City of Boyne City
Founded 1856

319 N. Lake Street
Boyne City, Michigan 49712
www.boynecity.com
Phone 231-582-6597
Fax 231-582-6506

AGENDA

BOYNE CITY PLANNING COMMISSION

Monday May 16, 2016, 5:00 p.m.

Boyne City Hall

Scan QR code or go to
www.cityofboynecity.com
click on Boards & Commissions for complete agenda packets & minutes for each board

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda

   The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.

   Approval of minutes from April 18, 2016 Boyne City Planning Commission meeting.

4. Hearing Citizens Present *(Non-Agenda Items)*
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
   A. Stephanie Moody Road Vacation Request
   B. Ted Macksey Pre-application Meeting – Residential Development Options
   C. Presentation Claire Karner of LIAA on Shoreline Protection Recommendations
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting June 20, 2016

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 364 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334

Approved: _____

Meeting of April 18, 2016

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday, April 18, 2016 at 5:00 pm.

Call to Order

Chair MacKenzie called the meeting to order at 5:03 p.m.

Roll Call

Present: Ken Allen, Jason Biskner, George Ellwanger, Chris Frasz, Jane MacKenzie, Tom Neidhamer, and Joe St. Dennis
Absent: Jim Kozlowski and Aaron Place

Excused Absence(s) **MOTION

2016-04-18-02
St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absence(s) of Jim Kozlowski and Aaron Place

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Commissioner Hugh Conklin, Main Street Manager Lori Meeder and Recording Secretary Pat Haver
Public Present: Nine

Consent Agenda **MOTION

2016-04-18-03
Ellwanger moved, Biskner seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from February 15, 2016 as presented.

Citizen comments on Non-Agenda Items

Hugh Conklin invited everyone to attend an informational meeting about the formation of a "Friends of Avalanche" group that is scheduled for Monday, April 25th at 6:00 pm at the Boyne District Library. The City Commission gave approval for the Top of Michigan Mountain Bike Association (TOMMBA) to build several miles of new trails in the park. Rick Deuell, a local resource and planning consultant, developed a management plan for Avalanche and will attend the meeting to review his report and answer any questions.

Reports of Officers, Boards and Standing Committees

At your place are the finished copies of the Boyne On The Water plan, to be used as a reference for development along the waterfront. The board asked staff to include this as a topic for discussion at a later meeting.

Unfinished Business

None

New Business

Development Plan Review 970 E. Division for VanDam Marine

Planning Director McPherson reviewed the staff report that was included in the agenda packet. VanDam Marine is requesting review for the addition of an 80' x 150' building for the proposed use to provide additional storage for the business. The proposed structure will match the size, character and color of the existing adjacent storage buildings on the site and will be used in a similar manner. The property is in the RC/IND zoning district and is approximately 11 acres in size. Steve VanDam along with Charlie Harrett general manager for Boyne Boat Yard and building contractor, Bart Wangeman, were on hand to answer any questions. The intention is to use the building for boat storage, there is no lighting or additional signage proposed.

Draft

**MOTION

At this point, the board held discussions and went through the Findings of Facts Section 19.40 Development Plan Approval Criteria; and with no further additions, **motion by Ellwanger, seconded by Neidhamer**, to adopt the Findings of Facts and approve the site plan as provided from VanDam Marine.

2016-4-18-7A
Roll Call:
Aye: Allen, Biskner, Ellwanger, Frasz, MacKenzie, Neidhamer and St. Dennis
Nay: None
Absent: Kozlowski and Place
Motion Carries

Review Sidewalk Café Ordinance and make recommendation to City Commission on ordinance amendment to allow alcohol service

Planning Director McPherson reviewed the staff report that was included in the agenda packet. At one of the City Commission meetings in March a group of citizens and business owners requested that the Commission reconsider their position on allowing alcohol service in sidewalk cafes. At their April 12th meeting the Commission passed a motion to begin the process of having the Planning Commission review the ordinance and make a recommendation for possible changes. In 2013, the City Commission did adopt the current Outdoor Sidewalk Café Ordinance, however, eliminated alcohol service.

Public comment: **Justin Gibbert, General Manager with Red Mesa Grill** - We are very much in favor of having the Commission revisit this topic. We would like to see what we can do to help move this along.

