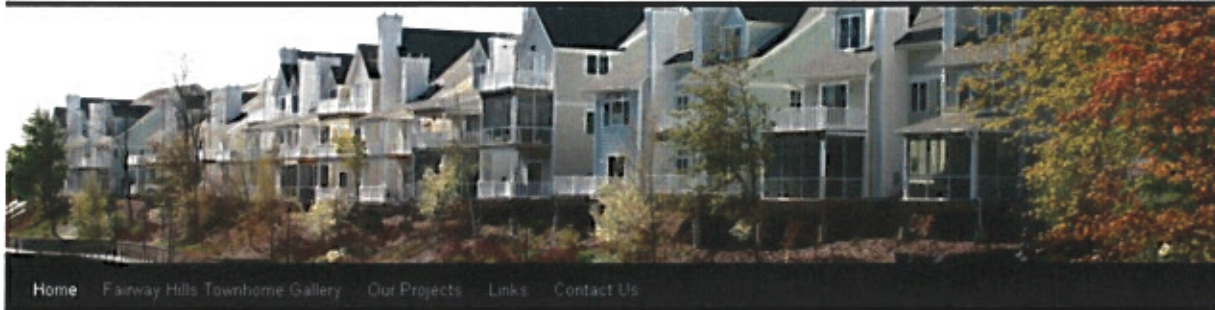
All storm water will be detained on-site with both underground infiltration systems and gravel french drains along the building eaves to catch roof water run-off.

All site lighting will be building mounted and will comply to dark sky principals.

Rollaway trash bins will be stored in garages until trash pickup day.

Midtown Development, Inc.

Smart Housing Choices for Traverse
City



Midtown Development is Traverse City's Premier In-Town Residential Developer

OUR EXPERIENCE Midtown Development, Inc. is based in Traverse City and operates as a leading community builder with an extensive portfolio in downtown residential condominiums. Midtown understands the movement to return to urban living and subscribe to the principles of the [New Urbanism](#) and Smart Growth. Midtown designs and builds very intentional communities that resonate with the groundswell of people who are focused on sustainability and a desire to live "green". Projects include River's Edge, Midtown Centre, Fairway Hills, Traditions and our latest: [Uptown Riverfront Townhomes](#).

OUR MARKET Midtown understands and speaks to a very specific, but growing market. The return to an urban lifestyle is attractive to the full population spectrum: young professionals through retirees. In keeping with national trends, people want to live in-town to [save](#) time and money in the daily commute, but also for all the cultural benefits that Traverse City is famous for. The ability to walk or bike to school, the beach, shopping, dining and entertainment is the benefit and the closer to the heart of downtown, the better.

OUR PHILOSOPHY Midtown strives to meet the objectives of efficient and smart land use by building higher density projects close to public infrastructure and utilizing [green building](#) techniques to provide energy efficient, environmentally sensible structures.

Infill development is not only our specialty, it is our passion. We actively seek residential development opportunities within the City's core because of that. We are proud to offer sustainable alternatives to sprawl and find it fulfilling to add to and build upon Traverse City's

About the Developer

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 496

p 231.946.9310
f 231.946.8926

success. We are involved in the community and live in the projects we build.

OUR APPROACH In spite of the current, long recession, Midtown has been successful, not only because of the demand for our product, but because of our innovative, but simple business model.

We avoid traditional apartment-style condominium projects, as they are difficult to finance, both for us and the end user. In doing so, we also avoid major factors that drive up cost to build and maintain, time to construct and risk. Our townhomes are functionally independent of other units. There are no shared hallways, elevators multiple egress stairways, parking structures or mechanical equipment. Vertical separation walls are sound-proof and there is no one else living above or below.

Each townhome has its own attached garage, internal stairs and private elevator. This provides the individual owner freedom in design within his "footprint" and flexibility in choosing mechanical systems and features. It also gives great comfort in the ability to control utility and maintenance costs, especially for those who are not year-round residents.

Midtown will strive to meet the objectives of efficient and smart land use by building higher density projects close to public infrastructure and utilizing green building techniques to provide energy efficient, environmentally sensible structures. Now and in the future, the company will utilize progressive community development concepts, innovative business practices, and education outreach in ways that best serve the residents of new neighborhoods and the community as a whole.

About the Developer

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 49781

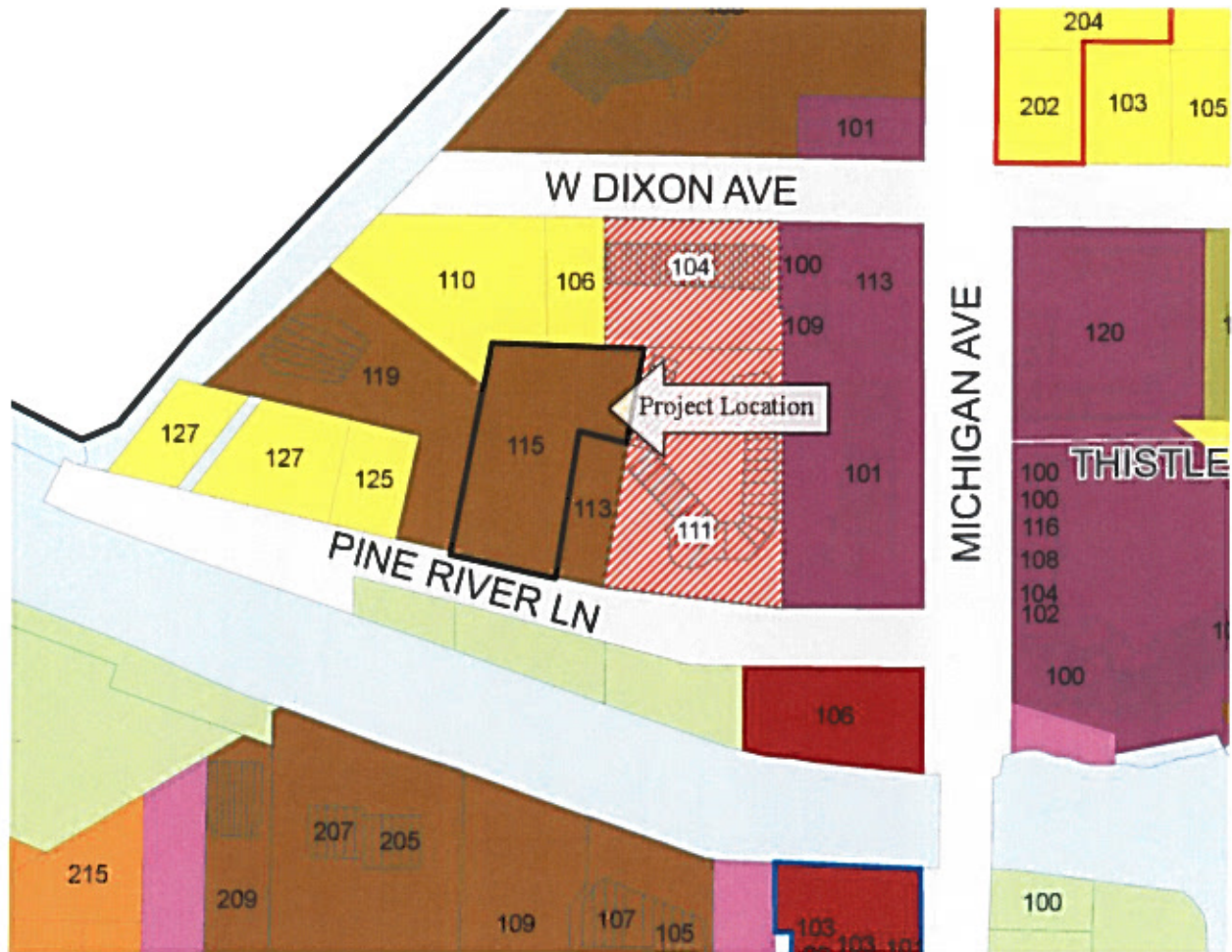
p 231.946.9310
f 231.946.8926



Air Photo

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 497

p 231.946.9310
f 231.946.8926



ZONING

- Single Family Residential
- Scenic Reserve
- Residential Planned High Density
- Central Business
- Commercial Hospitality
- Commercial Mixed Use

Zoning Exhibit

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 4968

9/23/13

Details for Item: 052-127-002-00

[Charlevoix County Services & Information Center](#)

Parcel Number 052-127-002-00



[Close This Window](#) | [Find Location on Map](#)

Property Address and Owner Information

Property Address: 115 PINE RIVER LN
CHARLEVOIX, MI 49720

Owner Information: CHARLEVOIX POINTE, LLC
311 E. 8TH STREET
TRAVERSE CITY, MI 49684

Taxpayer Information: See Owner Information

Property Information

Property Class: 401 - RESIDENTIAL
School District: 15050 - CHARLEVOIX
Acreage: 0.56

P.R.E. Percentage: 0%

2013 Assessment: \$98,600
2013 SEV: \$98,600
2013 Taxable Value: \$98,600

2012 Assessment: \$98,800
2012 SEV: \$98,800
2012 Taxable Value: \$98,800

Legal Information

BEG N LINE PINE RIVER LANE 387 FT NW W LI BRIDGE N 10 DEG E 150 FT S 77 DEG E 50 FT N 10 DEG E 92.88 FT W 160 FT S 10 DEG W 222 FT TO N LINE PINE RIVER LN E 110 FT TO BEG BEING PT OF GOV LOT 1 SEC 27 T34N R8W & OF GOV LOT 2 SEC 26-34-8.

