

**Meeting of
June 16, 2014**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, June 16, 2014 at 5:00 pm.

Call to Order

Chair MacKenzie called the meeting to order at 5:00 p.m.

Roll Call

Present: Jason Biskner, George Ellwanger, Jim Kozlowski, Jane MacKenzie, Lori Meeder and Joe St. Dennis
Absent: Chris Frasz, Aaron Place (arrived at 5:02 pm) and Tom Neidhamer

**Excused Absence(s)
MOTION

2014-6-16-02
Ellwanger moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to excuse the absences of Frasz and Neidhamer

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver
Public Present: Five

Consent Agenda

2014-6-16-03
Meeder moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from April 21, 2014 and May 19, 2014 as presented.

**Citizen comments on
Non-Agenda Items**

None

**Reports of Officers, Boards
and Standing Committees**

The Trail Town plan will be discussed later in the meeting.

Unfinished Business

None

New Business

**Public Hearing to
consider a request for a
dog kennel in the
Planned Industrial
District located at 1441
Lexamar Drive**

Planning Director McPherson reviewed his staff report included in the agenda packet. Barbara Green was before this board last month to look into the appropriateness of operating a dog kennel in the Industrial Park, and has submitted a formal application for that use. Because this use is not specifically listed as an allowed use in the district, a determination needs to be made if the use is compatible, is in character and fits within the district. If you determine the use is appropriate, then you can go on to look at the Standards of Approval and Development Plan Approval. Recently, this request was also presented and reviewed by the EDC (Economic Development Committee) for their review and comment. This board unanimously approved the conditional use of a dog kennel is an appropriate fit, and have recommended approval with the following conditions:
(1) Hours of operations for outside in the pens to be from 6:30 am to 6:00 pm and then walked outside individually until 9:00 pm
(2) Dumpster and trash can enclosure will be three sided plus gate
(3) Screen the East property line with natural obscuring conifers and
(4) If external lighting needs review, it shall be run through the Planning Director.

Barbara Green, Applicant – I really don't have much more to add, I am here to find out what type of questions or concerns that you may have. She discussed the placement of the kennels and the play yards, and has no concerns with the outside hours that were recommended. Eventually the kennel will have space for up to 50 dogs, which includes the day care dogs. Fencing around the parking area is being

considered to keep fingers out of the reach of the animals, and to keep the animals from seeing all of the newcomers and causing barking. The board had some concerns about waste and the possible odor that is given off. Dan Meads, Superintendent of the Water Wastewater Department has looked at the proposed plans for the Powerloo that will be connected to the city's sewer system. He has no questions, and does not foresee any problems. The kennels will be cleaned and power washed daily, and the yard waste will be picked up immediately. The board also had concerns about possible noise and how far it can actually carry across the valley and river. There is a 10 foot utility easement that must be adhered to.

Public hearing opened at 5:15 pm

With no comments, public hearing was closed at 5:16 pm

Board Discussion

McPherson – The primary concerns with the EDC was possible noise and their recommendations were to set outside time limits. Staff did follow-ups with other kennels in similar situations in SE Michigan; one was adjacent to a residential neighborhood. They did not have any complaints. Our closest residential neighbor is about 1200 feet away. On one side is the potential of an industrial neighbor, to the north and west is city owned property that has a ravine that falls off. Staff had no concerns with noise mitigation. The board had concerns about noise and how it might be handled. They plan on keeping the dogs busy during the day, so noise at night should not occur while sleeping. As certified trainers, they have protocols that they use to deal with excessive noise. The building is heavily insulated, and they have no problems abiding by the recommended hours. It is pretty quiet in back and there are no neighbors close by.

Place – How close would this be to the proposed Boyne Valley Trail?

McPherson – The proposed trail is adjacent, the boardwalk trail is a little further away. As the trail is close there is some concern about noise from that.

Ellwanger – If noise becomes a problem, where do we go, what are the options? Do we have anything to fall back on?

