



**City of Boyne City**  
Founded 1856

319 N. Lake Street

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## AGENDA

### BOYNE CITY PLANNING COMMISSION Monday August 17, 2020 5:00 p.m.

Due to the COVID-19 situation and per the Governor's Executive Orders, this meeting will be held electronically. To participate via Zoom, connect to:

<https://us02web.zoom.us/j/89375405080?pwd=MVpZQXdPVHJCWTkzOHhWT0NwSlk5UT09>

**Meeting ID: 893 7540 5080**  
**Passcode: 404774**

One tap mobile

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The public will be allowed to comment during the usual public comment opportunities during the meeting per City Commission policy and practice. All other times the public will be muted.

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 the July 20, 2020 Boyne City Planning Commission meeting.

4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees

An Equal Opportunity Provider and Employer  
**Hometown Feel, Small Town Appeal**

6. Unfinished Business
7. New Business
  - A. Planning Commission Appointment Recommendations.
  - B. Review Manufactured Housing District Density Requirements.
  - C. Conditional Zoning Training
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting September 21, 2020

*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, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*

I hereby certify the above is a true and complete copy of the notice posted on August 13, 2020, for the Boyne City Planning Commission regular meeting scheduled for August 17, 2020 and was posted at Boyne City Hall, 319 North Lake St.

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Pat Haver, Planning Secretary

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Witness

**Approved:**

**Meeting of  
July 20, 2020**

Record of the proceedings of the Boyne City Planning Commission meeting held via Zoom on Monday July 20, 2020 at 5:00 pm.

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**Call to Order**

Chair Place called the meeting to order at 5:00 p.m. and discussed the rules and procedures for the Zoom meeting.

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**Roll Call**

Present: Larry Chute, Nichole Moblo, Tom Neidhamer, Rose Newton and Aaron Place  
Absent: Skylar MacNaughton and Jeff Ross (arrived at 5:30 pm)  
Vacancy: Two

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**Excused Absences  
Motion**

**Moblo moved, Newton seconded** to excuse the absence of MacNaughton and late arrival for Ross

**2020-7-20-2**

Roll Call:

Ayes: Chute, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: MacNaughton and Ross

Abstain: None

Vacancy: Two

Motion Carries

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**Meeting Attendance**

City Officials/Staff: Planning and Zoning Director Scott McPherson, Assistant Planning and Zoning Director Patrick Kilkenny, City Attorney Rhonda Stowers and Recording Secretary Pat Haver

Public Present: Twenty nine in attendance via the Zoom platform

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**Consent Agenda  
Motion**

**Neidhamer moved, Chute seconded**, a motion to approve the consent agenda, the Planning Commission minutes from June 15, 2020 as presented with the correction on page 2 as noted.

**2020-7-20-3**

Roll Call:

Ayes: Chute, Moblo, Neidhamer and Place

Nays: None

Absent: MacNaughton and Ross

Abstain: Newton

Vacancy: Two

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**Citizen comments on  
Non-Agenda Items**

None

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

None

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**Unfinished Business**

None

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**New Business**

**Public Hearing zoning change request for 600 Jefferson Street to change zoning district from Conditional Multifamily Residential District to Manufactured Housing Development District by GISA, LLC**

Planning Director Scott McPherson reviewed his staff report included in the agenda packet. A rezoning application had been submitted by GISA LLC to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Conditional Multiple Family Residential District (MFRD) to Manufactured Housing Development District (MHDD). The parcels are located at 600 Jefferson Street. Parcel 026-005-00 is approximately 20 acres with 660' of frontage on Jefferson Street and measures 1,300 feet deep. Parcel 026-004-15 which is adjacent to the east of 026-005-00 is approximately 10 acres and measure 660 ft. x 660 ft. The properties to the north are in Evangeline Township and are zoned Rural Residential and being used for single family dwellings. The property to the East is in the City of Boyne City and zoned RED and being used for a church. To the South of the property properties are zoned RED being used for single family dwellings and conditionally zoned MFRD being used for group senior and assisted living. The properties to the West are zoned Traditional Residential District (TRD) and are being used for single family dwellings. Public sewer and water are located adjacent to the subject property on Jefferson Street. The subject parcel is currently vacant, with the majority of the parcel covered with mature forest. On the eastern quarter of the property there is a significant slope and an elevation change of over 40 feet. The property was conditionally rezoned for Multi Family Development in 2016, and had also been before the City Commission for a couple of deadline extensions to continue to pursue options. During that timeframe, the previous owner had been trying to make some type of development a reality, but had difficulty citing rising construction costs and labor availability, so the project was determined by the previous developer to be not financially feasible. In February of 2020, the property was sold to GISA, LLC who is before you tonight for a request to rezone the property to Manufactured Housing Development District in order to pursue their development concept of a manufactured housing community. In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, after receiving the application a public hearing was noticed and scheduled for the Planning Commission for tonight. The Commission should review the proposed amendment and use the amendment criteria as listed in section 2.50(C) of the zoning ordinance as a guide in making their recommendation on the proposed amendment.

**Moblo** – Just for clarification, we are looking at the rezoning request specifically and not the conceptual plans that were submitted.

**McPherson** – Correct

**Place** – This would be a recommendation to the City Commission for the rezoning request only and not the conceptual plans.

**Chute** – Under the MHDD (Manufactured Housing Development District) they could potentially build up to 10 units per acre?

