

**Meeting of
March 18, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, March 18, 2013 at 5:00 pm.

Call to Order

Chair MacKenzie called the meeting to order at 5:02 p.m.

Roll Call

Present: Gretchen Crum, George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Lori Meeder, Tom Neidhamer, Aaron Place and Joe St. Dennis
Absent: None

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, Main Street Manager Hugh Conklin and Recording Secretary Pat Haver
Public Present: Four

Consent Agenda

2013-03-18-3

Ellwanger moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda. Approval of the February 18, 2013 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

Hugh Conklin: Main Street Manager - Extended an invitation to the Planning Commission members to attend an Informational meeting on March 25, 2013 at 6:00 pm at city hall, to listen to a presentation from Magnum Hospitality regarding alcohol service for sidewalk cafes'. The Cities of Grand Haven, Traverse City and Big Rapids have also been invited to speak and answer questions, as they all have establishments that serve alcohol at some of their outdoor cafes.

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

None

Unfinished Business

None

New Business

**Consideration of Boyne
Irrigations' request for
change of non-conforming
use at 664 State St.**

Planning Director McPherson reviewed the staff report included in the agenda packet. Boyne Irrigation submitted an application to allow a change of a non-conforming use in the old Chipman building on State St. This vacant building is located in the Traditional Residential District, and is proposed to be used as an office and storage in the warehouse for irrigation supplies with the possibility of limited retail sales.

Board Questions

Kozlowski - Landscaping none is planned, what about weed control or grass control.

Boyne Irrigation - Regular maintenance will be done.

Kozlowski - Signage will you re-use what is there?

Boyne Irrigation - Will re-use the existing bracket.

Kozlowski - Do you plan on parking equipment or vehicles outside?

Boyne Irrigation - Vehicles and our trailer will be parked outside, all other equipment will be inside the buildings, or working out at the jobsite.

Place - Will you have late hours?

Boyne Irrigation - Never after dark, start at 7:30 am usually home by 6:30 pm or 7:00 pm. Only have (2) employees, rare late nights or extra noises.

Neidhamer - Loading docks, are they a part of this purchase?

Mark Kowalski: Real Estate Agent - Chipman's could not be here, so I am

representing them. The two commercial buildings on the three lots are being sold, not the loading dock. They do own the part where the loading dock is and the residential house.

Ellwanger – Will there be any outside storage racks with irrigation stuff?

Boyne Irrigation – No. The lots behind the building drop off severely, so nothing will be stored outside.

St. Dennis – Non-conforming lots, we are attempting to slowly eliminate and try to bring them into conformance. Maybe you can show your wares, and do a landscaping buffer perhaps.

Boyne Irrigation – We would like to improve the area, but have no immediate plans.

McPherson – It appears as if all of the grass in front is in the road right of way, which could be a problem with the state trunk line.

Kozlowski – Is there an electrical feed from the main building to the loading dock?

Kowalski – Not that I am aware, there is no value to Lot #16 with the residential house, the loading dock should be taken out of there, if there is a power connection, it should be taken care of, I will make sure that it is addressed.

Frasz – We have talked about improving our corridors into the city. A lot of work needs to be done coming in from Boyne Falls. It is an opportunity to bring non-conforming structures back into conformance. It is across from a beautiful park. Concerns about trucks and a large trailer as a sitting “bill board” as you come into the city.

Boyne Irrigation – There is space between the two buildings that has a trailer on it now, that we could park our trailer there.

Frasz – Would like to make use of the structure, but thinking about the corridor as residential and being presentable. There is an inability for a good buffer between the business and residence.

Meeder – I agree, but the reality is that it will not turn into a residential structure anytime soon. Would rather have an occupied building. Would like to know if there are ways to make it look better, that are not cost prohibitive.

Frasz – Is there a way to buffer, shield and protect the corridor?

Mackenzie – There are other businesses in the corridor that do not detract from the residences in the area.

St. Dennis – Maybe a buffer of some sort. Another business has signage on their trucks, parked outside, and the back side of the building is not as nice looking as the front.

Neidhamer – I agree with what has been said, there must be a solution. I don't think that it will ever be a residential structure, not on a major highway. There must be a compromise to enhance by painting, upkeep maintenance, cutting weeds.

