

MINUTES
TRAVERSE CITY PLANNING COMMISSION
Regular Meeting

TUESDAY, NOVEMBER 3, 2015
7:30 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT: Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman, Linda Koebert, Tim Werner, Chairperson John Serratelli, Bill Twietmeyer and Jan Warren

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director

1. **CALL MEETING TO ORDER-** Chairperson Serratelli called the meeting to order at 7:30 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Chairperson Serratelli announced that the polls are open for another half hour and encouraged those watching on TV to vote. He also asked that audience members turn their phones on silent.

4. **CONSENT CALENDAR**

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- A. October 6, 2015 regular meeting minutes and October 20, 2015 study session minutes (Approval recommended)
- B. Consideration of an amendment to the Traverse City Code of Ordinances, Special Land Use Regulations, Section 1364.08, *Special Land Use Permits Granted by the City Commission*, regarding increasing the impervious surface allowed for schools. (For introduction; Recommend scheduling a Public Hearing on December 1, 2015)

Commission discussion included fixing a spelling mistake in the October 20, 2015 meeting minutes.

Motion by Commissioner Easterday, second by Commissioner Koebert, to approve the Consent Calendar as read.

Motion carried 9-0.

5. OLD BUSINESS

- A.** Public Hearing to consider a conditional rezoning request initiated by Doug Mansfield of Mansfield Land Use Consultants, on behalf of Traverse Development Group to rezone the properties located at 2351, 2455 and 2457 North Aero Park Court from I (Industrial District) to C-3 (Community Center District) with conditions (Action requested)

Mr. Soyring stated that the conditional rezoning request is a legislative decision and the Planning Commission's role is to make a recommendation to the City Commission.

The request is to conditionally rezone the property to C-3 (Community Commercial) from I (Industrial).

Mr. Soyring stated the following questions to consider when analyzing a rezoning request. Is the current zoning reasonable for the land? Is the rezoning request consistent with the goals policies and future land use plan of the Master Plan? Would the property size and environmental conditions accommodate the proposed use? Are 150 multiple dwellings and 5,000 square feet of commercial use compatible with the surrounding uses? Are there adequate utilities and capacity of the adjacent streets to serve 150 multiple-family dwellings and a commercial building and of this size? Are there sufficient demands for 150 multiple family dwellings and 5,000 square feet of commercial space?

The communication included in the packet answered all of the above questions and included the analysis supporting each question. Staff finds each answer to the questions to be in the affirmative and is recommending the rezoning to the Planning Commission.

Chairperson Serratelli explained that conditional rezoning is a process allowed by state law in which an applicant may make an offer to conditionally rezone a property; however, the Planning Commission may not negotiate with the applicant.

Doug Mansfield addressed the Commission. Mr. Mansfield stated that the property is the former site of TC Cast product site. It is a former foundry and is a current brownfield site. The project site has been for sale for about 10 years with little interest. The project

site is approximately 6 acres and is located near a regional trail, shopping centers, schools, and services.

Mr. Mansfield explained the current conditions of the property. He explained the proposed site plan. The project includes 5 residential apartment dwelling buildings and 1 commercial building surrounded by site landscaping and a playground. The commercial use is planned to be a deli/convenience store to service the residents, trail users and employees in the industrial park.

Commission discussion included comments regarding the trees shown on the site plan near the northern property boarder.

A Public Hearing was opened.

The following individuals addressed the Commission:

- Ellen Corkrin, 150 Pine Street, made general comments.
- Greg Kilbe, legal counsel representing the Kendall Group, of 5101 S. Sprinkle Road, Portage, MI, 49002. The Kendall Group is a property owner in the industrial park. Made comments in opposition.
- Rick Korndorfer, city resident and real estate agent representing the property owner, made general comments.

The Public Hearing was closed.

Mr. Soyryng read the conditional rezoning offer that was included in the packet. The offer reads as follows:

Traverse Development Group offers to permanently place the following restrictions upon the above referenced parcels, as a condition of rezoning these parcels to C-3 (Community Center) district.