Comments

Powered by Community Center™ software from the [Land Information Access Association](#)

www.charlevoixcounty.org/cc/DBViewer/DBVPropSheet.asp?pid=052-127-002-00&loc=1&from=main&indexfield=PARCELNUMBER&caption=Parcel Number&... 1/1

Parcel Information

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 49

p 231.946.9310
f 231.946.8926

Agent of Record Authorization Form

To: Whom It May Concern:

Re: Project located at: 115 Pine River Lane in the City of Charlevoix,
County of Charlevoix, State of Michigan

To whom it may concern:

Please recognize Michael R. Brown of Burdco Incorporated or Douglass Mansfield of Mansfield & Associates, Inc. or Timothy K. Burden of Midtown Development Inc. as an Agent of Record concerning Site Plan Approval, Condominium and Utility Permits for the above referenced Project. The effective date is immediately.

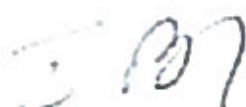
Please furnish their office with any assistance they may require regarding this property. The contact address and phone number is

Burdco Incorporated
Attn: Michael R. Brown, President
1222 Veterans Drive, Suite A
Traverse City, MI 49684-4454

Telephone: 231-941-9074
Facsimile: 231-947-9135
E-mail: mbrown@burdco.com

This Authorization is valid for a period of one (1) year from the date of signature. All communications, questions or correspondence regarding or related to the requested permits or utility connections for this project should be directed to Burdco Incorporated through the above listed contact information.

Sincerely,



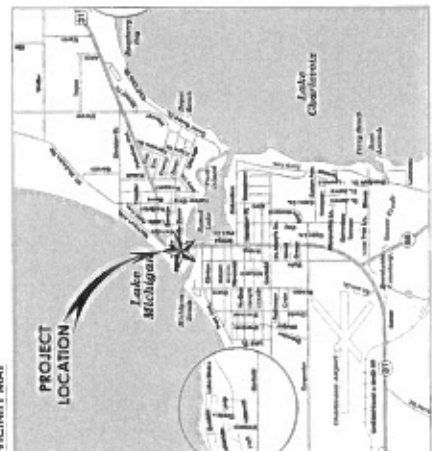
Timothy K. Burden, Managing Partner
Charlevoix Pointe, LLC
311 E. 8th St.
Traverse City, MI 49684

8-5-2016

(Date)

Authorization of Agency

VICINITY MAP



Project leader: **Mathias Grevskjøten, MSc.**

[illegible]

City of Charlevoix, Charlevoix County, Michigan

SEND
ADDRESS

[illegible]

PUBLIC AGENCIES AND UTILITIES
CITY OF CHICAGO DEPARTMENT OF PUBLIC WORKS (DPPW)

[illegible]

1. COVER SHEET

1.	COVER SHEET
2.	NOTE SHEET
3.	EXISTING CONDITIONS & DEMOLITION PLAN
4.	SITE PLAN & DEMOLITION PLAN
5.	GRADING & STORM PLAN
6.	UTILITY PLAN
7.	UTILITY PLAN & PROFILE
8.	LANDSCAPE PLAN
	INCLUDE: Study



MIDTOWN DEVELOPMENT, INC.
CHARLEVOIX POINTE CONDOMINIUMS
Cover Sheet

Cover Sheet

[illegible]

Mansfield
—
Land Use Consultants

W. C. Coughlin, Jr., Ed., 201
P.O. Box 4015
Tucson, AZ 85718
Phone: 214-844-7118
www.coughlin.com
wccoughlin@comcast.com



Public access provided by
Public Library, U.S.
Easton, Maryland

5. INSTALL
NAILCH ALL PLUMBING BEEH 3 INCHES OF UNBROKEN BARE NAILS.

4. TESTING



830 Cambridge Dr., Ste. 204
Folsom, CA 95630
Tel: 916/450-4400
Fax: 916/450-4410
www.folsom.com

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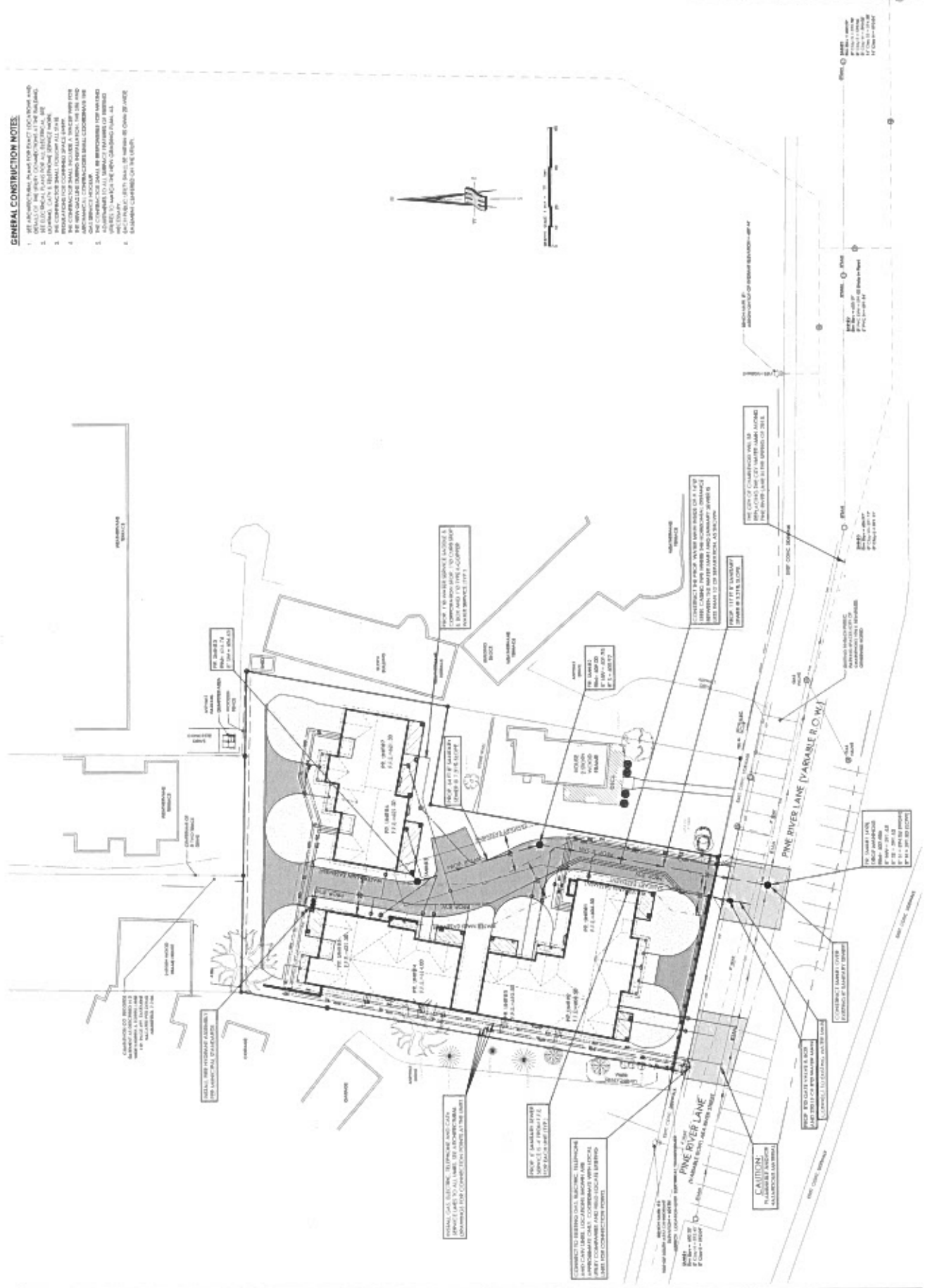
- GENERAL CONSTRUCTION NOTES:**
1. SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ALL STRUCTURES AND UTILITIES.
 2. SEE ELECTRICAL PLANS FOR ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK.
 3. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FOR CONSTRUCTION.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING UTILITIES AND STRUCTURES.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND PLANTINGS.
 7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND WALKWAYS.
 8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.
 9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.
 10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING RECORDS AND DOCUMENTATION.