Ellwanger – It is what it is. How can you make more appealing?

Boyne Irrigation – Irrigation will be done.

McPherson – Having the building occupied, will facilitate upkeep and enhance it, rather than have it vacant.

Neidhamer – Good points have been brought up about the corridor, we have had long discussions on it.

Crum – I was one of the most vocal about the corridor and the dentist office sign. But looking at other non conforming uses, I think there is a history of good community leaders with discussing improvements, can we make conditions?

St. Dennis – We are looking for maintenance in the buffer strip of some kind in front.

Kozlowski – This Board may have concerns about the size of the trailer, and it being a “billboard” for the business, and more than acceptable for sign size. If you did something with the building to make it better looking, is definitely better than

what is there now. Having proposals of what you may want to do, or are going to do is important for us to understand.

Frasz – Can we put conditions on where commercial trailers and vehicles can park?

McPherson – That condition would be difficult to enforce with a business that owns the property.

Boyne Irrigation – We could park the trailer, when not in use, perpendicular to the road, the trailer will be moved all the way as far back as possible between the buildings. We will maintain all the green space around the buildings along with the green space between the loading dock and the main building.

****MOTION**

Motion by Meeder, seconded by Crum the board finds that the proposed use presented is similar; so authorize the change of use, based on being compatible with the previous non-conforming use.

2013-03-18-7A.1

Roll Call:

Aye: Crum, Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, Place and St. Dennis

Nay: None

Motion Carries

The board then went through the Development Plan Review Findings of Fact, which are attached and have been labeled as *Appendix A*.

****MOTION**

With no further board discussion, **motion by Place seconded by Ellwanger** to approve the Development Plan Review Finding of Fact with the conditions noted.

2013-03-18-7A.2

Roll Call:

Aye: Crum, Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, Place and St. Dennis

Nay: None

Motion Carries

Review proposed grant proposal for Boyne River parcel

Planning Director McPherson reviewed the staff report included in the agenda packet. The Moody family has approached the city with a piece of property they thought the city would be interested in acquiring. It is between 6 and 8 acres on Boyne River at the end of Spring St. To acquire the property a grant request to the Michigan Natural Resources Trust Fund (MNDRTF) is being proposed. Prior to acquiring this property, it has been requested by the family to be reconfigured, with a portion of the property being enlarged where the house is at, and a portion to be set aside for potential development with access off of Adam St at the North end. It has gone to the City Commission for initial consideration. There is no specific plan for this parcel, but it has been the past practice of the city to acquire this type of property. There are wetlands in the area; it is coming for your recommendation to the City Commission if you desire to move forward. Within parameters of the trust fund guidelines a passive recreational use is the most impact that might be allowed. Potential creative things can be done with boardwalks. Access to the parcel is from Spring St. and a small portion off of Adams will be maintained. With the grant funding, it must be maintained for public purposes. Staff time to produce the grant application is all that is needed at this

time, and 25% funding from the City if approved.

Kowalski - Friends of the Boyne River are very much behind this project.

****MOTION**

With no further discussion, **motion by Frasz, seconded by Crum, PASSED UNANIMOUSLY**, to recommend to the City Commission to have staff proceed with the grant application to the Michigan Natural Resources Trust Fund (MNDRTF) for purchase of the Moody property on Spring St.

Review of the Capital Improvement Plan

Nothing has been updated, so no review at this meeting.

Review of the Boyne City Master Plan Draft – Social Economic Conditions Staff Report

Planning Director McPherson reviewed the report included in the agenda packet. This is the beginning of many drafts of the Master Plan Chapters to be reviewed. The economic information comes from the 2010 Census update, and the American Community Survey, as apart of the RRC program. A new Master Plan will be required, so beginning of the plan review. More components will be coming and developed at future meetings.

Staff Report

The City was successful and selected as one of eight communities as a "Re-development Ready" Community designation. On May 28th, there will be a presentation by the MEDC, at the evening City Commission meeting. Possibly have a joint meeting between the Planning Commission and City Commission, at 6:00 pm for evaluation and review.

Good of the Order

Kozlowski – Airport Advisory Board has an Aviation Day scheduled for July 13th of this year. It will be in conjunction with the Boyne Thunder event, something to do while the boats are gone. Plans are to have all kinds of air traffic controllers, pilots, airplanes, mechanics and Coast Guard helicopters available. There will be Young Eagle rides available for individuals under 16 years old. Hope to have historical pictures available. Try to make it an aviation oriented day for the family.

