

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, October 28, 2013 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Chair John Hess.

B. Roll Call

Chair: John Hess

Members Present: RJ Waddell, Toni Felter, Judy Clock, John Elzinga, Sherm Chamberlain, David Novotny, and Keith Sherwood

Members Absent: Adam Whitley

City Planner: Michael Spencer

C. Inquiry Into Potential Conflicts of Interest

Member Chamberlain stated that he would step down at this meeting for the same reasons as the last Planning Commission meeting: he has done a lot of work for the individuals involved in the project.

D. Approval of Agenda

There were no changes requested.

E. Approval of October 14, 2013 Minutes

Motion by Member Novotny, second by Member Chamberlain, to approve the October 14, 2013 minutes as presented.

Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Item

Chair Hess opened the meeting to public comment at 6:02 p.m. There was no public comment, and the item was closed.

G. New Business

1. Charlevoix Pointe Townhome Development Public Hearing

a) Staff presentation

City Planner Spencer noted that Commission members are familiar with this project from the presentation at the last meeting, but that the plans have been slightly revised, with buildings 6 and 7 being pushed back to the north a little bit. He explained that staff had provided draft Findings of Fact for the Commission to consider, along with references to the particular section and page number of the Zoning Code.

Planner Spencer noted that staff is following two review procedures for this project, 1) Level B Site Plan Review, and 2) Site Condominium Review. Both he and the City Attorney have reviewed the condominium documents and the documents are sufficient, if the project is approved. Any conditions of approval imposed by the Planning Commission or City Council would be incorporated into the Association documents. He stated that there are ten conditions of approval that staff is proposing for the project, which can be found in the staff report.

b) Applicant presentation

Doug Mansfield, President of Mansfield Land Use Consultants, stated he is representing Midtown Development, Inc. of Traverse City, and that the architects for the project are Progressive Associates, Inc. of Petoskey. He stated that buildings 6 and 7 were moved back approximately eight feet to allow for a porch. The porch will break up the elevation to the south and provide for more view of the channel. Additionally, the rear yard setback that was discussed in the previous meeting has been improved by putting in a screen fence and plantings along the north line of the property.

Planner Spencer stated that the Fire Chief was concerned about the grade of the access drive. Staff did some research, along with the City's engineering company (Performance Engineers), and found a maximum slope of 13% is the national standard. Originally, the applicant had proposed 15%, but has agreed to the 13%, which can be added as a condition of approval.

c) Call for public comment

Chair Hess opened the item for public comment.

Kristin Jones, resident and owner of 113 Pine River Lane which is adjacent to the proposed development, referenced a clear and concise email that she had sent to the Planning Commission about her concerns. She stated that the proposed development brings buildings, hardscape, cars, and congestion really close to the sidewalk. She noted that the Planning Commission is in the position of making decisions for the present and future of Charlevoix. She believes that the turns on the property are very tight, and questioned what would happen if the property owners had campers or boats that they wanted to park on the property. She expressed concern about two of the buildings being moved closer to her property line. She also asked if the condominium documents would allow long-term or short-term rental of these units, or if they be owner-occupied.

Mr. Mansfield addressed Ms. Jones concerns, stating that the purpose of the development is to get the most out of the property potential as possible. He stated that the turning movements and drive lanes are practicable and meet the City's Codes. He has been at the forefront of this project for seven years and is unaware of any discussion, pro or con, regarding allowing temporary or short-term rentals in this project. He reported that this project is modeled after a project in Traverse City, which is strictly residential. The condominium documents are taken boilerplate from that project, so, to his knowledge, there has been no desire or effort to try to turn this into any type of transient community. He clarified that they took the 30' height of the rear building and moved it back eight feet to the north of Ms. Jones' unit; there is a porch and a deck, but the majority of the building has been moved back eight feet.