**McPherson** – Correct

Chair Place opened the discussion up to Public Hearing at 5:15 pm and discussed how the proceedings would be run via Zoom; each participant must request to be recognized in order to speak and would be placed in a que at which time, their microphone would be unmuted in order to make their comment or ask their question. Each question would be written down by Chair Place, who would, in turn, ask the development team for the answer.

**Steven Bratschie: Owner of GISA LLC** - Introduced his team members consisting of Don Westphal Fox Run project architect and Marc McKeller, Attorney. He then gave a brief background of himself and his business. He understands the challenges for affordable/attainable housing that is stick built or in need of renovations, he has done his due diligence and understands why the numbers just don't work for stick built which is very expensive. In his opinion, in the current zoning ordinance MHDD allowing up to 10 homes per acre is impossible to attain, and feels that 4.9 to 5 units is best. During

his presentation for rezoning, his team has put together a conceptual proposal of 145 home sites which is best suited for the topography of the property and the community, allowing them the ability to provide needed housing options.

**Don Westphal: Fox Run project architect** - Briefly discussed his background. He began to review the power point presentation that he had and discussed the difference in a manufactured home, which must meet HUD codes, and a modular home, which must meet local building codes and how they are placed on lots. He stressed that this would not be governmental subsidized housing, but attainable. During the presentation he discussed sidewalks, retention pond plans, access to community facilities, the plans call for a mix of multi section & single section homes which will be very attractive housing options with attached porches and garages for some units.

**Bratschie** - I placed a Craig's list ad about 6 weeks ago, and had very positive responses from 35 to 40 people looking for this type of housing. Lakeview Village is a well-run community, however they are full and Fox Run will be just as appealing, however, better quality units due to manufacturing updates. The community will be pristine and maintained to the highest of standards. There are several lending institutions available for financing and people would be building equity in a home versus renting.

Opened for public comments

**Jeff & Ruthann Porter: 620 Jefferson St.** - Our property is adjacent to this project, will there be a 50 ft. or 25 ft. buffer? Will these manufactured homes be on foundations or just skirted and tied down? What about a traffic study the road is deteriorating since this project first came up in 2016.

**McPherson** - A traffic analysis was done in 2016, a traffic study is not required at this time. The traffic will be lighter that what was originally proposed as this proposed unit count is less.

**Michelle Cortright: 221 Water St.** - This will be a successful project, as it will help to meet our current housing needs. This is adjacent to Evangeline Township and I have some concerns about people going safely down the Jefferson Street hill which is steep.

**Steve Schnell: Charlevoix County Housing Ready Program Director, member of the Boyne City Housing Solutions committee and Boyne City resident** - The programs that I am involved in are doing everything we can to assist in the housing shortage and to fill the needs. This type of project will reach capacity in no time at all, it is a legitimate use of the land, it is supported in your Master Plan and it is very attainable housing for everyone.

**Gordon Prince: 526 N. Lake St. Lot #92** - I live in Lakeview Village and they have just been granted consideration for an expansion project. My question is what monetary figures are you using for affordable housing? Conventional mortgage rates are not available for this housing type.

**Vic and Joan Stevens: 649 Vogel St.** - This development is adjacent to the rear of our property; I understand that there is an access easement out to Vogel Street. If this is opened up, it will literally run next to our driveway. Lakeview was just granted an extension for additional lots, do we really need another development in Boyne City?

**Cheryl Tournaud: Vacant lot owner on JayCee Lane** - My concerns are for the mortgage rates for this type of housing; it is currently at 6%; how is that affordable, the roof requirement is a 7/12 pitch, will these houses have that, I am afraid that our property values will decline, will they have to pay the same taxes that I pay, how will this development maintain their property values, and how/when will we get our questions answered?

**Place** - I am keeping track of all of the questions, and will be asking the development team at the end of public comment to answer them.

**John Vousboukis: 636 Jersey St.** - To place 145 houses on that small piece of land is like packing them in like rats, that is an awful lot of homes in that area; it is way too

many. Lakeview Village currently has 150 sites with 19 more why do we need another mobile home park? These houses will depreciate every year. The houses in the area are really nice, will their values go down?

**Syd Baxter: Hawkridge Condo owner which is my second home** – Given the need for service personal in the area, I feel that this development fits the needs of service workers. The density of this proposed project will be lower than previously approved. I feel that it is a good sound thinking and a well-planned project.

**Eric Hartlep: 526 Jefferson St. (Rose Newton read an email from him on his behalf as he was not able to get in via Zoom)** – He feels that Boyne needs a lot of affordable housing but that location has many drawbacks. I don't feel that this project will fill the need of poor folks from what I have been told. The city should keep a ledger of street and sewer repairs, and check what has been done on Jefferson Street the last 2 years. The road is in severe disrepair.

**Ruthann Porter** – What are the standards for the homes that will be placed? Will they all be new trailers or will older trailers be allowed in? I'm concerned about our property values going down with this many people coming in.

**Gordon Prince** - Affordable housing how are they going to be marketed, to workers, young families, second home buyers?

**Cheryl Tournaud** – Have any studies been done for the increase in law enforcement and fire? Can they handle another 145 houses without an increase in staffing? I have major safety concerns.

With no additional comments, closed public comments at 6:16 pm

#### Board Discussion

**Newton** - What is the return on investment for a manufactured housing community and can you substantiate ROI purchases through selling? Concerned about your statement that manufactured homes appreciate in value like stick built homes. Can you name any financial institution of a standard mortgage that allows a mobile home to be financed in a land leased area? What is the rate for Cascade loans currently? Without standard lending options, how can someone without a line of credit obtain a loan of \$ 55,000 and be considered affordable?