Mansfield
Lead Use Consultants
1000 Longview Blvd., Ste 201
Tomball, TX 77455
www.mansfield.com
Phone: 281-344-1118
Fax: 281-344-1119
info@mansfield.com

NO.	DESCRIPTION	DATE	BY	CHKD.
1	REVISION	11/11/11	JLM	JLM
2	REVISION	11/11/11	JLM	JLM
3	REVISION	11/11/11	JLM	JLM
4	REVISION	11/11/11	JLM	JLM
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8	REVISION	11/11/11	JLM	JLM
9	REVISION	11/11/11	JLM	JLM
10	REVISION	11/11/11	JLM	JLM

MIDTOWN DEVELOPMENT, INC.
CHARLEVOIX POINTE CONDOMINIUMS
Unity Plan
Section 26 and 27, Town 34 North, Range 8 West
City of Charlevoix, Charlevoix County, Michigan

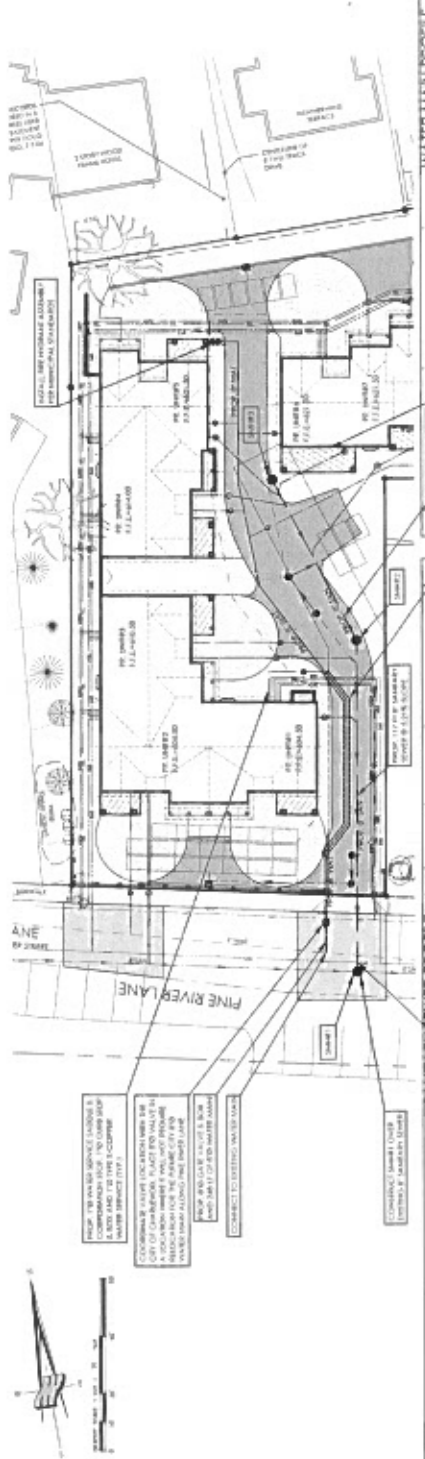
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13084
Sht 6 of 9



GENERAL CONSTRUCTION NOTES:

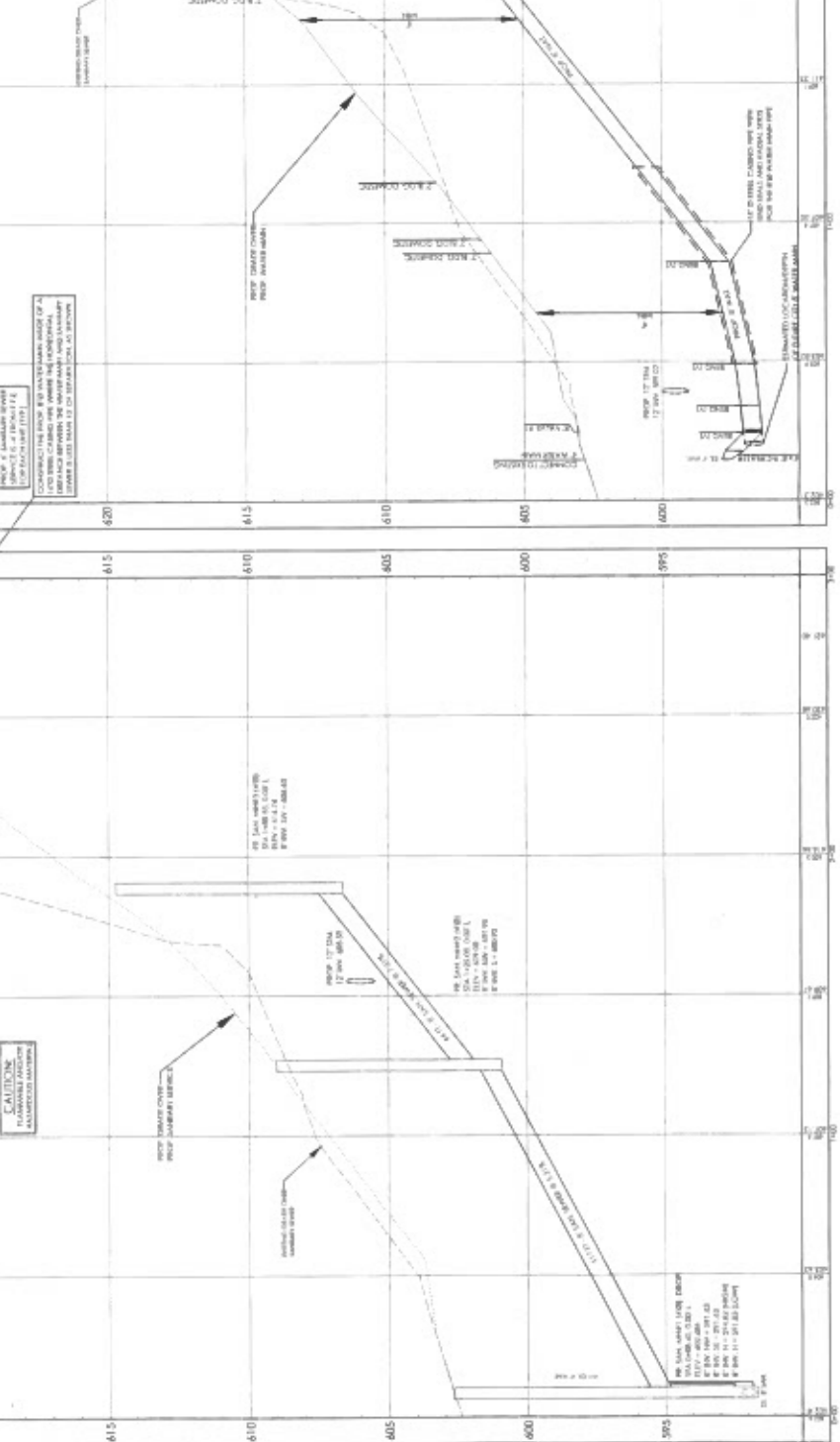
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2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF CAMBRIDGE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF CAMBRIDGE.
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NO.	DESCRIPTION	DATE
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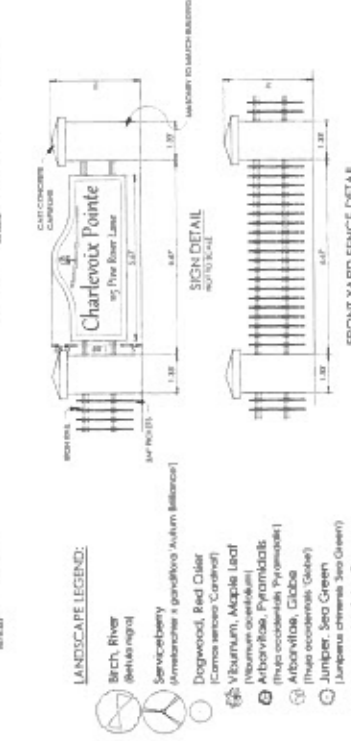
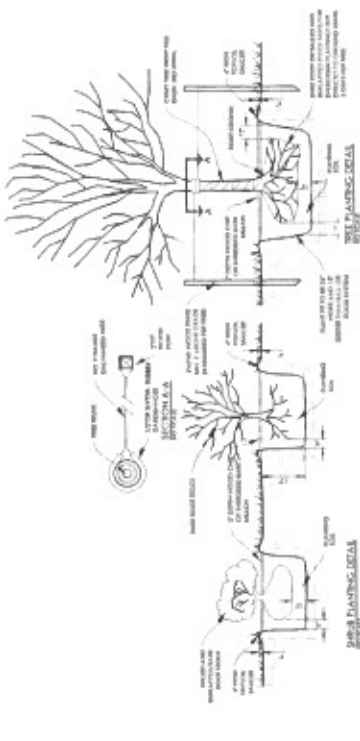