Sarah Niederpruem, manager with Café Sante - We've had tables for outside dining the past couple of years, and the dining experience has been positive for not only our customers but us. The ability to serve alcohol will only enhance the experience for those diners that choose to have a drink and enjoy the water views. We have six tables outside with a separate server for them.

Mike Doumanian, Boyne Mountain – People want to enjoy the experience and unique atmosphere of outdoor dining, it is yet another thing that will bring them to your downtown. It will not create a bad atmosphere; it will create a good one.

Jim Baumann, Boyne Area Chamber Director – The chamber recently completed a survey to get feedback on outdoor dining allowing alcohol, and 76% of the respondents were in favor of allowing it. Back in 2013, this board and the Chamber Board unanimously passed the recommendation to the City Commission allowing alcohol service on the sidewalk and the Main Street Board passed the recommendation 8 to 1. We urge you to consider approval again tonight; we want it to be busy downtown on Friday nights and every night.

Steve VanDam, local business owner - I personally don't see anything negative; and like the opportunity to dine outside with various clients that we bring in. Encourage you to approve this recommendation to move forward.

Lori Meeder, Main Street Manager – An important step in allowing alcohol service is the excitement and vibe that it will create. All of the entities who hold liquor licenses are going to be very careful because they are not going to want to jeopardize their licenses. We are a community that tries things and keeps an open mind, we really need to give this a try, and can revisit it if it is not working.

Board Discussion

Ellwanger – I am very much in favor of recommending this, I understand the City Commission has concerns, but let's address them and put them at ease. We want congestion downtown, it is a good thing.

Draft

St. Dennis – I have a problem with only a 4 ft walkway. If you have tables up against the building, you have the potential of people stepping off of the curb and could possibly get hurt.
Neidhamer – I am in favor of allowing alcohol service on the sidewalk. In my opinion I don't think we have to make a rule/law for the width of the sidewalk or placement of the tables, everyone needs to work together with any congestion; stop speak with each other and allow them to go first.
Frasz – I am also in favor, I hope it goes through, it is progressive, would like to look at curbside dining and pedestrian flow near the buildings so they can continue to window shop. I would like to discuss the position of the tables.
Allen – I agree with curbside dining
Biskner - I agree with what has been said with curbside service, it is a great idea and will bring in additional revenue.
MacKenzie – To not allow on Stroll the Streets or the 4th of July, that is only 10 nights out of an entire summer, we are very fortunate and other communities envy us.
Neidhamer – Trust the professionals to put seating at the best location for their businesses, really don't want to regulate that.
Frasz – I think we need to regulate that for safety and consistence for the other businesses
McPherson – Each sidewalk café needs an annual permit and must provide a plan on how they are going to set up, will give you the flexibility, with a case by case basis to look at locations. I would recommend against establishing a location criteria for everyone to follow.
Frasz - What about extra signage with logos on the umbrellas? The sign ordinance will cover this.

****MOTION**

After board discussion it was determined the current definition would need to be amended to allow alcohol service and they would also propose adding 54.171(i).

Motion by Neidhamer, seconded by Ellwanger to recommend to the City Commission the amendments to Article VI Outdoor Sidewalk Cafés with a change in the definition: Outdoor Sidewalk Café – A type of outdoor café consisting of a service area set aside for the customers of a restaurant, *bar* or similar establishment to be served food and/*or* drink ~~*with the exception of alcoholic beverages*~~, on a public sidewalk or other public property other than a public parking space. And to include the addition of 54.171 (i) *"If alcohol is to be served in conjunction with the proposed Outdoor Sidewalk Café, delineation of the service area with a physical barrier in conformance with the design criteria of the City and acceptable to the state liquor control commission must be utilized."*

2016-4-18-7B
Roll Call:
Aye: Allen, Biskner, Ellwanger, Frasz, MacKenzie, and Neidhamer
Nay: St. Dennis
Absent: Kozlowski and Place
Motion Carries

Staff Report

Welcome to our temporary city facilities. It is anticipated that we will be here for the next 16 to 18 months. There will be a ground breaking ceremony at the old city hall facilities at 3:30 pm on Thursday, April 21st.