**Westphal** – Financing on manufactured home loans have always been a few points higher. Can't get into one of these houses without a down payment. The homeowner will have to qualify for a mortgage with credit checks to see their ability to pay the mortgage and lot payment in addition. Not everybody can afford everything. What is affordable – it is based on wages earned and wages allotted for loans.

**Bratschie** – Support in the Kelly School of Business article, citing increase in value is driven by demand. Certain houses depreciate faster than others; this goes for stick built as well. These homes will maintain the quality of value, and only new homes will be allowed in the community.

**Westphal** – There is a circle of home ownership; it is when someone wishes to downsize and leaves their existing home for something smaller like these manufactured homes, opening up the possibility of someone purchasing their larger home, these types of communities do not depreciate the values of homes in surrounding areas but increases them.

**Chute** – Are there going to be any other lenders available or just one primary lender of your choice? What is the difference between a modular home and manufactured home? You are requesting a full rezoning to MHDD, as opposed to a conditional rezoning and want to rescind the current zoning. Is there a reason for not asking for a conditional rezoning of this property based upon the density listed?

**Westphal** – Yes there are going to be other lenders available, there are federal guidelines against us steering buyers to a specific lender. The difference in modular homes is they are built to local codes, and the steel carriages must be removed and set

on a perimeter foundation of either a crawl space or basement. These will be certified in the factory to be built to local code with specific structural supports that must be met in order for the warranty to valid. A HUD house is built in the factory to HUD codes, has a permanent steel chassis that will remain with this house. It is less expensive to build due to HUD code and construction standards and these houses are skirted.

**Place** – Will there be a 50 ft. or 25 ft. setback?

**Westphal** – The front buffer on Jefferson St will be 50 ft. the buffer on the North, South and East sides will be 25 ft.

**Place** – What about the access to Vogel Street through the easement?

**Westphal** – We will have a boulevard entrance on Jefferson St. and the preliminary plans to the Planning Commission show only one entrance/exit. Fewer housing units will be facing Jefferson. The state mandates that every street must have a second way out; and the easement on Vogel would provide that if necessary in future plans.

**Place** – What about another traffic study?

**McPherson** – One is not required due to the amount of decreased units proposed and the decrease in the threshold for the amount of traffic that will occur.

**Place** – If the zoning reverts back to the original zoning, only 122 units maximum will be allowed. What about the soil analysis?

**Bratschie** – Exhibit 8 has the soil analysis attached, and we have engineer's certificates that the soils will support foundations for manufactured homes.

**Place** – How is affordable housing figured?

**McPherson** – Roughly 30% of your monthly income; this means different things to different people. In Boyne City the average income is in the area of \$55,000; so that would mean roughly 1,200 a month is considered affordable.

**Place** – What about the roof pitch, is there anything specific?

**McPherson** – in the TRD and RED district there are specific regulations, in the MHDD district there are not

**Place** – How do the taxes work?

**Westphal** – Boyne City assesses the value of the land with improvements which the developer would be responsible for, including the community facilities, club house, offices, etc. The land leased homeowners would be taxed for any additional specific items on their lot including the value of the home, carports, garages, sheds, porches, etc. In most communities, the developer/owner pays the gas, electric for the public areas and, sewer/water for the entire development and then a portion of that is charged in the lot rent based on individual home water meters. We are currently dealing with the land use, and the question is this project a reasonable and acceptable use of the land?

**Chute** – Currently there has been a conditional rezoning from Rural Estate District to Multi Family District; why are you seeking a full rezoning to MHDD as opposed to writing a new conditional rezoning for this property the same as in place? It would lock in the density as proposed, as opposed to the density in our current ordinance.

**Westphal** – If you rezone this to MHDD our next step will be to submit a preliminary site plan for your approval, and we bring it to you with 145 lots and you give us plan approval and I send your approved plan to the state with different lot numbers, they will kick it back and not give us a permit to build. That is your safe guard.

**Chute** – I don't understand how our ordinance can be so out of line with the state requirement and how can this project be locked in to 145 lots by a state approval.

**Westphal** – This is your ordinance and I don't know how you got to those numbers. In all of my time developing communities, I have never seen 10 units per acre in any other ordinance. In my opinion it is impossible with those numbers. I like to know appropriate separation between houses. The state limits how close houses can be; there are many people that want multi section homes, so those lots are much larger than a single section home. We can't build on the back section of the property that has a 40 foot rise maybe use that as a play or sledding area. We just don't see how a decent manufactured home community can build that many units at 10 per acre on this parcel.

**Mark McKeller: Development Team Attorney** – The proposal is not out of line with the rezoning; 10 units per acre just doesn't lend itself to a quality project. We can voluntarily condition the project and our plan. Reality the manufacturing housing conditions are inconsistent and automatically address density to preserve sites. Getting into conditional approvals can be messy. Adjustments can be made, this proposal is 1/3 the density of what is currently approved. The developer can build what has been approved with no extra meetings.

**Moblo** – Can we add year round residence requirements versus vacations or second homes to the conditions?

**Westphal** - One of our conditions is that they must be owner occupied with no short or long term rentals. I don't know how you would be able to legally regulate or put a 12 month occupied condition on who purchases each unit. In the past you could put families with children in one area, and senior citizens in another area of the development, you are not allowed to do that now, it would be discrimination; the communities are a blend of all types of homeowners blended in together.