SANITARY SEWER PROFILE

WATER MAIN PROFILE



NO.	DATE	DESCRIPTION
1	10/1/03	Initial Design
2	10/1/03	Final Design
3	10/1/03	Final Design
4	10/1/03	Final Design
5	10/1/03	Final Design
6	10/1/03	Final Design
7	10/1/03	Final Design
8	10/1/03	Final Design
9	10/1/03	Final Design
10	10/1/03	Final Design

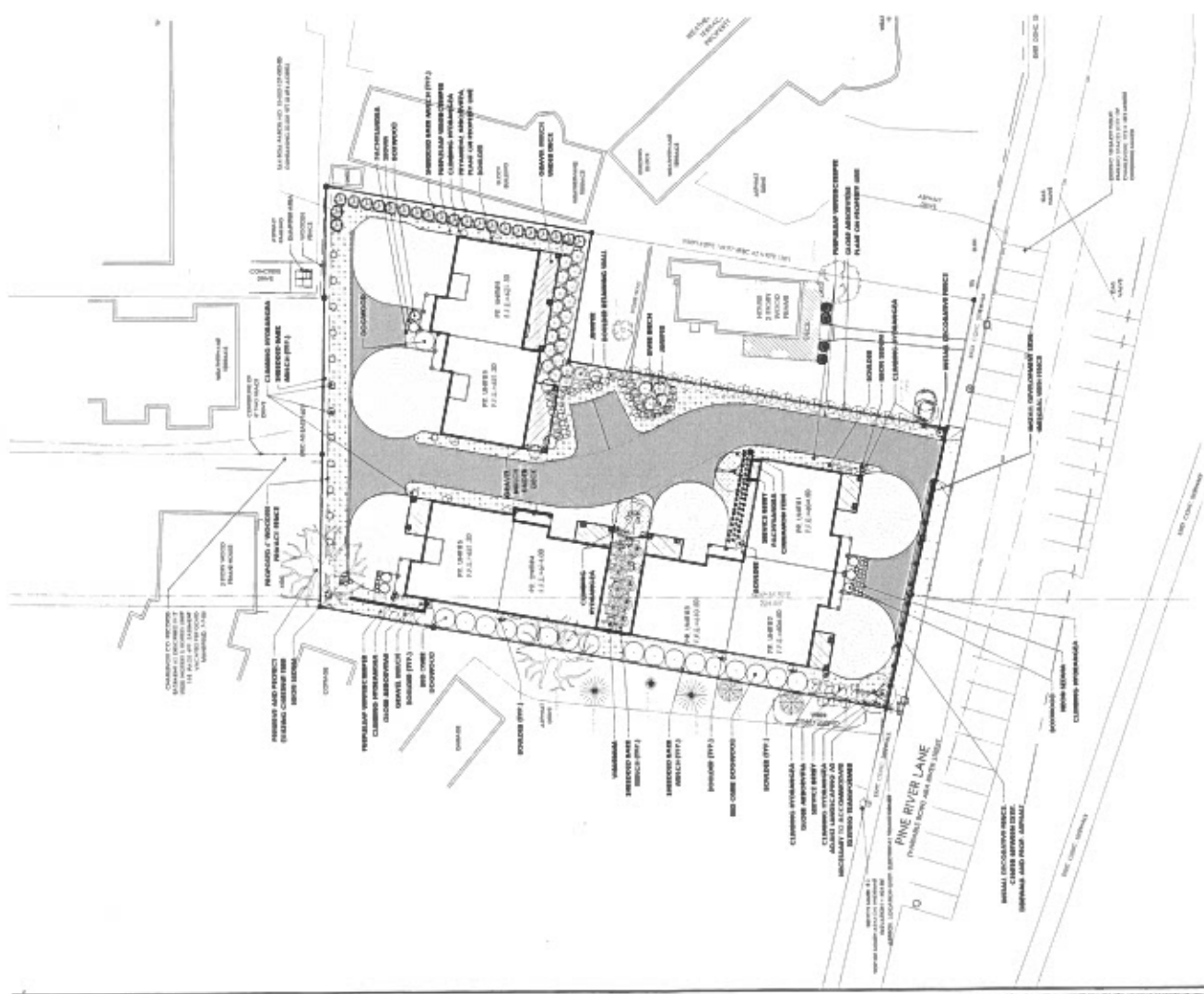


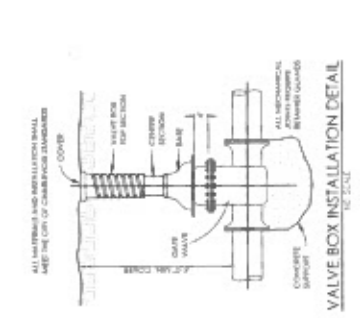
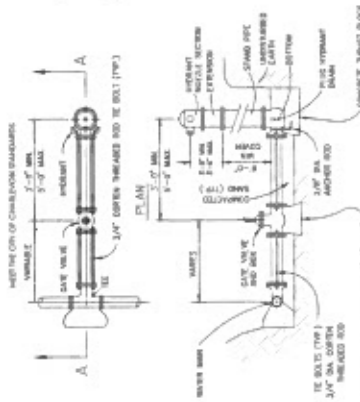
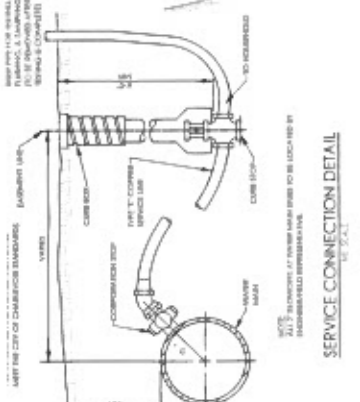
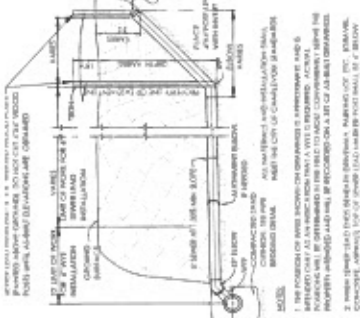
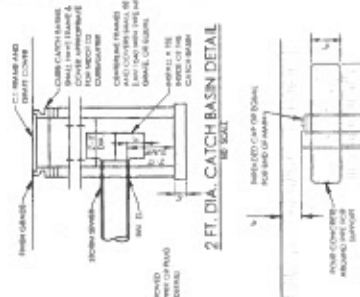
LANDSCAPE LEGEND:

- BETH, River (Bethel right)
- Serviceberry (Amelanchier canadensis)
- Dogwood, Red (Cornus florida)
- Viburnum (Viburnum acerifolium)
- Arbutus, Pyramidalis (Arbutus pyramidalis)
- Arbutus, Occidentalis (Arbutus occidentalis)
- Juniper, Sea Green (Juniperus communis)
- Boxwood, Winter Green (Buxus sempervirens)
- Hydrangea, Climbing (Hydrangea arborescens)
- Sedum, Neon (Sedum spectabile)
- Fern, Cinnamon (Adiantum species)
- Hydrangea, Green (Hydrangea arborescens)
- Wisteria, Purple (Wisteria floribunda)
- Boulder (Boulder)

