

Approved: December 21, 2009

**Meeting of November 16, 2009**

RECORD OF THE PROCEEDINGS OF THE **BOYNE CITY PLANNING COMMISSION** MEETING HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON MONDAY, NOVEMBER 16, 2009 AT 5:00P.M.

**Call to Order**

Vice Chair MacKenzie called the meeting to order at 5:09 p.m.

**Roll Call**

Present: Gretchen Crum, Jerry Douglas, Norm Gardner, Jane MacKenzie and Joe St. Dennis  
Absent: Dan Adkison, George Ellwanger, Chris Frasz and Tom Neidhamer

**Meeting Attendance**

City Officials/Staff: City Planner Scott McPherson, City Manager Michael Cain, and Recording Secretary Pat Haver  
Public Present: 4

**Excuse Absences  
\*\*MOTION**

**2009-11-16-2**  
**Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to excuse the absences of Adkison, Ellwanger, Frasz and Neidhamer.

**Consent Agenda  
\*\*MOTION**

**2009-10-19-3A**  
**Douglas moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to approve the consent agenda.  
a. Approval of the October 19, 2009 Planning Commission minutes as presented.

**Comments on Non-Agenda Items**

None

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

None

**Unfinished Business**

Planning Director McPherson gave his staff report. The conditional use and a preliminary site plan were approved November 2008. The conditions of the site plan approval were the separate lighting and landscaping plans were to come before the board and obtain proper and necessary permits. Kirtland is here before the board for final site plan review, they will show you a change in the layout of the building, traffic flows, and a portion of the outside equipment has been placed inside.

**Final Site Plan Review  
Kirtland Products, LLC**

Mike Lange from Kirtland Products, LLC began his presentation

- Revised site plan was presented, truck tipper is now on the east side of

the building and the chip pad will use the existing parking lot on the south side of the building. The loudest pieces of equipment will now be inside.

- They have reconfigured the building the wood pellets will be manufactured to house not only Kirtland Products, but Arete will remain.
- The type of cyclone to be used will depend on the drying and air transmission systems, but will be housed outside snuggled close to the building, the bag house, used to further clean air will also be housed outside
- FAA has approved a 48 foot emissions stack but they need approval for revised placement location. DEQ permit may require them to go back to FAA if the emissions stack needs to be taller.
- November of 2008 8 tons of production per hour was proposed, they will turn a profit at 4 tons per hour, but are looking at manufacturing up to 6 tons, so less traffic in and out of the facility.
- **Storm water** – Per Soil Erosion no changes are required.
- **Employee parking** will remain as it is in the SW corner of the building, with a few spaces out front for visitors.
- Board concerns with the number of trucks that will be entering and exiting the plant along with the employee drive around the building. The new layout for the truck route was displayed. The inbound trucks will pull in, and back up to the truck tipper, that will eventually pile the wood chips on the south end of the building where the new configuration for conveyors and processing will take place. At this point the operation of 24 hours is still being planned, however only 5 days a week instead of 7 and the daily production will be lowered, so there will be fewer trucks in and out each day.
- **Lighting** – (3) 30 foot poles have been planned to shine on the chip pile only. The middle pole will have two fixtures; the outside poles will have one. There are not any plans to light the truck tipper area; however, the existing lights on the building will assist in that area. As the property lot line is 95 feet away from the poles, there will not be any lighting spilling onto the adjacent property, and fixtures will have minimal tilt.
- **Landscaping** - Proposal of the first 60 feet of property lines will include trees of white pine and deciduous trees to look more natural. Will meet minimum size of trees to be planted. South side berm will have trees planted. At the southwest corner of the property is approximately 90 feet that will need to have a berm installed that trees will be planted on. Daily maintenance will take care of the trees, and they will adhere to the replacement requirement.
- **Signage** – Modify existing sign, and move closer to the building. Nothing will be placed on the building.
- **Increase in jobs** – 20 jobs inside the plant, another 30 to 40 out in the woods and trucking.
- **Product** – Will be sold out of the building; will try to sell as much locally as possible.
- **Sound abatement** – The nosiest equipment will be moved inside. The equipment and employees will be separated by a brick stud wall; noise level will be 68 db 3 feet from the equipment.