**McKeller** – You cannot regulate types of ownership of 12 month occupancy vs 2<sup>nd</sup> home or snowbirds; however you can address a certain price range for workforce, senior, young families, people who just want to live there.

**Moblo** – Who would be responsible to set up the foundations; purchaser or management team?

**Westphal** – The State of Michigan regulates that a licensed manufactured housing installer is used.

**Moblo** – Will foundations be a part of the mortgage process or an additional cost?

**Westphal** – It will be all inclusive, the management team makes the arrangements.

**Place** – What about the street repairs and water runoff in the area and is there not a grading system for the streets and repairs?

**McPherson** – The plan must include storm water retention, and permits will be required. The City has an Asset Management System that is used to prioritize what area streets are in the most need of repairs.

**Place** – Law Enforcement and Fire Department have already looked at the plans?

**McPherson** – The other departments have looked at the site specific access plans; EMS, Fire & Police have the capacity to handle the increase without any additional personnel. Back in 2016 they indicated their departments were adequate to handle any additional demand, and this proposed plan has less units than what was approved back then.

**Place** – Tonight we are looking at the request to rezone this area not necessarily at the conceptual project. Is this area best served rezoned from the conditional use MFRD to MHDD?

**Moblo** – What happens if the previous conditional rezoning expires?

**McPherson** – It would revert back to the original Residential Estate District zoning an action that must be taken by the City Commission.

**Newton** – If the property is rezoned to MHDD, what else could be placed here other than a land leased community? As sole landowner, it would pigeon hole us into what they may choose to present?

**Place** – That is what this district is made for, so yes.

**Newton** – To re-clarify my questions, this can only be for a land leased community and not just manufactured home as a different situation?

**McPherson** – MHDD primary use would be a manufactured housing development, so that what this specific zoning would do.

**Newton** – Strictly the leasing of the real estate piece of land, with not a permanent structure on it?

**McPherson** - The goal and focus is to create this type of district.

**Neidhamer** – I would like to state some facts: Our Master Plan supports creating neighborhoods as needed, The Housing Solutions Committee came together 3 or 4 years ago and addressed the shortage of all house units, there are not a lot of any type of

housing left available, as has been stated, the last developer could not make stick built work for under \$ 250,000, the last couple of houses built by the school have been sold between \$ 250,000 and \$ 270,000, this development is half of those rates. The Planning Commission has been tasked with removing barriers, so that housing can be expanded and this plan fits that niche, we previously approved 212 units for this site, and they were not able to make those work, this is a good solution to a piece of the puzzle for the lack of affordable housing, and we have determined that this piece of property has a lot of good characteristics for this type of development. Lakeview Village has low to nonexistent law enforcement runs. We are trying to fill a niche with the lack of housing options, the citywide goals have 500 people stating that there is a housing shortage in our area, and local business owners are asking for help in creating solutions for the lack of housing so that can retain employees. This is not intense density wise, the original zoning would allow up to 300 housing units, the previous developer was granted 212 and this conceptual plan only shows 145 housing units.

Chair Place closed the meeting for questions at 7:22 pm, and now board discussion and deliberation will begin.

**Chute** – I agree that the need for housing is great, this may not be affordable but additional housing. Personally I am in favor of the proposed project; 145 units as the lot sizes are larger than the 50 ft. x 80 ft. city lots. I believe it needs to be a conditional rezoning as opposed to a full rezoning.

**Place** – I feel that we need to address and change the zoning ordinance at a future meeting, I agree that 10 units per acre is difficult, we need to look at the ordinance and clean it up and correct the language as a housekeeping issue.

**Chute** – Once we approve the zoning request, we have zero leverage if they come back with a different plan; legally if they meet all of the zoning ordinance, we cannot disapprove it. If we have a conditional, then the site plan is locked in and cannot be changed. I am concerned that the final site plan will come in different. Because this has conditional zoning on it, why not leave it as conditional now?

**Neidhamer** – Can staff clarify the difference between the conditional and a change to MHDD?

**McPherson** – The conditional zoning is an offer by the applicant and you can't require it. The city has the ability to accept their offer or not. Conditional zoning is used for a one specific use only, the MHDD has one use allowed so it doesn't make any sense. The state requirements and their limitations, they limit what you can have developed on a site; having anything close to our 10 per acre is an impossibility. They have put a lot of effort into the conceptual plans and what they would ultimately like to do, that I don't see them making major changes now.

**Ross** – This is a tract of land that has sat with existing zoning forever, no one has developed it forever, the adjacent zoning is RED and if the conditional rezoning expires, it would go back to the original zoning. The adjacent development has many sites undeveloped, an option is to give the development team the ability to develop this project, or we let it sit for another 50 years untouched.

**Newton** – I believe there are larger ramifications with what has been shared so far; if this is permitted it will be use by right, I have concerns about what has been presented in what land leased communities look like and what is affordable housing. I'm not seeing how manufactured homes do not decrease in value, and will that be a personal loss by the homeowner and what happens once the home ages out? What are we creating in fair housing by only allowing new homes to be placed, what about someone who may have an older home and won't be allowed to place it here; how affordable is only having new homes. With only owner occupied homes, an individual homeowner is losing some of their rights of not being allowed renting out for financial gain. We already have a land

leased community and I personally feel that Boyne City is not large enough for a second one.

**Moblo** – My question would be can we place conditions on the starting of the project with a time line of placement for infrastructure and the development of the park sites itself? If that is not met then it defaults and reverts back to the RED, is that a potential?