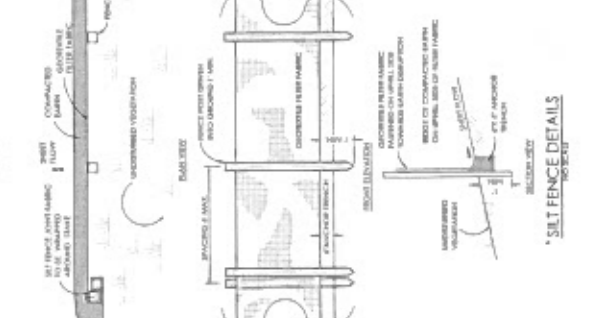
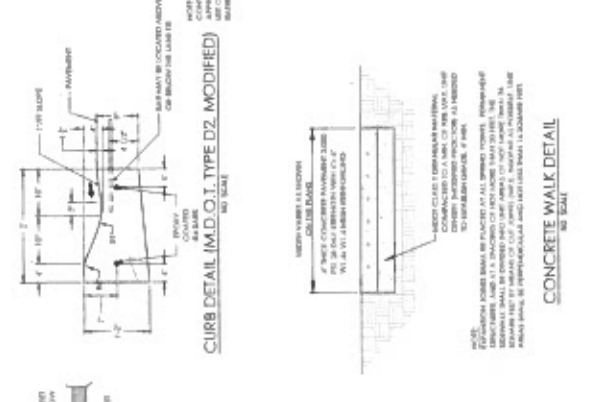
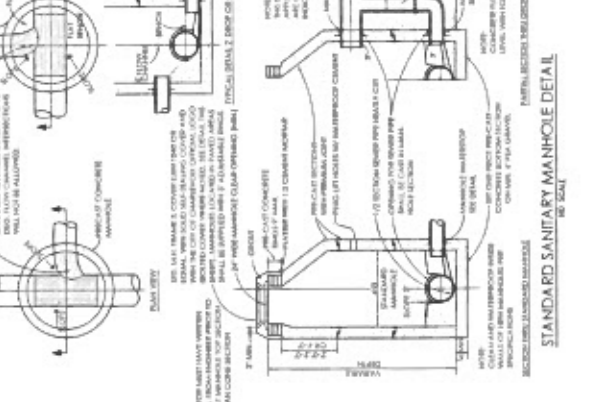
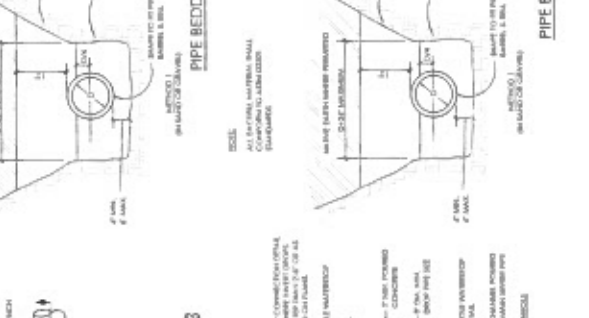
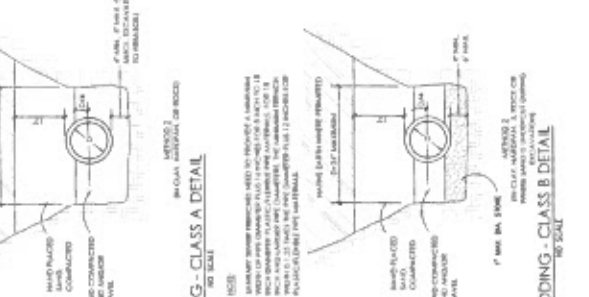
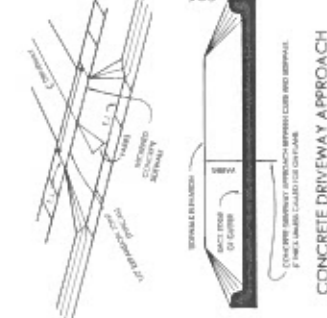
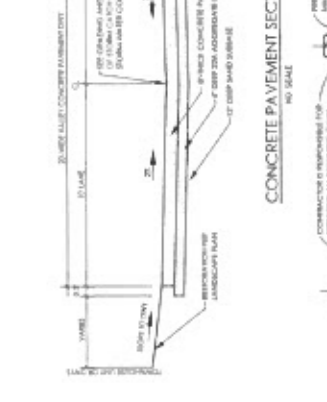
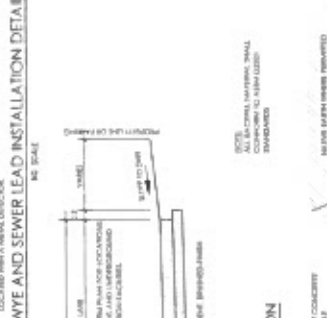
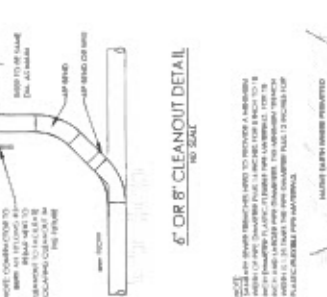
LANDSCAPE QUANTITIES:

PLANT USE	QUANTITY	PLANT NAME
Tree	1	Beth, River
Shrub	1	Serviceberry
Shrub	1	Dogwood, Red
Shrub	1	Viburnum
Shrub	1	Arbutus, Pyramidalis
Shrub	1	Arbutus, Occidentalis
Shrub	1	Juniper, Sea Green
Shrub	1	Boxwood, Winter Green
Shrub	1	Hydrangea, Climbing
Shrub	1	Sedum, Neon
Shrub	1	Fern, Cinnamon
Shrub	1	Hydrangea, Green
Shrub	1	Wisteria, Purple
Shrub	1	Boulder





ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
2	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
3	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
4	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
5	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
6	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
7	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
8	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
9	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00
10	CONCRETE DRIVEWAY APPROACH	1	SQ. YD.	10.00	10.00



3535 W. 116th Lakeview
Bloomington, IL 61710-1422
708.340.4848 Fax: 708.340.4320
Email: paul@progenyinnovations.com

PROGRESSIVE NORTH L.S. Co.
431 Madison St., Suite 83
Peoria, IL 61610
217.674.4299 Fax: 217.674.4399
E-mail: sales@progeny.com

Ground Fast Review 08/05/13 RELEASED 08/21/13 RELEASED 09/03/13 RELEASED 09/11/13 RELEASED 09/16/13 SITE PLAN 09/20/13

Burdco, Inc.

- **Project**

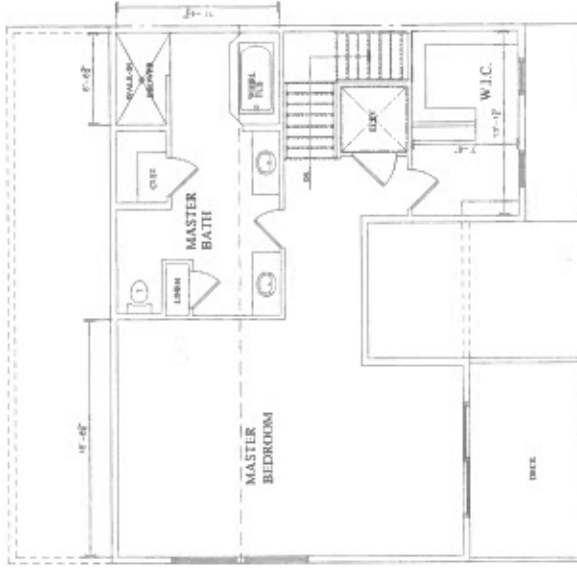
Proposed
Condominium
Community

Charles
Shawn Tilden

Typical Unit
1st, 2nd, & 3rd
Floor Plans

Project Number: 13-	AI
Device: C1	
Client: FA	
Date: 04.02.13	
Sheet Number:	

AI



Third Floor Plan
Scale: 1/4" = 1'-0"



