

Approved:

**Meeting of
December 20, 2021**

Record of the proceedings of the Boyne City Planning Commission meeting held in the City Commission Chambers on Monday December 20, 2021 at 5:30 pm.

Call to Order

Vice Chairman J. Ross called the meeting to order at 5:30 p.m.

Roll Call

Present: Jim Baumann, Larry Chute, Skylar MacNaughton, Tom Neidhamer, Tim Nemecek, Jeff Ross and Monica Ross
Absent: Nicole Moblo and Aaron Place

Motion

2021-12-20-02
Neidhamer moved, Chute seconded, to excuse the absence of Moblo and Place

Roll Call:
Ayes: Baumann, Chute, MacNaughton, Neidhamer, Nemecek, J. Ross and M. Ross
Nays: None
Absent: Moblo and Place
Abstain: None
Motion Carries

Meeting Attendance

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

**Consent Agenda
Motion**

2021-12-20-03
Chute moved, Nemecek seconded, passed unanimously, a motion to approve the consent agenda, the Planning Commission minutes from November 15, 2021 as presented

**Citizen comments on
Non-Agenda Items**

None

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

None

Unfinished Business

None

New Business

Applicant Patrick Rokosz asked to be moved after the next agenda item as his contractor or real estate agent is in attendance at this time.

**Preliminary Review
211 Water Street**

Planning Director McPherson reviewed his staff report included in the agenda packet. The Kirkby Development team is before the commission tonight for a preliminary review of proposed renovations at 211 Water St. Part of the proposal is renovations and additions to the existing structure that would create two second story dwelling units and retail units on the lower levels. With the addition of dwelling units, 2 additional parking spaces would be required for the dwelling units. The property does not have sufficient area that would meet the ordinance standards for onsite parking. The applicant has prepared parking options for the commission considerations. In reviewing the proposed renovations/additions, the Planning Commission does have the ability to reduce or waive parking requirements for uses in the Central Business District per standards of the zoning ordinance, section 10.50 (M) - *The Planning Commission shall determine if the number of off-street parking and loading/unloading spaces required per Article XXIV of this*

Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings.

Ed Kirkby: contractor and applicant - Our intentions for renovations include cleaning up the façade, add a patio to the back area, and an additional residential unit to the one story building, updating all electrical and interior renovations to the store fronts. The parking requirements caught us off guard, so we put together options for your consideration and discussion. We would prefer not to put any parking in the back, due to the steepness and closeness to the river bank. The past owners were able to utilize an 8 ft of space to the east of the buildings to park, however, our discussions with the neighbors are at a standstill as they are considering utilizing the parking spaces for possible building renovations. We have attempted to contact the owners of Busters to inquire about purchasing spaces from them, but have had no luck contacting them.

McPherson – the 8 ft space does not have a direct line to travel, they had to utilize the entrance for Harbor House parking to get to that space. It is not practical to remove the breezeway to allow for parking or an easement to parking in the back, as the removal of a parking space to put in a curb cut is not feasible. Back in 2007 the adoption of a parking exempt map was done, and was repealed by referendum shortly thereafter. The establishment of a parking fee amount has not been done by the City Commission, so that is not a tool that can be used. However, within 300 feet there is off-site parking available to meet the parking needs or possible consideration of waiving the parking requirement of the residential units, located on River and Park Streets along with the Fotchman city municipal parking lot. The largest hurdle for parking on the streets at night is during the winter there as there is a time frame of No parking on the streets from 2 am to 6 am to allow for snow plowing. The parking study map was displayed to show where the available parking spots were located.

Nemecek – Are the residential units being set up for long term or short term rental?

Kirby – We are setting them up as both, however, we have a quicker rate of return with short term rentals. Our return on investment would take a considerable amount of time with long term rentals.

J. Ross – Have you approached Mather’s or the Dilworth for use of a couple of their spaces?

Kirkby – We have been looking at all options, I will make contact with them soon.

J. Ross – With the availability of off-site parking within 300 feet, and with the applicants talking to nearby businesses for the possibility of getting a couple of spaces I would not have any problem waiving the on-site parking requirements. My biggest concern is winter and snowplowing.

Baumann – I agree with the winter problems, maybe if you can get a couple of defined spaces I would not have a problem waiving onsite parking either.

Neidhamer – I agree with what has been said. I don’t want to lose the availability of a couple of housing units due to the lack of onsite parking; I’m not opposed to waiving the requirements.

M. Ross – I still like the idea of parking in the back, maybe build up the berm. Best if the applicant could get designated offsite parking for his units.

Chute – Parking in the back is hazardous and the contractor stated they did not want to do that, I’m having trouble with not allowing additional curb cuts. I have no problems with waiving parking onsite if they can make arrangements for designated parking. In between the building parking is best in my opinion.