**McPherson** – You are making a recommendation today only on zoning

**Chute** – We are making a recommendation to approve or disapprove today.

**Neidhamer** – Stick built development has been tried before and can't be done, we should give them an opportunity for the project. A conditional use won't get us any closer than what the MHDD requires. This type of housing has become very popular, they are built using 2x6 construction, have vinyl siding and pitched asphalt shingles. They are not the old tin boxes of yesteryear.

**Newton** – Being in the industry, I know that HUD homes are built to national guidelines and not based on snow load in Northern Michigan. I have seen a lot of roofs caved in due to not being built to handle the snow loads. I do not see that addressed other than the 5/12 pitch.

**Neidhamer** – I disagree, they said they would be built to Northern Michigan standards.

**Newton** – I think that the roof pitch not being addressed to Northern Michigan snow loads is another point of concern.

**McPherson** – In the TRD minimum pitch is 5/12

**Chute** – Does the MHDD have a minimum or maximum requirement?

**McPherson** – No, homes must be to HUD guidelines

**Chute** – Does HUD have any requirements for a roof pitch?

**McPherson** – I am not familiar enough with regards to what HUD requires

**Chute** – I have to disagree with Tom, to reject this and to have them come back with a conditional, we are still giving them a chance to develop their property. If they had come to us with a conditional, we would be able to add our own conditions to it in regards to roof pitch, snow load, and density. I can't approve a request that does not have the density requirements that are shown on this plan.

**Place** – They are the ones that dictate what conditions they would like to present to the commission, we cannot put any additional conditions on it. We then have the ability to accept or reject their plan, which is then final to the submitted plan.

**McPherson** – Their application is in front of you tonight with a hearing; so you need to take some type of action and make a determination on this application only.

**Newton** – For our amendment criteria bullet point #7; can you confirm that the city does not have any other properties like this one?

**McPherson** – There are no other parcels within the city of this size that has available infrastructure such as paved roads, water and sewer.

**Neidhamer** - Is it true that we have been trying to get away from the use of conditional zoning?

**McPherson** – It is a tool that has been used in the past, and in this case there is not much value in conditional rezoning as the proposed zoning is pretty specific, and I don't see how you can make further conditions. You would need a recommendation to the City Commission on the rezoning request before you tonight.

## **Motion**

With no further board discussion, **motion by Newton, seconded by Chute** to not recommend to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from MFRD to MHDD.

**2020-7-20- 7A**

Roll Call:

Ayes: Chute Moblo, Newton and Place

Nays: Neidhamer and Ross

Absent: MacNaughton

Abstain: None  
Vacancy: Two  
Motion Carries

**Development Plan  
Review for Great Lakes  
Energy 1323 Boyne  
Avenue**

Planning Director Scott McPherson reviewed his staff report included in the agenda packet. Great Lakes Energy is requesting a development plan approval to renovate and expand their existing facility location for parcels 051-336-165-30, 051-336-164-30, 051-300-009-10 and 15-336-165-30 located at 1323 Boyne Avenue. This 19.7 acre site is zoned RC/IND and PID and currently serves as the office and storage yard. The proposed project would expand the existing facility with two building additions and freestanding garage and would reconfigure the site parking and storage areas including required associated infrastructure improvements. These proposed additions would be similar in character and architecture of the existing facility and surrounding areas. The easterly access drive on Boyne Avenue will be removed and the westerly access drive will be shifted to the west to line up with the Boyne Summit Drive across the street. The existing access points on Air Industrial Park will remain and a new access will be developed on Altair Drive on the west end of the site. The proposed plan meets zoning ordinance section 20.20 Schedule of Regulations criteria for setback, building area and building height. A landscaping plan has been provided, while the plan does not include the exact amount of trees and shrubs as required in the standards, the existing landscaping in addition to the proposed plan appears to accomplish the ordinance objective of creating the necessary buffers and aesthetics. The development team has requested the planning commission consider modification of the required landscape standards as allowed per BCZO Section 23.60. The proposed 211 parking spaces exceed the required minimum of 99.

**Nick Liebler: Architect for the project** – Not a lot on our proposal has changed since we were before you in January, we have just outgrown our facilities. We purchased the Carters site to place the expansion and will be the location of the new offices. Beckett & Raeder assisted us with the site plans.

**Tim Knutson: Becket and Raeder** – Walked the board through the site plans submitted; there will be a realignment of the driveway of the new building D and will utilize the existing access off of Air Industrial Drive and create a new access drive off of Altair Dr. Storm water will be captured on site with 3 ponds; the landscape buffer on Altair and Air Industrial Park will remain, and we have the new landscape with an emphasis on street frontage for the new building to match the landscaping around the existing building. It does not fully meet the requirements of the landscape plan, however, we feel that it is very close and appropriate to match the existing planting around the current buildings.

**Chris Degood:** - As you can see from the plans the grassy area to the west will be used for staging vehicles that are brought in to assist in an emergency. That is the only time that we will have anything staged in that area.

**Knutson** – The proposed landscaping offers vehicle shading of some sort, but still allow for vehicle maneuvering; he also discussed the landscape designs around the buildings.

**Degood** – I believe we have been responsive to the zoning expectations and highlights the appearance of the buildings to passersby and the community.

**Knutson** – As has been stated, we feel the current landscaping and what has been proposed accomplishes the ordinance objective of creating buffers. We are asking for consideration to the modified plans submitted of the required standards.

**Degood** – The building all have updated sprinkler systems, the water utility system, sanitary system are all met by the existing services.