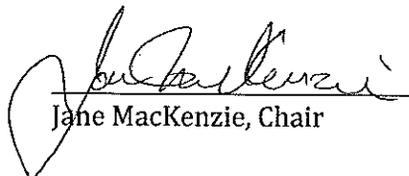
Adjournment

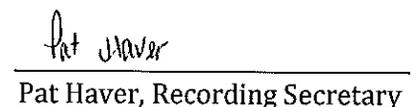
The next meeting of the Boyne City Planning Commission is scheduled for April 15, 2013 at 5:00 pm in the Auditorium.

2013-03-18-10

****MOTION**

St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:35 p.m.


Jane MacKenzie, Chair


Pat Haver, Recording Secretary

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

Section 19.40 Development Plan Approval Criteria.		
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:		
ORDINANCE REQUIREMENT	STATUS	FINDINGS
<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).	Met	The proposed use will have the same basic layout and access as the previous use.
<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.	Met with conditions	No change to existing buildings is proposed. Future painting must be consistent with the TRD district criteria of Section 22.4
<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.	Met	The site has no significant natural features
<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.	Met	No streets are building developed with this proposal

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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>Met</p>	<p>The existing curb cuts on State Street will remain</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>Met</p>	<p>The site is easily accessible to emergency vehicles.</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>Met</p>	<p>Use is not anticipated to create a significant amount of pedestrian traffic. No sidewalks or pedestrian access are being proposed with this development.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>	<p>Met</p>	<p>No barrier free parking is currently designated</p>

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<p><u>I. 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>Met with conditions</p>	<ul style="list-style-type: none"> • The lot does not have striped parking spaces. Existing paved parking lot is approximately 4,000 square feet. Ordinance requirements for minimum parking spaces is 300 square feet per car, parking lot can accommodate approximately 13 cars. Required parking spaces for proposed use per ordinance standards would be no greater than 5. • The seasonal storage of the trailer must be behind the front façade' line between the buildings.
<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>Met</p>	<p>Existing loading areas will remain unchanged</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>Met with conditions</p>	<ul style="list-style-type: none"> • No additional landscaping is being proposed, • Routine maintenance will be done, • Work with staff to develop a landscape buffer strip to meet the requirements of section 23.20 on lot #15
<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>Met</p>	<p>Soil erosion permit required to be obtained from Charlevoix County.</p>

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<p><u>M. Stormwater Management.</u> 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>Met</p>	<p>Existing. No changes proposed</p>
<p><u>O. Lighting.</u> 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>Met with Conditions</p>	<p>No parking lot lighting, there are two lights existing on the buildings. Must meet ordinance standards, and staff to review lighting prior to and after installation</p>
<p><u>P. Noise.</u> 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>Met</p>	<p>It is not anticipated noise levels from proposed use will not exceed current use.</p>
<p><u>Q. Mechanical Equipment.</u> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p>Met</p>	<p>No mechanical equipment has been proposed to be added</p>
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p>Met</p>	<p>One sign on the building utilizing existing brackets. Must meet the sign ordinance standards.</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>Met</p>	<p>N/A. – Hazardous Materials</p> <ul style="list-style-type: none"> • Proposed to have no larger than a 2 yard dumpster. If located outside, must be on a concrete housekeeping pad, dumpster to be fenced or screened with landscaping, location to be determined with staff on lot #15, adjacent to the building. • Or the dumpster can be placed inside the pole building
<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>Met</p>	<p>None.</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>With no further board discussion, motion by Place, seconded by Ellwanger to approve the Development Plan Review Findings of Fact with the conditions noted.</p>	<p>Conditions:</p> <ol style="list-style-type: none"> 1. Lighting to be reviewed by staff prior and after installation, 2. Seasonal storage of the work trailer must be behind the front façade' line, and between the buildings, 3. Sign to be placed on the building utilizing existing brackets, and must meet ordinance standards, 4. If a dumpster is obtained, work with staff for landscaping and placement on lot #15, 5. Routine maintenance will be done, work with staff to identify landscaping buffer to meet section 23.20 on lot #15