McPherson – At the present time no. The old noise ordinance was found unconstitutional, a new one has not been adopted, however, if one is adopted, this would be the type of thing that would be addressed. If this is approved, the conditions at approval would be the place to make stipulations. There will be business noise during the day; you will not find any other use that does not create some type of noise in the industrial park, no matter what type of future business it may be.

St. Dennis – How did the EDC fit this in with an Industrial Park; not as a business?

McPherson – Their covenant allows them to identify similar uses that are not specifically listed, and allows them to specifically approve them, as long as they are not specifically prohibited. They looked at the situation, and as the city was going to give a parcel in the park to the Humane Society for a similar use, they determined this request was not out of character for the park. They looked at concerns, and made recommendations to address those concerns.

There are several components to this review. The first is the determination if this use can be permitted, then make a finding that it is in character in the district, and if you make that finding, move on to the conditional use review, and the specific site plan.

MacKenzie – Read 14.30 O which gives the board the authority to allow this request if the board felt it met the character of the district.

****MOTION**

With no further board discussion **motion by Meeder, seconded by Kozlowski** that the proposed use is in character with the conditional use of the district.

2014-6-16-7A.1

Roll Call:

Aye: Biskner, Ellwanger, Kozlowski, MacKenzie, Meeder, Place and St. Dennis

Nay: None

Absent: Frasz and Neidhamer

Motion Carries

Chair MacKenzie facilitated the board through the Conditional Use Findings 2.70 Standards of Approval as presented by staff. There were a couple of additional recommendations made by the board:

6. Adding EDC proposed that the east side have fencing or natural obscuring junipers put into place as screening.
10. Adding recommended hours by the EDC of 6:30 am to 6:00 pm for outdoor times and walking dogs individually up until 9:00 pm to be implemented.

With no further board discussion on the Conditional Use Findings section 2.70 **motion by Meeder, seconded by Place** the findings meet the conditional standards with conditions stipulated for 6 with screening required and 10 hours of outside operation.

****MOTION**

2014-6-16-7A.2

Roll Call:

Aye: Biskner, Ellwanger, Kozlowski, MacKenzie, Meeder, Place and St. Dennis

Nay: None

Absent: Frasz and Neidhamer

Motion Carries

Chair MacKenzie facilitated the board through the Development Plan Review Standards Findings of Fact Section 19.40 Development Plan Approval Criteria as presented by staff. The board recommended the addition of a couple of items: **J:** Dumpster enclosure to be approved by staff; **K:** Coordinate with Dan Meads for placement of the Powerloo in relation to sanitary sewer lines; and the landscape plan/screening to be approved by staff and Joe St. Dennis; **P:** Daytime outside hours to be from 6:30 am to 6:00 pm for multiple animals and individually walk animals until 9:00 pm; **R:** Any proposed signage to be reviewed by staff.

With no further board discussion on the Development Plan Review Standards Findings of Fact Section 19.40 **motion by St. Dennis, seconded by Ellwanger** approval of the Development Plan Review Standard Finding of Fact as presented with the conditions noted:

****MOTION**

- Dumpster enclosure to be approved by staff
- Coordinate with Dan Meads for placement of the Powerloo in relation to sanitary sewer lines
- Landscape plan/screening to be approved by staff and Joe St. Dennis
- Daytime outside hours to be from 6:30 am to 6:00 pm for multiple animals and individually walk animals until 9:00 pm
- Proposed signage to be reviewed by staff

2014-6-16-7A.3

Roll Call:

Aye: Biskner, Ellwanger, Kozlowski, MacKenzie, Meeder, Place and St. Dennis
Nay: None

Absent: Frasz and Neidhamer

Motion Carries

Review of the Boyne City Facilities Concept renderings

Planning Director McPherson reviewed the (4) conceptual plans with the board. The city is asking for input and opinions on the plans. The concepts range in scope from remodeling the current facilities to complete construction, remodeling the current DPW facilities to moving them to the North Boyne site. The board was invited to a public input session to be held on Tuesday, July 8th in the auditorium. There will be an open house of the current facilities the same day at 5:00 to 7:00 pm.