**Liebler** – The site and building materials are of good blend of the existing facilities and the proposed facilities.

Public comment opened at 8:08 pm

**Barbara Malpass-Young: 1003 Hull St.** – I feel that this project will be beneficial to the community and is a very nice project.

**Steve Drake: CFO Great Lakes Energy** - Wanted to take this time to thank the commission for allowing us to come back with additional detailed plans. He introduced Shari Culver – VP of Marketing and Shawn Camp CEO of Truestream. We all feel that the new addition to our facilities will benefit the company and Boyne City, we will be hiring additional employees so will grow operationally and our employee base.

With no further public comments, closed at 8:11 pm and continued with board discussion.

**Place** – I love the fact that there are so many windows, I feel that it fits well into the community.

**Chute** – I believe it matches the existing building well and will be an asset to the community

**Newton** – GLE makes a clear rationale from our standards, and I believe they are meeting our objectives, the new facility will continue to serve thousands in our community.

**Neidhamer** – Job well done

At this time; Planning Director McPherson and Chair Place facilitated discussion of the Finding of Facts, Section 19.40 Development Plan Approval Criteria.

With no further board discussion and after going through the Findings of Fact, **motion by Chute, seconded by Ross** to approve the site plan with the landscaping as shown accepting the variance to our ordinance requirements; Administration to review and approve the Photometric, mechanical and sign requirements.

#### **2020-7-20- 7B**

Roll Call:

Ayes: Chute Moblo, Neidhamer, Newton, Place and Ross

Nays: None

Absent: MacNaughton

Abstain: None

Vacancy: Two

Motion Carries

#### **Staff Report**

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- The city office is open as of July 13<sup>th</sup>, the Planning Department is working in the office, however, the staff are rotating days of working from home.
- 

#### **Good of the Order**

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- Will the August meeting be held via Zoom also? Undetermined at this time.
- 

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, August 17, 2020 at 5:00 p.m.

#### **Adjournment**

##### **\*\*Motion**

**Newton moved, Ross seconded** a motion to adjourn the July 20, 2020 meeting at 8:33 pm

#### **2020-7-20-10**

Roll Call:

Ayes: Chute Moblo, Neidhamer, Newton, Place and Ross

Nays: None

Absent: MacNaughton  
Abstain: None  
Vacancy: Two  
Motion Carries

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Chair Aaron Place

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Recording Secretary Pat Haver

Draft

## **CITY OF BOYNE CITY**

**To:** Chair Aaron Place and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** August 17, 2020

**Subject:** Planning Commission Appointment Recommendations



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### **Background Information**

The terms of Planning Commissioners Ross and Chute expired on 5/31/2020. While the members did attend and participate in meetings after the expiration of their terms, the members may continue to act that capacity until a successor is appointed. In accordance with the reappointment policy of the Planning Commission sitting members of the planning Commission are automatically considered for reappointment if they wish continue to serve. If reappointed the terms would expire 5/31/2023.

We also have received an application for appointment to the Planning Commission from Monica Ross for appointment to the Planning Commission. Monica currently sits on the Zoning Board of Appeals (ZBA), however has indicated that she would resign that position if appointed to the Planning Commission. A a member of the Zoning Board of Appeals is allowed to be on the Planning Commission, however, there is a potential for conflict of interest. If a decision of the Planning Commission is appealed to the ZBA and a member of the ZBA was on the Planning Commission that made the decision that member must abstain from the appeal due to conflict of interest. Currently there are two vacancies on the Planning Commission for terms that expire on 5/31/2022 and 5/31/2023.

### **Process**

The procedures for the appointments to the Planning Commission are regulated by Ordinance a - 21. The ordinance stipulates that Planning Commissioners are appointed by the Mayor subject to the majority vote of the City Commission. In accordance with the adopted policy of the Planning Commission makes recommendations on Planning Commission appointments prior to submission to the City Commission

# CITY OF BOYNE CITY

319 North Lake Street Boyne City, MI 49712 (231) 582-6597



## BOARD MEMBER APPLICATION

The City understands you are interested in becoming a member on one of the City Advisory Boards/Commissions. We appreciate your interest and future dedication to Boyne City. In order for the City to have information on file as reference when the next board has an opening, we ask you please complete the following and return to City Hall.

Name: Monica Ross  
Address: 109 E Michigan Ave  
Telephone: 231-582-0632 (daytime) cell 231-622-3496 (evening)  
Email: monica@monicaross.com  
Occupation: Retired Realtor

Please check any Advisory Board or Commission you may be interested in.

- |   |   |
|---|---|
| <input type="checkbox"/> Airport Advisory Board         | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Historical Commission          | <input type="checkbox"/> Main Street / DDA Program        |
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Parks and Recreation Commission  |
| <input type="checkbox"/> Board of Review                | <input type="checkbox"/> Housing Commission               |
| <input type="checkbox"/> Local Development              | <input type="checkbox"/> Zoning Board of Appeals          |
| <input type="checkbox"/> Finance Authority              | <input type="checkbox"/> District Library Board           |
| <input type="checkbox"/> Historic District Commission   |   |

Reason(s) you wish to serve:

I enjoy being involved in local organizations where I can make a difference in my community

Other community or civic service activities:

Past member of Aurelius Twp planning commission for 7 years. Past president of Boyne Valley Garden Club. Past State President Women's Council of Realtors. Past President & Member of the Year ACK Assoc. of Realtors. Graduate of Michigan Realtors Land Use Institute

Signature

Date

Monica Ross

7/27/2020

## CITY OF BOYNE CITY

**To:** Chair Aaron Place, and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** August 17, 2020

**Subject:** Review of Manufacture Housing Development District Density



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### Background Information

As requested at the July 20, 2020 Planning Commission meeting the recent amendments to the section 7.4 D that amended the density are being brought to the planning commission for review and discussion. Provided below are the language as it was prior to the amendment and the current ordinance.