Second Floor Plan



First Floor Plan

833 W. 1st Ave. Suite 4150
Bloomfield Hills, MI 48302
Tel: 248.860.1800 Fax: 248.346.4020
Email: info@progressiveassociates.com

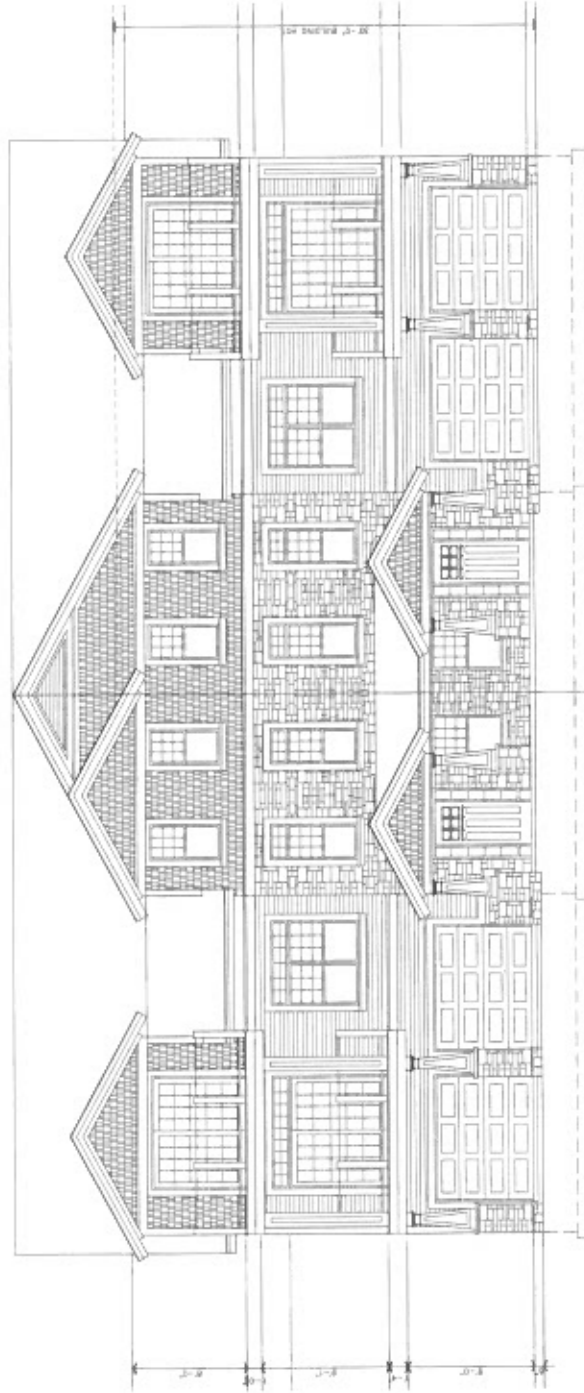
PROGRESSIVE NORTH LLC
10000 E. 14th Ave. Suite 100
Denver, CO 80231
Tel: 303.755.1111 Fax: 303.755.1111
Email: info@progressive-north.com

Project Name
REVIEW
08.11.13

REVISIONS / REVISION
08.11.13

REVISIONS / REVISION
08.18.13

DATE PLANT 08.06.13
08.20.13



Typical Building Front Elevation
Scale: 1/4" = 1'-0"

Owner
Burdco, Inc.

Project

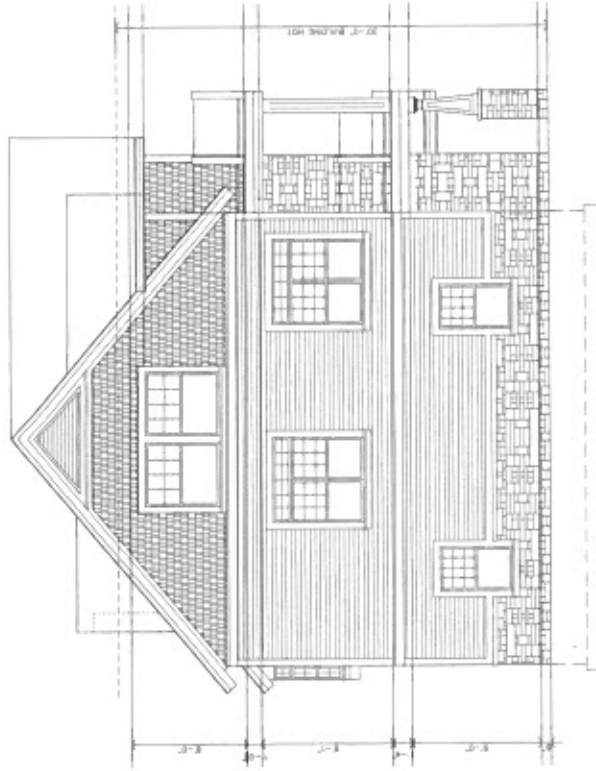
Proposed
Condominium
Community

Location: Michigan

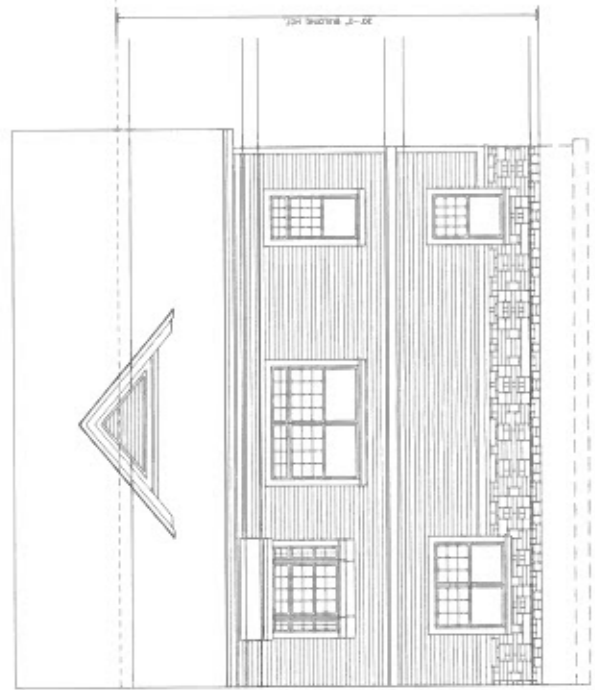
Sheet Title

Preliminary
Front
Elevation

Project Number: 13-
Client: Burdco, Inc.
Location: Michigan
Date: 08.11.13
Sheet Number: A2



Typical Building Side Elevation
Scale: 1/4" = 1'-0"



Typical Building Rear Elevation

City of Charlevoix

Pine River Lane Water Main Construction Attributed To Charlevoix Pointe Condominiums

9/7/2016 Estimate of Construction Costs

<u>Item</u>	<u>Unit</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extension</u>
1	LSUM	Mobilization (Maximum of \$4,000)	0.36	\$4,000.00	\$1,440.00
2	LSUM	Construction Staking	0.36	\$1,500.00	\$540.00
3	SYD	Pavement/Driveway (HMA), REM	640	\$11.00	\$7,040.00
4	SYD	Sidewalk (Concrete), REM	28	\$6.00	\$168.00
5	STA	Machine Grading Modified	2.70	\$500.00	\$1,350.00
6	SYD	Aggregate Base, 6 inch, 22A	640	\$6.00	\$3,840.00
7	TON	HMA, MDOT 4E1-T, 165 lbs/syd	58	\$80.00	\$4,640.00
8	TON	HMA, MDOT 4E1-L, 165 lbs/syd	58	\$80.00	\$4,640.00
9	SFT	Sidewalk, Conc. 4 inch	253	\$4.50	\$1,138.50
10	LFT	Watermain, DIP CL 52, 6 inch	0	\$50.00	\$0.00
11	LFT	Watermain, DIP CL 52, 8 inch	288	\$50.00	\$14,400.00
12	EA	Fire Hydrant Assembly	0	\$4,650.00	\$0.00
13	EA	Water Service Assembly 1"	0	\$600.00	\$0.00
14	EA	Water Service Assembly 2"	0	\$800.00	\$0.00
15	EA	Gate Valve, 8 inch	1	\$1,500.00	\$1,500.00
16	LFT	Water Service, K-Copper, 1"	0	\$21.00	\$0.00
17	LFT	Water Service, K-Copper, 2"	0	\$25.00	\$0.00
18	EA	Cut and Cap	0.36	\$1,000.00	\$360.00
19	CYD	Subgrade Undercutting, Type II	18.00	\$15.00	\$270.00

SUM =	\$41,326.50
CONTINGENCY =	10.00%
TOTAL =	\$45,459.15

% OF PROJECT w/o Cut and Cap, Mob, Const Staking & Subgrade Undercut =	\$38,716.50
	\$107,777.50
	35.92%



Performance Engineers Inc.