1. The use of the property will be for multiple-family dwellings (150 dwelling units proposed in 5 buildings) and retail space (approximately 5,000 square feet proposed in 1 building), in accordance with the standards of the C-3 zoning district.
2. The buildings and site elements shall be built substantially in conformance with the site plan dated September 29, 2015.
3. The applicant will work with the Bay Area Transportation Authority (BATA) to pursue an additional BATA bus stop located at North Aero Park CT and the applicant will pay for the infrastructure required to construct said bus stop to BATA specifications.
4. The dwelling units will be constructed and designed to accommodate local workforce housing.

5. The applicant will pursue a Michigan Department of Transportation (MDOT) permit to construct a sidewalk within an MDOT easement to fully connect the site to the adjacent Traverse Area Recreation and Transportation Trails system.

Mr. Soyring also stated that because the proposed project would include over 500 trip ends, the project would need to come back to the Commission at a future date for Site Plan Review.

Commission discussion included the inventory of industrial properties available in the City limits as well as in the greater Traverse City area. Mr. Soyring indicated that there currently are not many industrial parcels vacant within the city limits, but there are parcels available within the general area. It was stated that the parcel is well-suited for an industrial user given its proximity to the railroad and electrical substation. Mr. Soyring stated that there has been some interest in manufacturing in our community.

Motion by Commissioner Dow, second by Commissioner Warren, that the request from, Doug Mansfield, Mansfield Land Use Consultants representing Traverse Development Group, to conditionally rezone the properties commonly known as 2351, 2455 and 2457 North Aero Park Court from I (Industrial District) to C-3 (Community Center District) with conditions as offered by the applicant be recommended for approval to the City Commission.

Additional commission discussion on the motion included that the rezoning questions to consider have been answered in the staff report and are in the affirmative supporting the request. In addition, residential use within an industrial area seems to be appropriate.

Motion carried 9-0.

- B. Public Hearing to consider a Special Land Use Permit request by Erik Falconer, Pine Street Development One, LLC to allow for a taller building at 305 W. Front Street (Action requested)

Mr. Soyring stated that the zoning code allows uses by right and other uses by Special Land Use Permit which is a process that includes a public hearing by the Planning Commission as well as the City Commission. The uses allowed by Special Land Use Permit were uses that are appropriate for the district, but the zoning code requires that they go through a public process. In 1999 when the zoning code was amended, any building over 60 feet in height is required to go through a Special Land Use Permit process. The Planning Commission and City Commission are

basically acting as administrators of the zoning code ensuring that the standards within the Special Land Use Permit chapter are met.

Erik Falconer, 810 Cottageview Drive, city business owner and co-owner of 305 W. Front Street, presented to the Commission.

Mr. Falconer discussed the proposed project, the design and stormwater treatment provisions. A video 3-D presentation was shown as well as images of the proposed project in context with the surrounding area.

Chairperson Serratelli made several statements regarding the request to ensure that the audience as well as fellow Commissioners are all on the "same page" in an effort to clear up some confusion related to the request. The current request for a Special Land Use Permit applied for by Mr. Falconer is what is being considered. The former request submitted by Woda Group has been withdrawn and is not under consideration. The request is for a Special Land Use Permit and is not a variance request. There are 12 standards in the zoning code that are the basis for the decision. The Master Plan refers to "neighborhoods" such as TC-1, TC-2, TC-3, TC-4 and TC-5 Neighborhoods which were organized by similar intensities. They could be called "transects" and are not to be confused with neighborhood associations such as Boardman Neighborhood or Central Neighborhood.

Mr. Soyering summarized the staff report included in the packet. He read aloud each standard and finding while summarizing the analysis of each standard.

The zoning code section 1364.02 includes 9 general standards (a-h).

- (a) *The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.*

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyering.

Finding- The proposed use is designed so it can be constructed, maintained and operated to be harmonious and compatible in appearance with the intended character of the vicinity.

Commission discussion included discussion of several Maple trees being retained on site as well as the majority of trees slated for removal are invasive species such as Locust and Boxelder.

- (b) *The use shall not be hazardous or disturbing to existing or planned uses in the vicinity.*

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The use will not be hazardous or disturbing to existing or planned uses in the vicinity provided a riparian buffer with trees, shrubs and plants are maintained along the river's edge and architectural elements and materials are incorporated in the buildings facades facing Front and Pine Streets to help break up the long horizontal lines of the building.

- (c) The use shall be served adequately by existing public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The Fire Marshall has found that the access routes to the development meet the Fire Code, the use can be served adequately by existing public facilities and services.