### Previous Ordinance

D. In a mobile home park, the following specific standards shall apply:

1. Lot Area and Density.
  - a. The tract to be developed shall contain a minimum of ten (10) acres.
  - b. The mobile home park shall be developed with sites averaging five-thousand-five-hundred (5,500) square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four-thousand-four-hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125,1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

### Current Ordinance

D. In a manufactured home development, the following specific standards shall apply:

1. Lot Area and Density.
  - a. The tract to be developed shall contain a minimum of ten (10) acres.
  - b. The manufactured home development may have a maximum density of 10 units per acre.

## CITY OF BOYNE CITY

**To:** Chair Aaron Place, and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** August 17, 2020

**Subject:** Conditional Zoning Training Review



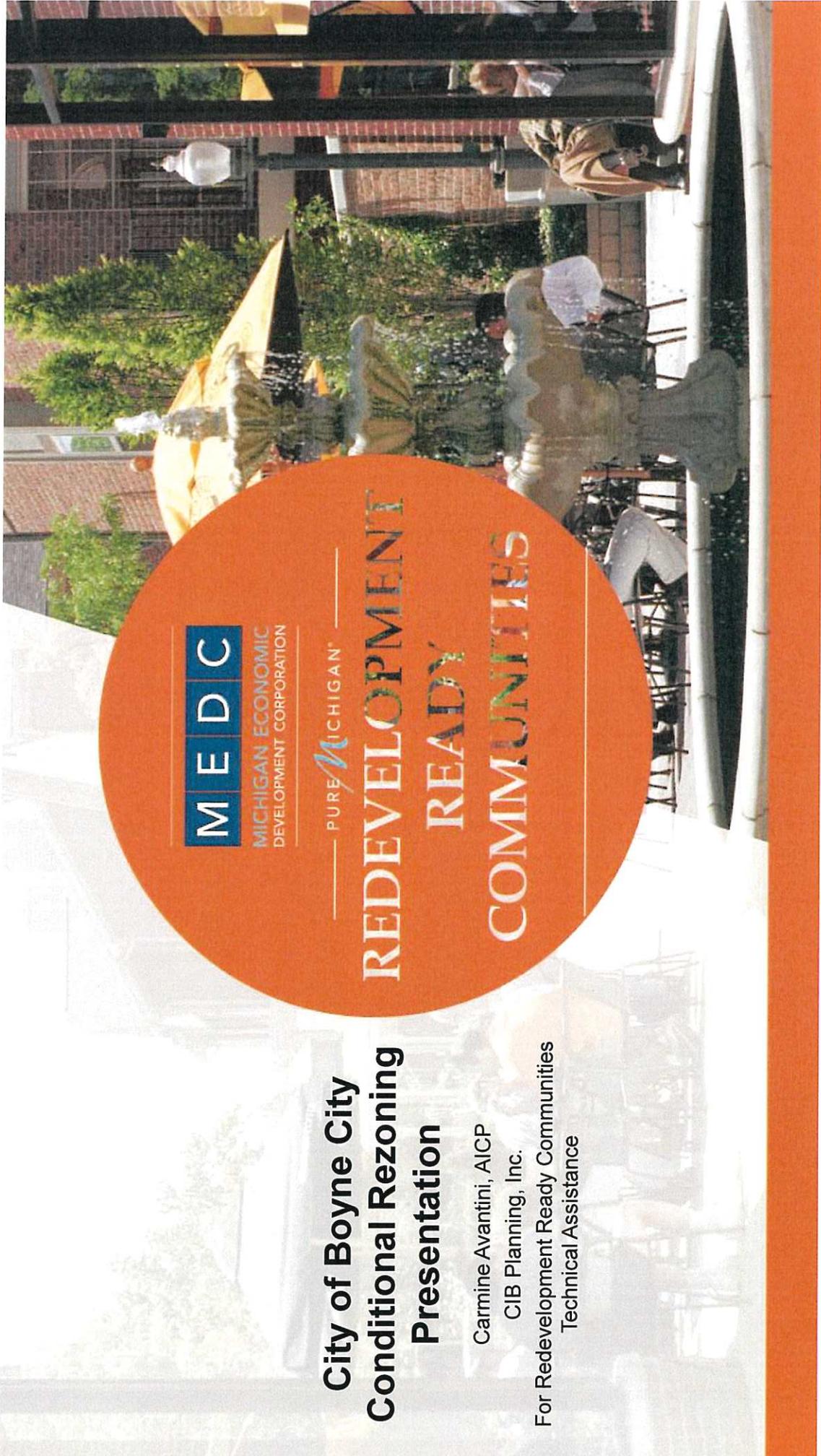
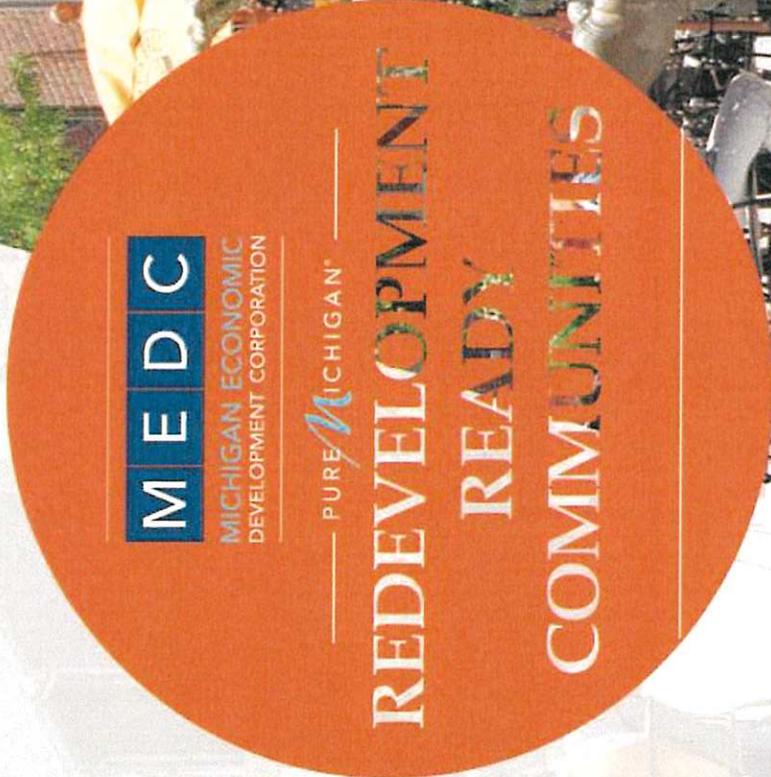
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### Background Information