Planner Spencer reported that, whether or not this development is approved, the water line in this area needs to be upgraded and he explained the details of same. City staff has met with the developers, offering to pay for the engineering if the developer pays for the upgrade from that take-off to their property. This recommended condition in the staff report would need to be paid after bidding and before the start of construction. He reported that the developers engineer will do the engineering design from the point where the utility lines enter the development, the City's engineer will review it and submit it to the Michigan Department of Environmental Quality (DEQ) for approval, and then the developer will pay for the infrastructure. The City's engineer will review the construction, the development will pay tap in fees for each unit, and then the City will take ownership of the new water mains. He noted that the developer would also be including a fire hydrant within the project.

Mr. Mansfield stated that he would be happy to add to the condominium rules that boats and campers could not be parked on the property. He agreed that the turning radius is tight, but repeated that it meets the City's planning and zoning criteria.

Upon questioning, Planner Spencer stated that the plan meets all the zoning requirements and there are no variances to be considered.

Planner Spencer addressed the rental issue: during the re-write of the Zoning Ordinance the issue of rental units was discussed, and the City decided to continue to allow residential units to be rented. This applies not only to a single-family dwelling, but also to townhouses and condominium properties; however, someone could not rent out individually each bedroom of a home like a bed and breakfast or a hotel.

Ms. Jones specified what she believed were issues with the turning radius on the property and encouraged members of the Commission to drive the property. She believes that the project should be proportionate in size to the community.

The item was closed to public comment.

d. Planning Commission determination of findings of fact.

Member Novotny stated that, in the past, the Commission had pushed for requiring more green space. He believes that the new ordinance does not allow for enough green space. He suggested using pavers where grass can grow, to help "green up" the area and make it more appealing.

Upon questioning, Mr. Mansfield stated that all the green space will be irrigated. Additionally, Mr. Mansfield reported that plastic pavers do not work in an area where there will be daily traffic, and that grass tends to burn up in the middle of concrete pavers.

Member Felter referenced the 12' space between buildings 3 and 4 and stated that not much sun will be able to get in there. Mr. Mansfield responded that the landscape architect used a lot of ivy in that green space.

Planner Spencer stated that the staff report was entitled "Planning Commission Report" and that the Report is essentially verbatim what would be provided to the City Council as the Commission's recommendation, if approved by the Planning Commission. The Commission can accept the language as written or modify the language. The Commission proceeded to review the conditions one by one.

Mr. Mansfield asked that Condition #4 be changed to leave one parking space on the east side of the access drive, rather than eliminating three spaces as recommended. After discussion, the Commission agreed to modify Condition #4 to eliminate only one, allowing two, parking spaces on the east side of the access drive. "The additional visitor parking area for unit 4 shall be reduced to two spaces..."

Planner Spencer indicated that the Commission should modify Condition #9 to read: "9. The access drive shall not exceed a slope 13% grade and the top of the slope shall incorporate a vertical curve." He also recommends adding a finding that states: "The American Association of State Highway Transportation Officials do not allow for grades in excess of 13%." In Condition #8, the wording would be changed to show that the fire hydrant shall be located "adjacent to the visitor parking area".

Planner Spencer asked if the Commission wanted to make a condition that boats and recreational vehicles are not permitted within the development. The Commission declined the opportunity to add that language.

Planner Spencer recommended that the Commission add Condition #11 to read: "The Condominium documents shall reflect any conditions of approval imposed by the City." The Commission agreed to add Condition #11.

Motion by Member Felter, second by Member Clock, to approve Project 2013-04 SP with conditions, based on specific findings of fact that prove that the project does meet the review standards in 5.120 and 5.47(3).
Motion passed by unanimous voice vote.

H. Old Business

None.

I. Staff Updates

Planner Spencer advised that, due to John Campbell's request for a conservation easement at Mt. McSauba, staff will be looking at all City parks to determine if any additional protections are necessary. He also stated that staff is looking at revising the Planning Commission's By-Laws, which may be presented at the Commission's next meeting.

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

None.

K. Adjournment

Meeting adjourned at 7:16 p.m.