Commission discussion included that the police department has no concerns with the project.

- (d) The use shall not create excessive additional requirements at public cost for public facilities and services.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The building will not create any excessive expenditure with public funds.

Commission discussion included that Tax Increment Financing has been used for sidewalks, streetscapes, public pedestrian bridges, Carnegie Building, Traverse City Opera House, Jay Smith Walkway, boardwalks, etc.

- (e) The use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The proposed use of retail, residential, and parking will not involve activities, processes, materials, equipment or nuisances that will be detrimental to any person or property.

Commission discussion included a letter received from the Grand Traverse Conservation District regarding stormwater capture and treatment.

- (f) Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.

Finding- There are no historic buildings or landmarks on the site. This part of downtown is not within a local or federal historic district.

- (g) Elements shall relate to the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The project buildings' layout and features are coherent overall pattern of development for downtown and the streetscape.

- (h) The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- This project is consistent with the purpose and intent of the C-4 Regional Center District.

Specific Requirements 1364.08 (m)

- (1) The building stories and height are consistent with Section 1368.01.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The building stories and height proposed are consistent with Section 1368.01.

- (2) Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- The applicant has stated that this requirement will be met and staff will confirm once final permit drawings have been submitted that all mechanical equipment, appurtenances and access areas will be completely architecturally screened from view and enclosed by the top floor dwellings.

- (3) Extended heights for steeples and other architectural embellishments less than 400 square feet each shall not be used to determine the height of the building.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- There are no architectural elements that exceed 100 feet.

- (4) The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of a taller building in relation to surrounding land and buildings.

A summary of the staff analysis regarding this standard in Staff Report 15-SLUP-02 was stated by Mr. Soyring.

Finding- A video model and physical model has been submitted showing the relationship of the proposed buildings with other buildings in the vicinity.

Staff finds that Special Land Use Permit No. 15-SLUP-02 to construct two 9-story, 100-foot, mixed-use buildings meet all the standards for a Special Land Use Permit in Section 1364.02 and all standards for "Taller buildings" in Section 1364.08(m) and recommends approval of the request provided the following conditions are met:

1. The applicant and owner will continue to work with City Engineering and Light and Power in regards to the utility extensions and service lines.
2. The owner shall be responsible for extending and relocating service extensions to the proposed building. These utilities must meet all applicable ordinance and City requirements.
3. If relocation of public utilities is necessary, the applicant will be responsible in providing the City any easement necessary for relocation.
4. The fire access routes for both buildings shall be determined by the City Fire Marshal to meet the Fire Code.
5. The stormwater requirements outlined in the City Ordinance (reference 1068.06a) including the attached written guidelines of the City Engineering Department are to be met.
6. The owner shall provide a barrier-free elevator accessible and open to the public to access the future public boardwalk along the Boardman River.
7. A mutually agreeable pedestrian easement between the City and the owner for the future boardwalk shall be provided for access to the barrier-free

elevator.

8. The owner will maintain a vegetated riparian buffer along Boardman River comprised of trees, shrubs and plants to the extent possible.
9. Audio and visual devices for managing conflicts between pedestrians and vehicular traffic entering and exiting the building shall be provided.
10. Unless determined to be unworkable for either the Housing Commission or the applicant, a shared driveway with the Housing Commission property shall provide parking access to the property. If found to be unworkable, the driveway shown in the submittal, shall conform to the zoning ordinance access requirements and the City's streetscape design requirements.
11. Should the project be constructed in phases, the parking spaces for motorized vehicles shall be limited to a maximum of one space per dwelling and one parking space for every 350 square feet of gross floor area for commercial uses.
12. The Front and Pine Street building shall be broken up vertically by the use of building materials and/or surface building colors to give the appearance of several individual buildings.
13. The project shall provide a variety of residential dwelling sizes as indicated in the submittal.
14. The top floor residential dwellings shall provide an architectural screen for the roof top mechanical equipment that may be located on the roof deck that is no higher than 85 feet above the street level.

Commission discussion included that minor adjustments to the site plan would need to be made to meet the 10 foot setback from the dockline. An additional condition could be added, or it would be required to be setback during permit plan review. Condition 12 should be amended to read "vertically" not "horizontally." Commission discussion also included floor area ratio comparisons of Riverview Terrace, Park Place Hotel, 101 N. Park and 310 W. Front Street with the proposed "RiverWest" development at 305 W. Front Street.