Civil / Structural Engineering

EXHIBIT 5

October 11, 2013

Mr. Michael Spencer, City Planner/Zoning Administrator
City of Charlevoix
210 State Street
Charlevoix, MI 49720

RE: Storm Water Review of the Charlevoix Pointe Condominiums Development

Dear Mike:

Performance Engineers was requested to review the revision #2 drainage plan dated October 4, 2013 and titled "Grading and Storm Plan", sheet 5 of 8. Storm calculations were also provided for our review and they were titled as Site Stormwater Calculations by Mansfield Land Use Consultants dated 10/7/2013.

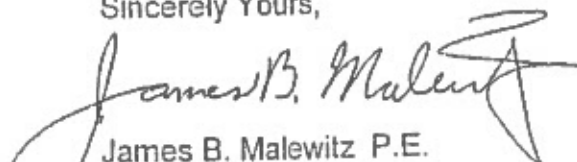
After thorough review of the plans and calculations it is the opinion of Performance Engineers that the storm plan is adequate for the site as presented but the following additions should be made to the system:

- 1) Add two foot deep sumps to each catch basin.
- 2) Implement a maintenance plan to insure that the sumps are cleaned out twice a year at about six month intervals. Reporting is to be provided to the City stating that this maintenance has been completed every year.

These changes when implemented will help extend the life of the underground retention system and reduce the chance of storm overflow to the City's adjacent roads.

If you any questions about our review of this system, please give me a call.

Sincerely Yours,



James B. Malewitz P.E.

406 Petoskey Ave. • Charlevoix, MI 49720 • (231) 547-2121 • Fax: (231) 547-0084

www.performanceeng.com

Planner

From: Jim Malewitz <JMalewitz@performanceeng.com>
Sent: Wednesday, September 07, 2016 9:47 AM
To: Planner
Cc: Chuck Stein
Subject: FW: 2013 Charlevoix Pointe Performance Guarantee and Drainage Review

Zach:

I believe that the restoration costs for the site if it was partially constructed is a bit of a guess, because we do not know how much may be built before it would ever be abandoned.

The estimate used is probably a bit conservative because it considers a large build out before abandonment, yet on the other hand, after review it does not include cost of concrete foundation removal.

After review of the figures again, I believe that if the City wanted to reduce the bonding to a \$30,000 number it would probably cover most scenarios of abandonment.

I believe the October 17, 2013 letter and estimate to still be valid, but believe that there could be some flexibility on the City's part to allow for a lower bonding amount to protect their interests.

As far as the October 11, 2013 letter addressing the Storm review of the site, this was reviewed and is still deemed as being appropriate.

I hope this helps. I am hesitant to rewrite the October 17, 2013 letter, because I believe it serves the purpose that was requested at the time and is still appropriate now for a worst case scenario.

Give care,

Jim Malewitz

From: Planner [<mailto:planner@cityofcharlevoix.org>]
Sent: Tuesday, September 06, 2016 2:25 PM
To: Jim Malewitz <JMalewitz@performanceeng.com>
Subject: 2013 Charlevoix Pointe Performance Guarantee and Drainage Review

Jim,

The items you supplied in 2013 are attached. Have you given Pat an estimate for the sewer extension yet?

Thanks,

Zach Panoff
Interim Planning and Zoning Administrator

City of Charlevoix
210 State Street
Charlevoix, MI. 49720



Performance Engineers Inc.
Civil / Structural Engineering

October 17, 2013

Mr. Michael Spencer, City Planner/Zoning Administrator
City of Charlevoix
210 State Street
Charlevoix, MI 49720

RE: Performance Bond Recommendations For Site Restoration of the Charlevoix
Pointe Condominium Project

Dear Mike:

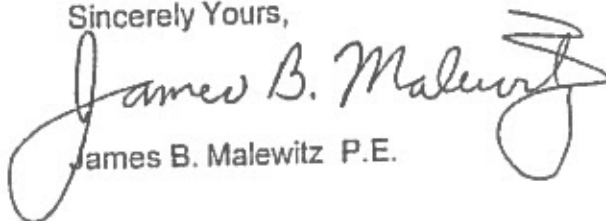
Performance Engineers was requested to estimate how much it would cost to restore the Charlevoix Pointe Condominium Project if it was to be abandoned during construction.

Performance Engineers has provided an estimate for restoration of Phase I of this project which consists of the building and corresponding site closest to Pine River Lane. The plans used for providing this estimate was sheet 4 of 8, titled "Site Plan and Dimension Plan", designed by Mansfield, Revision one dated September 24, 2013.

The construction estimate for restoration of Phase I has been detailed in Attachment one for your review. Based on this estimate, Performance Engineers recommends that a performance bond of \$50,000 be provided for the construction of phase I. It is recommended that a performance bond of \$45,000 be provided for phases II and also \$45,000 for Phase III.

If you have any questions about these recommendations, please give me a call.

Sincerely Yours,


James B. Malewitz P.E.

ATTACHMENT #1

RESTORATION ESTIMATE PER PHASE

PHASE 1 - FOUNDATIONS AND PARTIALLY CONSTRUCTED BUILDING

CONSTRUCTION CREW HOURLY RATE & MATERIAL COSTS

Hourly Rate

\$120.00	Excavator with Operator
\$40.00	Loader and Operator at 1/2 Time Therefore 1/2 of \$80/Hr rate
\$25.00	Laborer at 1/2 Time Therefore 1/2 of \$50/Hr Rate
<u>\$80.00</u>	Truck and Driver
\$265.00	TOTAL
\$6.00	MDOT Class II Fill Delivered per CYD
\$10.00	Topsoil Delivered per CYD
\$1.00	Hydroseed per SYD
\$735.00	30 CYD Dumpster

Note: Concrete Foundation will be crushed to make gravel if MDC does work.

ESTIMATE OF RESTORATION COSTS

\$10,600.00	40 Hours to Remove Foundations and Partially Constructed Building
\$21,200.00	80 Hours to Reconstruct and Restore Site with Sand, Soil and Hydroseed
\$2,240.00	224 CYDS OF 6" Topsoil over 110' x 110' Area
\$5,377.78	2' of sand on average over 110' x 110' Area
\$1,344.44	Hydroseed 110' x 110' Area
<u>\$7,350.00</u>	Estimate 10 Dumpsters of Wood Removal
\$48,112.22	TOTAL

WILL USE A VALUE OF \$50,000 FOR THE BONDING AMOUNT RECOMMENDED

PHASE II AND PHASE III

RESTORATION COSTS ESTIMATED AT \$45,000 FOR EACH PHASE
Amount is reduced due to smaller footprints of buildings

Proposed Language for Zoning Ordinance Amendments

Upland Dredging on Round Lake

Section 5.7, pg. 7

Add a definition for upland and inland dredging.

Dredging: clean out the bed of a harbor, river, or other area of water by scooping out mud and other materials with a dredge.

- (1) Upland Dredging. Removing material from above the high water mark in order to allow for waterway access.
- (2) Inland Dredging. Removing material from inland waterways to maintain watercraft navigability or increase water depth.

Section 5.26, pg. 23

Add upland dredging as a use permitted in any R1 district on Round Lake by special use permit, as boathouses already are.