Good of the Order

None

Draft

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, May 16, 2016 at 5:00 pm in the Commission Chambers.

2016-04-18-10

****MOTION**

St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to adjourn the April 18, 2016 meeting at 6:38 p.m.

Chair Jane MacKenzie

Pat Haver, Recording Secretary

Draft

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

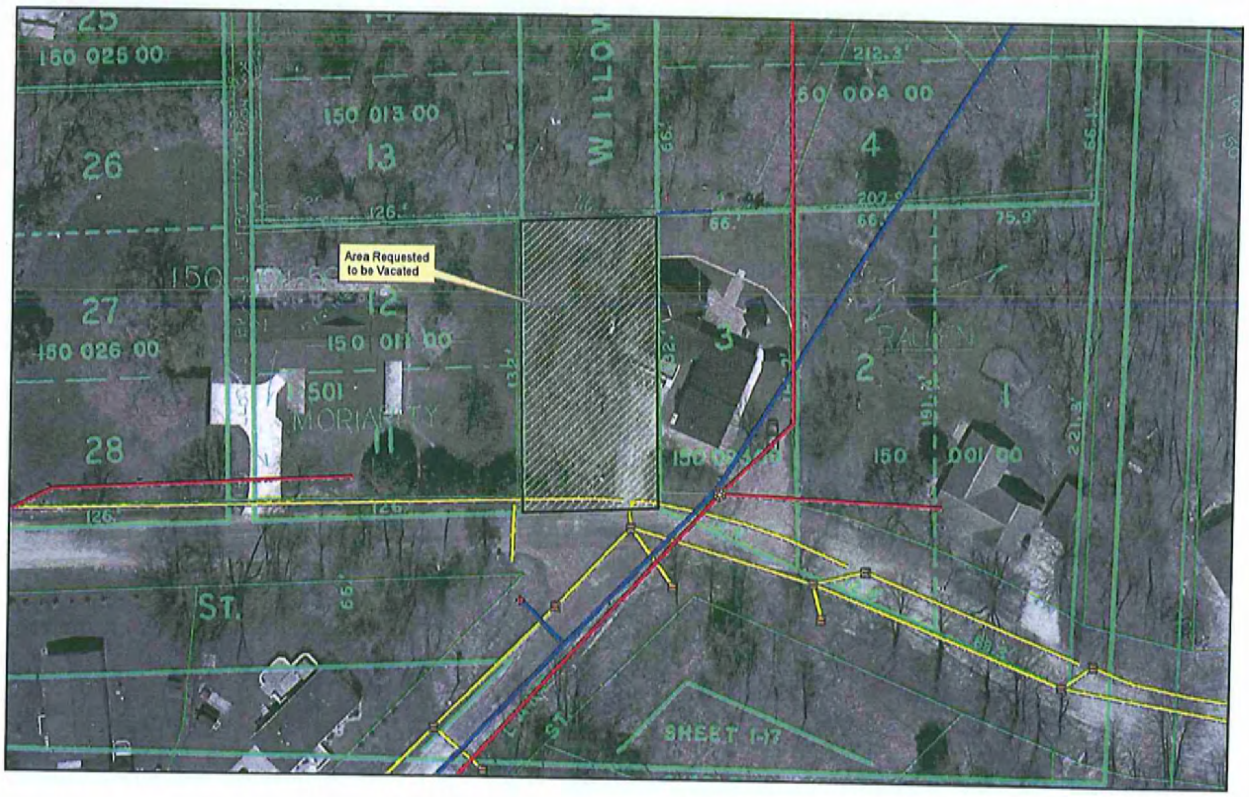
From: Scott McPherson, Planning Director

Date: May 16, 2016

Subject: Application for Street Vacation

Background

An application for the vacation of a public way has been submitted by Stephanie Moody who owns 100 W Court Street. She is requesting the south portion of Willow Street located in Caldwell's Addition between lots 11 and 12 owned by Tom Lasater and lot 3 owned by her to be vacated. This portion of the street is 66 feet wide and 132 feet in length and is the only remaining portion of the street that has not been vacated. While the street is undeveloped and does not have any utilities located in it, the house located at 100 W Court Street does encroach significantly into the right of way. In 1991 an addition to the home was constructed. A plot plan and zoning permit for the addition was submitted and approved by the City. It was not discovered until relatively recently that the addition encroached into the platted street. While many years have passed since the initial encroachment the property owner does not have legal nonconforming status or an adverse possession claim as these cannot be obtained for encroachments onto public property.