Mr. Falconer addressed the Commission.

Commission discussion also included the floor area ratio of a building built by right (to 60 feet in height, but covering full footprint buildout allowed on the site), it would be 3-4 times the floor area ratio as proposed.

Commission discussion included construction of buildings within the flood plain. A statement was made that the subject property has flooded in the past.

Joe Quandt, 412 S. Union, city business owner, addressed the commission.

Mr. Quandt indicated that the FEMA record shows no flood history on this parcel possibly due to the control of the Union Street Dam.

Mr. Falconer indicated that almost all of the river building would be in the floodplain.

Mr. Soyering explained that he spoke with Sue Conradson with the Department of Environmental Quality (DEQ) who said that there are two reviewing agencies of a development within the flood plain, both DEQ and FEMA. The DEQ said that it is legal to build within the flood plain. The building cannot exacerbate the floodway. Other measures by which building within the floodplain could be allowed were discussed.

Additional discussion related to the Park Place floor area ratio and current plans for further redevelopment which may double the floor area ratio at that site. Additionally, when the Park Place was built, the parcel was smaller and the floor area ratio was likely near 3:1. The ratio is less now because Park Street was abandoned and the Park Place purchased more land and expanded.

A Public Hearing was opened.

The following individuals addressed the Commission:

- Grant Parsons, 6936 Mission Ridge, non-city resident, city business owner, made comments in opposition
- Deb Lake, 1022 Lake Ridge Drive, made comments in support
- Bradley Matson, 415 E. Front Street, made comments in support
- Alison Beers, 1024 Fishers Run, non-city resident, city business owner, made comments in support
- Rick Korndorfer, 602 W 9th Street, made comments in support
- Mike Grant, 619 Webster Street, made comments in support
- T. Michael Jackson, 217 Sixth Street, made comments in opposition
- Gabe Schneider, city business owner, made comments in support

- Brenda Quick, 542 Fifth Street, made comments in opposition
- Lee Hornburger 6730 Mission Ridge, non-city resident, made comments in opposition
- Amelia Hasenohrl, 207 N Cedar Street, made comments in opposition
- David Petrol, 9988 Riley Road, made comments in opposition
- Suzannah Tobin, 502 Fifth Street, made comments in opposition
- Mary King, 666 Bay Hill Dr, made comments in support
- Pricilla Townsend, 150 Pine Street, made comments in opposition
- Lisa Point, 7580 Gingerwood Drive, made general comments
- Ellen Corkrin, 150 Pine Street, made comments in opposition
- Ann Rogers, 1236 Peninsula Drive, city resident speaking on behalf of NMEAC, made comments in opposition
- Bill Kirschke, 515 Fifth Street, made comments in opposition
- Eric Browning, 121 E 17th Street, made general comments
- Joel Mueller, 101 N. Park Street, made comments in support
- Paul Grundio, 2049 Aerohead Drive, made comments in opposition
- Kent Wood, 4323 Baywood Drive, representing the Traverse City Area Chamber of Commerce located at 202 E. Grandview Parkway made comments in support
- Katelyn Pentando, downtown resident, made comments in support
- Donna Hornburger, 3730 Mission Ridge, made comments in opposition
- Judy Nelson, 429 Garfield Ave, made comments in opposition
- Seamus Shinnors, 410 Seventh Street, made comments in opposition
- Rob Bacigalupi, DDA Executive Director, made general comments
- Jan Clelland, 211 W 12th Street, made comments in opposition
- Andrew Grawl, 532 Webster, made comments in support
- Jeffrey Turner, 150 Pine Street, made comments in opposition
- Patti Olsen, 1815 Wayne Street, made comments in opposition
- Stuey Zachs, 203 Wadsworth, made comments in opposition
- Blake Bernard, 1117 Willow Street, business owner at 216 E. Front Street, made comments in support
- Matt Nagelski, 804 ½ S. Union Street, made comments in support
- Kent Anderson, 429 S. Garfield Ave, made comments in opposition

The Public Hearing was closed.

Chairperson Serratelli stated that the project does not include an additional 32 studio dwellings that was brought up during public comment. Mr. Serratelli also stated that the City currently has plans showing a public boardwalk along the

Boardman River throughout downtown and the plans for a public boardwalk are not tied to this project.