Table 5.26 Allowed Uses: Residential Zones							
P = Permitted Use by Right S = Special Land Use		R1	R2	R2A	R4	PC	Specific Requirements
Accessory							
Accessory uses, buildings and structures		P	P	P	P	P	Section 5.46(1)
Bed and breakfast establishment		S	S	-	-	-	Section 5.46(3)
Boathouses, upland dredging		S	-	-	-	S	Section 5.46(4)
Day care	Family day care home	S	S	-	-	-	
	Group day care home	S	S	-	-	-	Section 5.46(5)
Foster care	Adult foster care family home	S	S	-	-	-	
	Foster family home and foster family group home	S	S	-	-	-	
Major home occupation		S	S	S	S	-	Section 5.46(7)
Minor home occupation		P	P	P	P	P	Section 5.46(7)
Solar panels		P	P	P	P	P	Section 5.46(9)
Wind energy conversion systems, single accessory		P	P	P	P	P	Section 5.46(10)
Residential							
Adult foster care large group home		-	-	-	S	-	
Adult foster care small group home		S	S	-	-	-	
Convalescent and nursing homes		-	-	-	S	-	
Dwellings	Single family, detached	P	P	P	P	P	Section 5.47(1)
	Single family, attached	-	-	P	P	P	Section 5.47(1)
	Two family	-	-	P	P	P	
	Multiple family	-	-	-	P	P	
Senior housing: Independent living, assisted living and similar facilities		-	-	-	S	-	Section 5.47(2)
Transient housing		P	P	P	P	P	Section 5.78
Boarding/Rooming House		S	S	-	-	-	

Table 5.26 Allowed Uses: Residential Zones

P = Permitted Use by Right S = Special Land Use	R1	R2	R2A	R4	PC	Specific Requirements
Offices and Services						
Day care center/nursery	S	S	-	-	-	Section 5.51(1)
Recreation and Open Space						
Public parks/playgrounds	P	P	P	P	-	
Athletic courts	P	P	-	P	P	Section 5.55(1)
Public/Institutional						
Churches and customary related uses	P	P	P	P	P	
Colleges and universities	-	-	-	S	-	
Community centers	-	-	-	S	-	
Other Uses						
Essential service, publicly owned	P	P	P	P	P	
Site condominium	P	P	P	P	P	Section 5.47(3)

Section 5.46(4), pg. 42-44

Add subsection (k) and adjust title of subsection to include Inland Dredging

- (4) Boathouses and Upland Dredging. Special land use approval for a **boathouses and upland dredging without a boathouse** in the R1 Zone shall be subject to the following requirements. **Boathouses and upland dredging**:
- shall not be permitted on Lake Michigan or Lake Charlevoix;
 - Boathouses shall have a gabled roof with a minimum roof pitch of 8:12 for new construction. Repair of existing **structures** may utilize the existing roof pitch and roof design at the time of application. Multiple peaks and a variety of rooflines or other architectural features consistent with the character of the neighborhood are encouraged. Eaves extending out greater than twenty-four (24) inches shall be considered part of the building footprint;
 - Boathouses are permitted over the water but may not extend greater than eighty (80) feet lakeward from the existing sea wall location¹, or **ordinary high water mark** if no sea wall is present;
 - where upland dredging is required, **boathouses** may not extend greater than fifty (50) feet inland from the existing sea wall location or **ordinary high water mark** if no sea wall is present;
 - shall be located at least ten (10) feet from **side lot lines**; no **rear yard setback** required;
 - Boathouses shall not exceed a building footprint (length x width) of two thousand (2,000) square feet in area, exclusive of eaves;
 - Boathouses shall not contain sleeping quarters, kitchens or bathrooms;
 - Boathouses in the R1 Zone shall not exceed a height of sixteen (16) feet with the base elevation starting at the **ordinary high water mark**. (See *Figure 5.46(4)-1*)

¹ Existing sea wall locations shall be those locations as of the adoption of the zoning ordinance.

- (i) Existing sea wall² locations shall be considered the **rear lot line** for the purposes of calculating **lot area** and **coverage** requirements.
- (j) Sea walls may not be extended lakeward, nor shall any **filling** take place for the purposes of increasing lot size or relocating the **rear lot line**. (See *Figure 5.46(4)-2*)
- (k) Upland dredging that would result in permanent altering of the shoreline requires a public hearing for a special use permit before the property owner applies for permits from the State and Federal governments.
- (l) **Boathouses** in the Belvedere Club and Chicago Club are excluded from the height requirements for **accessory structures** provided that they may be extended in the same building line elevation and size as the existing **boathouses**. (See *Figure 5.46(4)-3*)

Retaining Walls

Add to Section 5.65, pg. 81-82
Add as subsection (12)

5.60. Fences and Walls

- (1) All **fences**, walls and other similar **structures** shall be located on private property and must not obstruct the sight distance of motorists from **driveways**, roads and intersections. **Fences** or walls in all districts, except Industrial, shall not exceed six (6) feet in height above **grade** when located in any portion of the **rear** or **side yard**. **Fences** located in the **front yard** are permitted provided they are open wrought iron, picket, split rail and similar decorative **fences**, have a maximum opacity of fifty (50) percent and do not exceed three (3) feet above **grade**.
- (2) All **fences** shall be constructed with the finished side exposed to the neighboring properties. Support posts shall be placed on the inside. The **fence** shall be properly maintained and its appearance shall be harmonious with the surrounding properties and neighborhood.
- (3) Fence posts and decorative caps shall not extend greater than six (6) inches above the maximum allowed height. (See *Figure 5.65(3)*)
- (4) **Fences** or walls in Industrial Districts shall not exceed nine (9) feet in height above **grade** in the **side** and **rear yards**. All other relevant provisions of this section shall apply.
- (5) It shall be unlawful to erect or maintain a **fence**, wall or other similar **structure** equipped with or having barbed wire, spikes, razor wire or similar devices, or any electrical charge or current sufficient to cause shock. In Industrial Districts, however, a security **fence** may be installed with one (1) foot of barbed wire; provided, the barbed wire is at least eight (8) feet above the **adjacent grade**.

² Existing sea wall locations shall be those locations as of the adoption of the zoning ordinance.

- (6) **Fences** in the **front yard** shall have a minimum **setback** of twelve (12) inches from the property line.
- (7) **Fences** shall not be allowed to be located directly over property lines, unless two (2) or more **adjoining** property owners submit a joint application to the **zoning administrator** for approval.
- (8) Posts, cement, wood and any other **fence** materials shall not encroach onto **adjoining** properties, unless such encroachments are authorized under a joint application.
- (9) An artificial **berm** with a **fence** placed on top of it is considered part of the **fence**, with the combination being subject to the height limits for **fences** established in subsection (1) above.
- (10) The required **fence** height shall be maintained through the entire length on sloping properties. Grading and/or **filling** of materials to elevate the **grade** for a higher **fence** is prohibited.
- (11) Walls constructed of stone, brick or similar materials shall be permitted in the **front yard** provided they do not exceed three (3) feet in height. The height limits in the **side** and **rear yards** shall not exceed six (6) feet. Walls shall be set back a minimum of two (2) feet from all property lines and must be constructed and maintained in the future as to not create safety concerns for **adjoining** property owners or the general public. The **planning commission** may approve walls not to exceed six (6) feet in height in the **front yard** for developments in the **R4 zone**. This section shall not apply to **retaining walls**, as defined by this ordinance or **screening walls** under Section 5.81.
- (12) **Retaining Walls** in residential districts are subject to the following requirements:
 - (a) Retaining walls in the front yard(s), or yard(s) facing the public right-of-way, may be no taller than three (3) feet in height, and must be set back from the front property line, or property lines fronting the public right-of-way, a minimum of two (2) feet.
 - (b) In cases where the height or slope of the grade in the front yard(s), or yard(s) facing the public right-of-way, needing to be retained is greater than three (3) feet, multiple tiers may be used. The horizontal distance between tiers must be a minimum of five (5) feet.
 - (c) Retaining walls in side or rear yards that do not face a public right-of-way may be greater than three (3) feet tall, but are required to be designed and sealed by a licensed engineer to ensure the safety of adjoining property.
 - (d) Retaining walls must be constructed of stone, brick, treated lumber or similar materials. Plain cement block and untreated wood are not acceptable materials.
 - (e) The fill behind retaining walls must consist of dirt, drain stone, or similar materials.
 - (f) Retaining walls must be maintained in such a condition as to not present a threat to adjacent properties, or people or objects in the public right-of-way.

Site Plan Review for Waterfront Parcels

Add to Section 5.116, pg. 125-126

- (2) *Level "B" Review.* The **planning commission** shall act upon all **site plans**, other than those provided for level "A" review, in connection with the creation of a **use** or the erection of a **building** or **structure** in any of the following circumstances:
- (a) Any "permitted" **use** within any **zoning district** occupying a **building** of two thousand (2000) square feet or more.
 - (b) Any special **use** in any district.
 - (c) Any Planned Unit Development.
 - (d) Any site plan on a waterfront parcel.
 - (e) As otherwise required by this ordinance.