Process
Before an alley can be vacated by the City Commission a recommendation on the proposed vacation request from the Planning Commission is required.

Action
Review the proposed request and make a recommendation to the City Commission

Public Way Vacation Application

Boyne City
Planning Commission
319 N. Lake Street (231) 582-0337
Boyne City, Michigan 49712-1188
www.boynecity.com

Applicant Name: STEPHANIE MOODY

Street Address: 100 W. COURT ST.

City: BOYNE CITY State: MI Zip-Code: 49712

Phone Number (s): 231-633-2500 E-mail: LUMBER@FREEWAY.NET

Description of Public Way Proposed to be Vacated:
ROAD END OF N. LAKE ST. (AS IT PASSES COURT ST. AND ALSO KNOWN AS WILLOW ST.)

Does the Public Way or part thereof abut any body of water? If so please describe:
No.

Will the vacation result in any parcel of land being denied direct access?
No.

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

STEPHANIE MOODY
Applicant *(Printed Name)*

Signature *Date*

This is to certify the required $500 filing fee was received on 5-4-16 and documented with Receipt Number 75820. This application is scheduled for public hearing on 5-16-16

Staff Initials SAM **No Faxed Copies/Originals only** *(form last updated 31 Aug 04)*

City of Boyne City

319 N Lake Street • Boyne City Michigan 49712 • (231) 582-0337

PETITION TO VACATE A PUBLIC WAY, STREET OR ALLEY

WE, THE OWNERS OF THE REAL PROPERTY ABUTTING THE PUBLIC WAY, STREET, ALLEY OR PART THEREOF, OR UNDERLYING THE PUBLIC-EASEMENT. OR PART THEREOF, AS DESCRIBED (ATTACHED) PETITION THE BOYNE CITY PLANNING COMMISSION AND THE CITY COMMISSION OF BOYNE CITY TO VACATE THIS PUBLIC WAY, STREET, ALLEY OR PART THEREOF:

THE CITY COMMISSION HAS HEREBY SCHEDULED A PUBLIC HEARING ON SAID MATTER TO BE HELD _____

NAME	ADDRESS
Tom Lasater	106 W Court St. Boyne City, MI 49712

This permit must be displayed, within twenty-four (24) hours of its issuance, by placing it in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work is completed.

FEE: $40.00

PAID MAR 28 1991

BOYNE CITY ZONING APPROVAL APPLICATION
319 North Lake Street - P. O. Box 68
Boyne City, MI 49712

Case _____ Map ___ Date _____
Referred to: Plan.Bd. ___ ZBA _____
Reason for Referral: _____

I. GENERAL INFORMATION

Name of Property Owner Robert Dale Cosier Telephone 582-9159
Address 100 Court St
City Boyne City State & Zip MI 49712

II. PROPERTY DESCRIPTION

Legal Description (attach separate sheet, if necessary)
Cadwells Addition to Boyne
Lot 3

Property Tax Code Number 15-051-150-003-00
Nearest Intersection (Name Roads) Court St / N. Lake St.

Zone District in which property is located

III. PROPOSED USE

What type of construction is proposed:

- X Single-Family Residential
- ___ Multiple-Family Residential
- ___ Other Residential (Describe)
- ___ Commerical (Describe)
- ___ Industrial (Describe)
- X Addition (Describe) ~~Attached garage & laund.~~ Laundry room, attached garage, w additional living space above.
- ___ Other (Describe)