- **Additional concerns/questions:** Employee parking is currently paved, however a small gravel portion may need to be added; there are spaces for 40 vehicles plus spots up front for visitors; with the trucks discharging up front, and employees having to drive around back, an easement is being sought from the business next to CARQUEST, so the existing drive way from those businesses can be extended, and employees can drive straight to the parking lot; an occasional slight smokey smell may be emitted; and water “vapor” discharge will be more visible in the winter time, the NE end of the runway will see the vapor but will not obscure pilot visibility; hours of operation will be 24/5 may go to 6 or 7 days to put more people to work if product demands it; only neighbor comment was from Father Duane who was concerned about additional beeper noises.

With no additional comments or presentation, board discussion followed:

**McPherson** – At preliminary review, a number of items were sent back for further development, and the submitted plans appear to meet criteria established, review the findings and make determinations. Vice Chair MacKenzie went through 19.40 Development Plan Approval Criteria (Attachment A)

**2009-11-16-6A**

With no further discussion, motion by Crum, seconded by Douglas to approve the final site plan for Kirtland Products according to the findings of fact with the conditions noted: 1) final landscaping plan to be approved by staff, 2) landscaping bond is required and 3) obtain updated permits and approval from FAA & DEQ.

**Roll Call:**

**Ayes: Crum, Douglas, Gardner, MacKenzie, and St. Dennis**

**Nays: None**

**Absent: Adkison, Ellwanger, Frasz and Neidhamer**

**Motion Carried**

**\*\*MOTION**

**Staff Report**

- Division St input session will be Tuesday, November 24 at 6:00 pm at city hall,
- Air Industrial Drive reconstruction input session will be Tuesday, November 24 at 3:30 pm at Great Lakes Energy conference room,
- North East St input session will be Thursday, December 3<sup>rd</sup> at 6:00 pm at city hall
- Avalanche Master Plan final input session will be Tuesday, December 1 at 6:00 pm at city hall

Staff has been working on updating census address lists making corrections, additions and deletions.

Joint Boards and Commission meeting has been planned for January, a date and time will be provided. A city wide goal setting session will be January 19, 2010, suggestions will go before the city commission to finalize the goals.

Devlon property – No activity has been going on at the site.

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Any discussion on the old globes at Peninsula Beach?

Cain – Plans for possible replacement of the whole fixture with pedestrian bollard lights, throughout the parks and marina in the city. Shutdown of the light fixtures at the beaches is planned for the winter.

**Good of the Order**

Old City Park should be lit for the first time tonight. Some lights will be turned off at a pre determined time at night. 75 watt fixtures used on the lights in the park, instead of the 100 watts that are used throughout town. The same poles are used in the park as downtown.

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**Next Meeting**

The next regular meeting of the Boyne City Planning Commission is scheduled for December 21, 2009.

**Adjournment  
\*\*MOTION**

**2009-11-16-10**

**Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to adjourn the meeting at 6:32 p.m.

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*Pat Haver*

Pat Haver, Recording Secretary

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<b>Section 19.40 Development Plan Approval Criteria.</b>		
<p>In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether or not the development plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:</p>		
<b>ORDINANCE REQUIREMENT</b>	<b>STATUS</b>	<b>FINDINGS</b>
<p><u>A. General.</u> All elements of the development plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The development plan shall conform with all requirements of this Ordinance, including those of the applicable zoning district(s).</p>	Meets	Site is mostly cleared and flat with an existing industrial building. Some mature trees are located on the west side of the property. Site is at the end of Altair drive
<p><u>B. Building Design.</u> The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the architectural and building material requirements of this Ordinance.</p>	Meets	Existing building will be used.
<p><u>C. Preservation of Significant Natural Features.</u> Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Ordinance, in particular wetlands designated /regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, wetlands which are not regulated by the Department.</p>	N/A No Issues	No significant natural features are located on the site.
<p><u>D. Streets.</u> All streets shall be developed in accordance with the City of Boyne City Subdivision Control Ordinance and City Municipal Standards, unless developed as a private road in accordance with the requirements of the City.</p>	N/A	No new streets are proposed