Commission discussion included comments recognizing that growth and increased density is occurring in our community. Additional comments included that the setbacks, stormwater treatment best practices and riverfront vegetative buffer meet the ordinances and requirements. Comments were made indicating that the project does not meet conditions (a) "intended use of the area" as well as being "compatible and harmonious" and (g) "resulting in a coherent pattern and streetscape". Comments were made that indicated that when the 101 N. Park building, the Hardy parking deck and Radio Center buildings were built (that had been referred to during the public hearing to be within an appropriate scale for downtown) were controversial projects when they were constructed. Additional comments were made regarding the possible referendum. Currently, the applicant has a request before the Commission and the Commission is obligated to consider their request under the standards included within the zoning code. If a referendum is filed, that would be handled by the City Commission at a future date. An additional comment was related to concerns with constructing a building in the floodplain. Final comments were made that included the statement that 88% of the people who work in downtown do not work in downtown because they do not live in the city.

Motion by Commissioner Bergman, second by Commissioner Koebert, that the Planning Commission affirms and adopts the facts and findings in the Staff Report 15-SLUP-2 dated October 29, 2015 after its review and public hearing and that based on those facts and findings the General Standards in Section 1364.02 and each Specific requirement in Section 1364.08(m) have been met and therefore the request by Erik Falconer, Pine Street Development One, LLC for a Special Land Use Permit to allow for two taller buildings at 305 W. Front Street be recommended for approval with conditions to the City Commission.

Motion carried 7-2 (Commissioners Fleshman and Twietmeyer opposed).

- C. Consideration of a Site Plan Approval request by Erik Falconer, Pine Street Development One, LLC for the parcel commonly known as 305 W. Front Street (Action requested)

Mr. Soyring explained the process for Site Plan Review. The Planning Commission is acting as a zoning administrator when completing Site Plan Review. Mr. Soyring referred the Commission to review staff report titled 15-SPR-03. Staff finds that the standards included in Chapter 1366 have been met as well as the special

requirements for the C-4c District have also been met and is recommending approval with 14 conditions.

Commission discussion included that Site Plan Review is at a “higher level” than permit review and the conditions placed on the possible Site Plan Approval would be reviewed when the project is reviewed for permits administratively.

Two typos were edited in the staff report 15-SPR-03. On page 6, C-4b was corrected to read “C-4c.” In addition, in condition 7, Front Street was corrected to read “Pine Street.”

Motion by Commissioner Warren, second by Commissioner Koebert, that the request by Erik Falconer, Pine Street Development One, LLC for Site Plan Review 15-SPR-03 for development of a mixed-use project at 305 W. Front Street be recommended for approval to the City Commission provided that the conditions listed in the Staff Report 15-SPR-03 are met.

Motion carried 9-0.

6. NEW BUSINESS- None.

7. CORRESPONDENCE – None.

8. REPORTS

- A.** City Commission - Commissioner Werner reported
- B.** Board of Zoning Appeals - Commissioner Bergman reported
- C.** Grand Traverse Commons Joint Planning Commission - Commissioner Serratelli reported.
- D.** Arts Commission- Commissioner Warren reported.
- E.** Planning Commission
 - 1. Master Plan Review Committee—Commissioners Bergman reported.
 - 2. Parking Regulation Committee- Commissioner Serratelli reported.
- F.** Planning Department—Mr. Soyring reported.
 - 1. Traverse City Place Plan Committee- Commissioner Koebert reported.
 - 2. Community Development/Economic Development- Mr. Soyring reported.

9. PUBLIC COMMENT

- Joe Sarafa, 3639 Market Place Circle, thanked the Commission for their consideration of the 305 W. Front Street request
- Ann Rogers, 1236 Peninsula Drive, made comments regarding solar use and planning for community resiliency related to climate change
- Dave Petrol, 9988 Riley Road, made comments related to solar rights

- Penny Charlesworth, 4114 Robinhood Lane, city property owner, made comments related to being cautious of growth and development

10. ADJOURNMENT

Chairperson Serratelli adjourned the meeting at 11:13 p.m.

Date: December 1, 2015

Respectfully submitted,

Jan Warren ps

Jan Warren, Secretary