___ Two-Family Residential
___ Number of Units

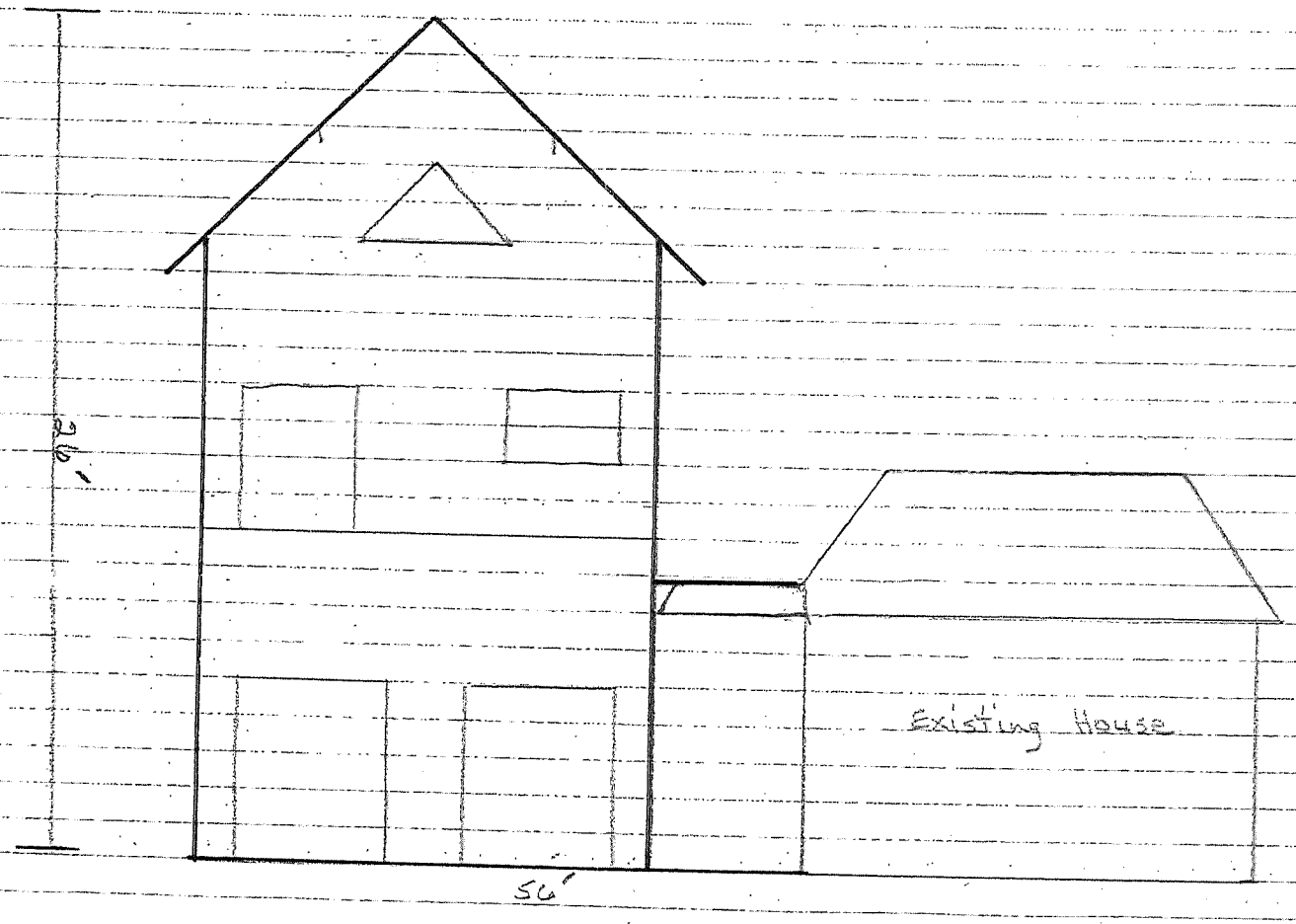
Height of the proposed structure? 26 feet
Exterior dimensions of the proposed structure?
Approximate cost? $15,000

IV. NAME OF BUILDING CONTRACTOR Self
Address

V. SIGNATURE CLAUSE:

I hereby agree to comply with the provisions of the Boyne City Zoning Ordinance #A-28 in the installation, construction, alteration, addition, or demolition described herein and, if not the applicant, I hereby certify that the proposed work is authorized by the property owner and that I have been empowered by the owner to make this application as his selected agent.

Dale Cosier Date 3/28/91
(Signature)


26'
56'
Existing House

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 16, 2016

Subject: Jefferson St. Property Pre-application meeting

A request for a pre-application meeting with the planning commission to discuss the potential development of 30 acres on Jefferson Street has been received from Ted Macksey. Mr. Macksey is in the process of purchasing the property and would like to discuss the possibility of rezoning the property to enable higher density residential uses.