Nemecek – No thoughts

MacNaughton – I’m excited to see more housing opportunities; we always have a parking issue. I’m open to waiving; and I don’t see a problem with people having to park 300 feet away; they park 3 or 4 blocks away from the houses downstate.

J. Ross – It sounds like the board is willing to work with the development team on looking into parking options, however, we encourage you to look to your neighbors to allow the use of a couple of spots in their lots.

Ed Kirkby – We will make a sweep of area business owners to see if they have any available parking for us to utilize.

J. Ross – As this is just a preliminary review, we can't make promises until we have a formal presentation in front of us; but it appears that you have board support to move forward at this time

**Preliminary Review
1030 Bay Ridge**

Planning Director McPherson reviewed his report in the agenda packet. Before the board tonight is a preliminary review to discuss a proposed development on a 9.98 acre piece of property, which has 474 feet of frontage on Hull Street. Bay Ridge Lane is an unimproved driveway that provided access to a single family residence that was removed in 2016. The applicant is proposing dividing the parcel into 4 individual lots to construct a home on each lot. The applicant has provided a survey (received and filed) of the property for a proposed land division which shows four parcels ranging from 2 to 3 acres with 210 to 248 feet of width. In the RED the minimum lot size is 10,890 square feet with a minimum width of 200 feet. A 50-foot easement is shown for ingress/egress and utilities. While the proposed parcels meet the criteria of the land division act which regulates the subdivision of land, 3 of the 4 proposed parcels would not have frontage on a developed street. Boyne City Zoning Ordinance (BCZO) section 28.30(B) stipulates that a zoning permit can only be issued for lots or parcels that have road frontage on a developed street meeting City Construction Standards. The approval of new road in the City is subject to the approval of the Planning Commission. For consideration of a new road a Development Plan meeting the criteria of Article 19 Development Plan Review is required. The 50-foot easement that terminates at the lot line of the last parcel shown on the provided survey would not be sufficient for a public road or private road. The proposed easement lacks sufficient width for a public road and a cul-de-sac or turn around for emergency vehicles is required for public and private roads. BCZO Section 24.95 discourages the use of private roads but does provide the Planning Commission the ability to approve a private road as a special land use based on the finding the property possesses an unusual configuration and/or topography that renders the construction of streets under City standards for grades, radii, width and/or materials impractical. The developers are proposing using the 50 foot easement and adding an additional 16 feet to create the required width. They feel that would be the best alternative, as it would be too cost prohibitive to pay almost \$220,000 for a developed roadway at city standards, requiring each lot owner to pay \$70,000 to 80,000 each towards the total cost of a new road development is not realistic.

Chute – What is the background for a 66 foot easement?

McPherson – Industry standards, allows for utilities, sidewalks and allowing vehicles to pass each other.

Patrick Rokosz (Developer) – It is just impractical and prohibitive costs to be built to city standards; we are looking for some relief.

McPherson – The ordinance states that you need road frontage for each lot for development; there is no leeway in road development standards.

J. Ross – The ordinance is written in such a way that we don't have the tools and can't give relief for road development, is there any way to amend the ordinance?

McPherson – Yes you could do that, however the process would take anywhere from 5 to 6 months.

M. Ross – could you go PUD?

Rokosz - We want to keep the heavily wooded lots. Our contractor, Legacy, has an email from Mark Fowler, stating that we would not need a full water/sewer main, that each lot could get their service from Hull Street, so that portion of the cost would be lowered.

McPherson – There is no flexibility for a roads within a PUD, just subdivisions and manufactured housing communities.

Staff Report

J. Ross – What language would we need to look at, if we decided to possibly amend the ordinance? Is that something that we could look at in a future meeting?

McPherson – Section 24.95 Private Road Standards and shared driveways. If directed, I can come up with some items for discussion next month.

The board was in agreement with staff providing information to look at next month.

Jamie Woodall – Can we get an answer for support on the project, the buyer and seller are getting antsy.

McPherson – It will be 6 to 7 months before approval of any amendments can be considered and finalized. First the Planning Commission will review and make recommendations to the City Commission who will consider and make the final determinations and approval and then there is the state standards for processing amendments and holding public hearings.

Public Engagement Discussion

It was decided to table this discussion until next month, as the board member who requested it be placed on the agenda was not able to be at this meeting.

Staff Report

- At the most recent City Commission meeting was a short term rental presentation; there are currently 141-142 units within the city limits. Auska Barden also had an in-depth presentation she gave to the City Commission. It was recommended to have public input and possibly create a task force to continue to look into.
- Training through RRC was approved, and not sure if it will be held next month or not. It would be separate from our regularly scheduled monthly meeting.

Good of the Order

- Merry Christmas and Happy New Year

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, January 17, 2022 at 5:30 p.m.

Motion

2021-12-20-10

Baumann moved, M Ross seconded, passed unanimously, a motion to adjourn the December 20, 2021 meeting at 6:55 pm

Vice Chair Jeff Ross

Recording Secretary Pat Haver