Ellwanger left the meeting at 6:30 pm

Review Boyne City Trail Town Plan

Mike Sheean, a member of the Trail Town committee was at the meeting to give an update to the board. Emailed with the agenda packets was the Trail Town Master Plan final draft. This is provided for board comments and review. He indicated all suggestions are welcome and the final plan to be submitted for approval by the City Commission later this summer.

Review Redevelopment Ready sites for Boyne City Master Plan

Planning Director McPherson gave the board an update on the RRC requirements. The next step is to identify existing sites which could be re-developed for the Boyne City Master Plan and a map with possibilities was reviewed with the board. After board discussion, additional sites were identified, and added to the map. As a part of the RRC certification process, their committee will look at them, select three and begin marketing them; however, it must be included in the City's Master Plan.

417 Boyne Ave. LLC sketch plan review

At this point in the meeting, Chair MacKenzie stepped into the audience as the applicant for this project; Joe St. Dennis moved to the Chair position at 6:48 pm.

Planning Director McPherson reviewed the request that was submitted in the agenda packet. Northern Homes is in the process of purchasing the building and procuring grant funds to convert the structure to a 4 unit senior apartment complex. Because this house falls within the Historical District of the community, the Historical District Board will hold a meeting on 6-19-14 to review the request. It does meet all criteria standards, and is a permitted principal use in the Central Business District. The applicant is before the board today to complete a sketch plan review as per article 19 Development Plan Requirements.

Jane MacKenzie: applicant – No elevator will be needed and a handicapped ramp will be added on the parking lot side of the structure, the front porch will be changed back to the original wrap around, the parking lot will have 6 parking spots with 5 of those as permeable, the hard surface will be paved, the existing dumpster will be removed and 1 or possibly 2 roll off trash containers will be provided; the 3 trees along the property line will be removed, at this point landscaping has nothing proposed, so could possibly have something in the future. The plan is to have the electrical put underground, and have the air conditioning units screened, undetermined at this point exact location, but they will be ground condensers. We are going to attempt to hide the electrical meters, and the existing location of the gas meters will not change. Due to the type of vehicles that would access the parking area, such as the transit buses, both existing curb cuts will remain, one on Boyne Ave. and the other on Pearl St.

McPherson – When staff reviewed the plans, he came up with some recommended conditions; they must obtain the appropriate permits, the Historical District Committee must review and make approval, any exterior mechanical equipment must be screened, and removal of the existing dumpster.

With no further board discussion **motion by Meeder, seconded by Place** the approval of the Development Plan as presented based on the sketch plan review findings.

2014-6-16-7E

Roll Call:

Aye: Biskner, Kozlowski, Meeder, Place and St. Dennis

Nay: None

Absent: Ellwanger, Frasz and Neidhamer

Abstain: MacKenzie

Motion Carries

Staff Report

None

Good of the Order

- Lexamar – Are we not coming up on their deadline? McPherson - they are done, the requested trees have been planted. The board questioned the City's Certified Business Park designation, which has been taken away due to this situation; they did not stand by their word to remove the extra items as they promised, as there appears to be more stuff outside.
- Food Truck status? – It is in front of the City Commission, the second reading of the draft ordinance is scheduled for Tuesday, June 24th at 7:00 pm. There has been a lot of activity, and not sure where it is going. There has been a lot of interest on both sides.
- Bike racks and the mural are up. The books are done and will be placed soon

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for July 21, 2014 at 5:00 pm in the Auditorium.

****MOTION**

2014-6-16-10

Meeder moved, Place seconded, PASSED UNANIMOUSLY a motion to adjourn the June 16, 2014 meeting at 7:08 p.m.

Jane MacKenzie, Chair

Pat Haver, Recording Secretary