The property is located 600 Jefferson is comprised of a 20 and 10 acre parcels zoned Rural Estate District. The property has approximately 630 feet of frontage on Jefferson street and is approximately 1,950 feet in depth. Adjacent to the south is a subdivision of single family homes on large lots zoned Rural Estate District and The Brook retirement community facility which is conditionally zoned multifamily district. To the north is Evangeline Township zoned Rural Residential Farm Forest District. Across the street to the west is single family homes on small lots zoned Traditional Residential District and to the west is a single large parcel being used for a church. Sewer and water are located on Jefferson Street.

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 16, 2016

Subject: Shoreline Protection Recommendation Presentation

Claire Karner of LIAA will be making a presentation in regards to recommendation for zoning ordinance amendments for Shoreline Protection measures.

Enacting Shoreline Zoning Protections around Lake Charlevoix

Project Overview and Recommendations

City of Boyne City Planning Commission Meeting – May 16, 2016

Based on previous shoreline protection work in the communities surrounding Lake Charlevoix, it is clear that local elected and appointed officials believe that maintaining the water quality of the lake is important for future economic development and quality of life in the region. In an effort to build upon previous shoreline protection work, the Enacting Shoreline Zoning Protections project was launched to help protect the water quality of Lake Charlevoix through the adoption of shoreline protection zoning standards in the ten jurisdictions surrounding the lake. The project promotes the understanding and acceptance of the need for shoreline protection standards in the City of Charlevoix, City of Boyne City, City of East Jordan, Bay Township, Charlevoix Township, Eveline Township, Evangeline Township, Hayes Township, Marion Township, and South Arm Township.

Funding for this project was provided through a 319 Grant from the Michigan Department of Environmental Quality, Non-Point Source Program that was secured by the Tip of the Mitt Watershed Council. Project partners working on this, and other, portions of the grant include Tip of the Mitt Watershed Council, MSU Extension, and the Lake Charlevoix Association.

The project team, led by the Land Information Access Association (LIAA), a non-profit community services organization in Traverse City, convened a steering committee made up of local planning and zoning officials to help guide the creation of definitions and standards for waterfront properties around the lake. LIAA created a steering committee report and project website (lakecharlevoixprotection.org) that include a summary of the findings and recommendations from previous shoreline protection efforts, a summary of current shoreline protection zoning standards in the ten jurisdictions surrounding Lake Charlevoix, and recommendations for definitions and zoning standards to help protect Lake Charlevoix's water quality.

Review and analysis of the work by the previous shoreline protection studies shows that local municipalities can be effective in protecting water quality by managing development and redevelopment on waterfront properties. The project team and steering committee used the findings of these previous studies to guide the creation of the shoreline protection recommendations for the local units of government around the Lake.

Current Shoreline Protection Zoning Standards in the City of Charlevoix

The City of Boyne City has already gone to great lengths to protect the shoreline and water quality of Lake Charlevoix. The City's Zoning Ordinance contains many standards and regulations that help prevent shoreline degradation, limit the impacts of stormwater runoff, and help prevent pollution of the Lake. The City's residents, elected officials, and planning commissioners should be proud of their commitment to the continued protection of this valuable natural resource. The table on the following page illustrates

the Zoning Ordinance's standards and regulations related to shoreline protection and indicates where they meet the recommendations created as a part of this project.