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<p><u>E. Access, Driveways and Circulation.</u> Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Boyne City Comprehensive Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the access management provisions of this Ordinance.</p>	<p style="text-align: center;">If proposed access / entrance easement is granted, drive will be paved from existing drive to the employee parking lot</p>	<p style="text-align: center;">Existing driveway will be used.</p>
<p><u>F. Emergency Vehicle Access.</u> All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department, Ambulance Department and Police Department.</p>	<p style="text-align: center;">Meets</p>	<p style="text-align: center;">Emergency vehicles have necessary access to the building and proposed equipment. A fire hydrant is located on the parcel.</p>
<p><u>G. Sidewalks, Pedestrian and Bicycle Circulation.</u> The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">No pedestrian access is provided.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;">Existing parking area has barrier free access</p>

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<p><u>L. Parking.</u> The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Ordinance.</p>	<p>Meets</p>	<p>Site meets ordinance minimum for required parking.</p>
<p><u>J. Loading.</u> All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Ordinance.</p>	<p>Meets</p>	<p>Loading area will be on the east side of building. Screening on south property line is required.</p>
<p><u>K. Landscaping, Screening, and Open Space.</u> The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the landscaping provisions of this Ordinance. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.</p>	<p>Meets with condition(s): Must provide landscape plan for south side and berm on the southwest corner; landscape bond required, amount to be determined.</p>	<p>Screening on south property line is needed.  Final landscape plan to be approved by staff</p>
<p><u>L. Soil Erosion Control.</u> The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Planning Director or City Engineer, and have a valid Charlevoix County Soil Erosion permit.</p>	<p>Meets</p>	<p>No soil erosion permit must be obtained</p>

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<p><b>M. Stormwater Management.</b> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. All such measures shall comply with the Charlevoix County Stormwater Ordinance.</p>	<p>Meets</p>	<p>Existing storm water retention areas will be resized to accommodate increase in impervious surfaces. Engineered grading a drainage plan will be required.</p>
<p><b>O. Lighting.</b> Exterior lighting shall be arranged so that it is directed preferably downward onto the subject site and deflected away from adjacent properties. Lighting shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.</p>	<p>Meets</p>	<p>Site lighting must be directed inward photometric plan must be submitted.</p>
<p><b>P. Noise.</b> The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.</p>	<p>Meets with condition(s): (1) berms with trees required on the west side and south side of the property</p>	<p>Equipment will be located inside the building</p>
<p><b>Q. Mechanical Equipment.</b> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p>Meets with condition(s) Screening of south and west property line is required</p>	<p>Screening of south property line is required</p>
<p><b>R. Signs.</b> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p>Meets with condition(s): Must adhere to the current sign ordinance when drawings are submitted</p>	<p>No new signs are included with this proposal</p>

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<p><u>S Hazardous Materials or Waste.</u> For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.</p>	<p style="text-align: center;">N/A</p>	<p>No hazardous material will be stored on site</p>
<p><u>T. Other Agency Reviews.</u> The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Charlevoix County Drain Commissioner, Northwest Michigan Community Health Agency, Charlevoix County Building Department, and other federal and state agencies, as applicable.</p>	<p style="text-align: center;">Meets with condition(s): Must obtain all necessary permits</p>	<p>Plan must meet requirements and obtain any necessary permits/approvals from FAA, MDEQ, EPA</p>
<p><u>U. Approval Process.</u> The development plan shall be reviewed by the Planning Commission. If disapproval is recommended, the Planning Commission shall cite reasons for such disapproval. If the Planning Commission finds a development plan not in conformity with this section, it may, at its discretion, return the development plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified development plan, the Planning Commission shall review the plan. The Commission may approve, disapprove or approve subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this Ordinance and other ordinances and resolutions of the City. If disapproved, the Planning Commission shall cite reasons for such disapproval.</p>	<p style="text-align: center;">Motion by Crum, seconded by Douglas to approve the final site plan for Kirtland Products according to the findings of fact with the conditions noted: 1) final landscaping plan to be approved by staff, 2) landscaping bond is required and 3) obtain updated permits and approval from FAA &amp; DEQ</p>	