In 2016 the City was provided technical assistance training by MEDC through the RRC program on the topic of Conditional Zoning. Given we have an number of new members on the Planning Commission since this training was offered I thought it would be helpful to review the training materials again given the discussion on conditional zonings at the last meeting.

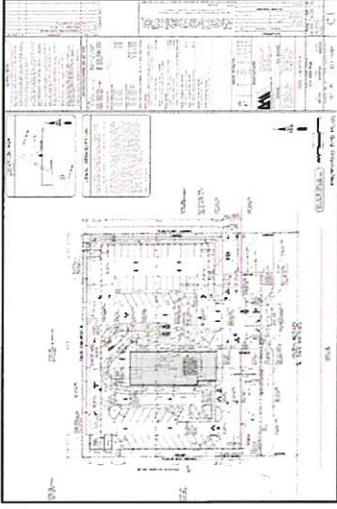
# City of Boyne City Conditional Rezoning Presentation

Carmine Avantini, AICP  
CIB Planning, Inc.  
For Redevelopment Ready Communities  
Technical Assistance



# Traditional Rezoning Request

Any of the uses allowed in the requested zoning District can be established, regardless of representations by the applicant



- Single-family detached dwellings
- Public, parochial, and private schools
- Family day care homes
- Hospitals, convalescent and nursing homes, and funeral homes
- Tourist homes, boardinghouses, roominghouses

## Why is this Important?

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- Some proposed uses may be acceptable in requested zoning district but not others
- The submitted concept plan is not binding
- Conditions to ensure compatibility with surrounding uses may not be available
- If all ordinance conditions have been met, the development request must be approved

# Conditional Rezoning Request

Provides flexibility to both property owners/developers and City

*Conditions are attached to the rezoning request including items such as use, site layout, type of building, landscaping, etc.*

## Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

1. *A conditional rezoning request must be voluntarily offered by the applicant*

## Michigan Zoning Enabling Act (MZE) Conditional Rezoning Requirements

- 2. The City can establish a time period for satisfaction of conditions*

## Michigan Zoning Enabling Act (MZEa) Conditional Rezoning Requirements

3. *The City cannot add to or amend conditions*

## Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

4. *The applicant may apply for, and the City can approve, a time extension for completion of the conditions*

## Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

5. *The City cannot require the applicant to offer conditions as a requirement for a rezoning*

# Challenges with Conditional Rezoning

- All conditions must be offered by the applicant.
- Conditions cannot be requested or required by the Planning Commission or City Commission.
- Applicant has to “guess” about what the required conditions might be.
- A significant investment must be made by applicant to provide detailed conditions without knowing if they are acceptable.
- A potentially acceptable request might be denied due to the lack of information provided.

# Conditional Rezoning Dilemma

## *Applicant Uncertainly vs City Need for Information*

Both have valid concerns but how can they be addressed through a conditional rezoning request, given Act requirements?

## Possible Solutions for Conditional Rezoning Requests

Recommend that the applicant meet with neighbors and abutting property owners before submitting a request.

- Informal feedback to applicant.
- Will focus applicant and consultants on key questions that need to be answered.
- Helps identify possible conditions that are needed.

## Possible Solutions for Conditional Rezoning Requests

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Have the applicant work with City staff and consultants to identify issues and possible solutions prior to submission of request.

- Possible conditions can be discussed with staff prior to submission.
- If additional studies are needed by the applicant, they can be discussed & reviewed by staff.

## Possible Solutions for Conditional Rezoning Requests

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Make sure that applicant provides sufficient information for City to make a determination.

- A bare bones request that does not address key issues is likely to be denied.
- Staff/consultant reports can provide background on preliminary discussions.
- Conditions offered should address key concerns identified during preliminary investigation.

## Possible Solutions for Conditional Rezoning Requests

The applicant can provide enough information for approval and voluntarily include as a condition that site plan approval will be obtained.

- Lengthens the process but focuses the request on key issues and not site details.
- Reduces the number of rezoning conditions.
- Gives applicant assurance that only minor items are left for site plan review.



# QUESTIONS OR COMMENTS