City of Boyne City – Existing Shoreline Protection Zoning Standards

Community	City of Boyne City			
Zoning District	WRD	MFRD	CSD	CBD
Defined High Water Elevation/OHWM	582.4' I.G.L.D.			
Setback from OHWM	35'	35'	35'	35'
Maximum Impervious Surface Coverage	30%*	30%*	40%*	100%*
Shoreline Buffer/Greenbelt Requirement	-	-	-	-
Native vegetation requirement in greenbelt	-	-	-	-
Prohibition of pesticides, herbicides, fertilizers in greenbelt	-	-	-	-
Specific prohibition of lawn in greenbelt	-	-	-	-
Requirement of trees/woody plants in greenbelt	-	-	-	-
Cutting/pruning of greenbelt vegetation limited	-	-	-	-
Prohibition of beach sanding in greenbelt	-	-	-	-
Prohibition of alteration of area between water's edge and high water elevation	-	-	-	-
Requires that new low-growing plantings be spaced for complete ground coverage in two years	-	-	-	-
Allows a single, small (200 s.f.) waterfront viewing platform in the greenbelt	-	-	-	-
Allows a single path (6' maximum width) through the greenbelt to the water	-	-	-	-
Allows for the maintenance of existing natural shoreline buffers, where they exist	-	-	-	-
Requirement of all county, state, federal permits be obtained prior to zoning permit being issued	-	-	-	-
Formal Planning Commission site plan review for all waterfront uses	-	-	-	-
Dock regulation	Yes	-	-	-
Specific keyhole/funneling standards	-	-	-	-
Prohibition of seawalls	-	-	-	-
Engineered stormwater control system requirement	Yes**	Yes**	Yes**	Yes**

**Maximum lot area covered by buildings.*
***Stormwater plans that comply with the Charlevoix County Stormwater Ordinance are required in all zoning districts for all proposed uses except single-family, detached residential uses.*
Note: Maximum front yard coverage in inorganic material is 40% in the WRD zoning district.

Recommendations for further shoreline protection zoning standards in the City of Boyne City

After reviewing the recommendations of the previous shoreline protection work groups and discussing appropriate shoreline protection standards for the ten jurisdictions surrounding Lake Charlevoix, the project team and steering committee identified specific categories for which recommendations should be made. The categories that are applicable to cities are:

- High water elevation

- Engineered stormwater control systems
- Conditions for issuance of zoning permits
- Formal planning commission site plan review
- Shoreline protection structures
- Keyhole and funneling practices
- Number and use of docks

As shown in the table on the previous page, the City of Boyne City Zoning Ordinance (Zoning Ordinance) contains some shoreline protection standards that align with the recommendations of the Enacting Shoreline Protections project. However, some of the recommended standards are not included in the Zoning Ordinance and we are requesting that the Planning Commission review these recommendations and consider amending the Zoning Ordinance to better protect the shoreline and water quality of Lake Charlevoix. The following recommended amendments to the Zoning Ordinance are included for your review and consideration.

Conditions for Issuance of Zoning Permits

By requiring that all necessary permits be obtained prior to the issuance of a zoning permit, jurisdictions can be sure that the requirements of all other agencies are being met by the proposed development. This could be added to Appendix A Article XXVIII. Administration and Enforcement.

Require formal Planning Commission site plan review for all waterfront uses

Requiring formal site plan review for any waterfront use gives local units of government detailed information and more precise documentation on proposed projects adjacent to the Lake. The site plan review process ensures that each of these projects is meeting the required standards of the ordinance and allows zoning staff to simply verify that development is occurring according to the approved plans. Specific language to require site plan review for all waterfront uses could be included Chapter 2 Article VI Division 5 Planning Commission Sec. 2-262. Powers and duties and/or Appendix A Article XIX. Development Plan Requirements. Additionally, language requiring planning commission site plan review would need to be added to Appendix A Article V Waterfront Residential District.

Shoreline Protection Structures

Seawalls can cause degradation of shoreline areas on the waterside of the wall and additional erosion of adjacent shorelines on either side of the wall. It is recommended that the construction of seawalls be prohibited within the Zoning Ordinance in favor of revetments and engineered natural shorelines, except where there is no other practical alternative. A new section in the ordinance could be added to Appendix A Article V Waterfront Residential District Sec. 5.40. - Development requirements.

Specifically regulate or prohibit keyhole/funnel development

It is recommended that the Zoning Ordinance specifically regulate or prohibit keyhole, or funnel, development where multiple property owners or parcels are allowed lake access on a single waterfront parcel. Keyhole practices can greatly increase the number of docks and motorized watercraft on the lake, increase runoff and pollution, and increase shoreline erosion. By limiting the number of motorized boats that are able to be docked on individual waterfront parcels, water quality can be protected by

reducing the potential for fuel and chemical spills. Additionally, congestion and aesthetic issues are reduced when keyholing/funneling is prevented. Specific language to regulate, or prohibit, keyhole/funnel development could be included within Appendix A Article V Waterfront Residential District Sec. 5.40. - Development requirements.