



City of Boyne City

Founded 1856

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AGENDA

BOYNE CITY PLANNING COMMISSION

Monday December 19, 2016, 5:00 p.m.
Boyne City Hall



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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 November 21, 2016 Boyne City Planning Commission meeting.
4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
-Participants for Housing Committee
6. Unfinished Business
7. New Business
 - A. Hill Alley Vacation Request
 - B. Group Day Care ordinance review
 - C. Minimum Floor Area ordinance review
 - D. Adoption 2017 Meeting Calendar
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting January 16, 2017

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**Meeting of
November 21, 2016**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday November 21, 2016 at 5:00 pm.

Call to Order

Vice Chair Frasz called the meeting to order at 5:00 p.m.

Roll Call

Present: Ken Allen, George Ellwanger, Chris Frasz, Jim Kozlowski, Tom Neidhamer and Joe St. Dennis

Absent: Jason Biskner, Jane MacKenzie and Aaron Place

**Excused Absence(s)
MOTION

2016-11-21-02

Kozlowski moved, Allen seconded, PASSED UNANIMOUSLY, a motion to excuse the absence(s) of Jason Biskner.

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Manager Michael Cain, City Commissioner Hugh Conklin, Police Chief Jeff Gaither, Assistant Chief Kevin Spate and Recording Secretary Pat Haver
Public Present: None

**Consent Agenda
MOTION

2016-11-21-03

Ellwanger moved, Neidhamer seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from October 17, 2016 as presented.

**Citizen comments on
Non-Agenda Items**

None

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

None

New Business

Planning Director McPherson reviewed the staff report that was included in the agenda packet. Governor Snyder recently signed PA 281 of 2016; the *Medical Marihuana Facilities Licensing Act* on September 21, 2016. The law will become effective as of December 20, 2016. The review the Planning Commission gives this topic tonight is discussion on actions, if any, the City should consider in regards to this new legislation. Board discussed the idea of being proactive instead of reactive to the situation as a way to try to monitor placement of facilities. When an ordinance is established it gives the commission the ability to place parameters on location. The state would prefer that local municipalities handle this topic in their own jurisdiction, as a "one size does not fit all" if it were mandated by the state.

**Review Changes in Medical
Marihuana Act**

Jeff Gaither, Chief of Police – It is going to be awhile before anyone will be allowed to submit a facility application. The law takes effect in 90 days, however, an application cannot be filled out and submitted for 360 days after the effective date; so this will give everyone time to figure out the consequences for each municipality. The new law will allow for a grow operation facility, processor facility (which purchases the product to process into consumables such as oil, edibles and wax products; provisioning center (which is the retail outlet); safety compliance facility (to test the products) and a secure transporter. One facility cannot do all of these things. This will give Boyne City the opportunity to have a public forum and find out exactly what the community does or does not want.

Board discussion – What is the possibility of an ordinance regulating medical marihuana, its impact on neighborhoods, asked questions about what it would do to the youth of the community, will our ordinance, if we do one, supersede the state’s ordinance? What area of the city would be best? Possibly the business park, right downtown on Water or Lake Street, or one of the side streets. Public input would be a good thing, as Boyne City is known for holding forums on decisions that impact the community.

Michael Cain – City Manager – What societal changes have occurred since this topic was first introduced a couple of years ago? I know that the Michigan Municipal League holds conferences a couple of times a year and this topic I believe will be one of great discussion. Law Enforcement agencies will also be discussing this topic and obtaining additional information, so as the Planning Commission moves forward, additional information and comments will be forthcoming. Perhaps wait for the spring to review any new information that has evolved from various agencies. Staff was directed to place on the March agenda as a discussion item; and if new information becomes available prior to that time, it can always be added to the agenda for discussion.

Review Discussion of Housing Issues

Planning Director McPherson reviewed his staff report that was included in the agenda packet. Several members of various city boards attended a housing summit that was put on by the City on October 20th and again one facilitated by Sara Lucus of Networks Northwest in Traverse City on October 24th which helped to identify housing issues facing our region. The biggest issue is the lack of housing, “affordable” “workforce” and “quality” housing.

Board Discussion – Even if this is a universal problem in the region, we need to decide what will be the best for our community. Do we allow a duplex in the TRD other than conditional use, consider smaller size sq. ft. for not only houses but lots, encourage more granny flats, do we consider housing units of some type in the industrial park as “company” housing? As Boyne does not have the typical public transportation as larger communities, parking can be an issue for developing second floor apartments downtown, what about property maintenance for dormant properties, what is the availability to infrastructure? When a property does come on the market, it is being bought up for vacation or second homes, and is not available for workforce housing. Perhaps a study group should be formed to get the discussion rolling with members of the Planning and Housing Commissions, EDC/LDFA, Main Street, Chamber of Commerce, Business Owners and interested others, and exactly what is available to build on? Staff was directed to take an inventory of available land that could be built upon, an inventory of all available spaces. If anyone is interested in serving on the sub-committee let Scott know and an available pool of interested people will be compiled.

Staff Report

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- Both Planning Director McPherson and Assistant Planning Director Kilkenny attended the recent Michigan Association of Planners Conference in Kalamazoo. This conference was a good source of information and networking focusing on infrastructures, asset management and general planning issues
 - The Citizen Planners Forum held last week was also a good opportunity for discussion on planning topics including signage and tiny houses.

Good of the Order

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- The rezoning request for the Jefferson Street property is continuing through the process.
 - The amount of signage was questioned with one of the local businesses north of town, staff will check into it

- The fishing pier promised on the One Water Street property is moving forward as the City is pursuing grant opportunities to assist the developer.
- The housing summits were well attended with the needed diversity to look at this topic from all areas
- There will be a public hearing on Tuesday, November 29th at 7:00 pm for a Conservation Easement on the Open Space on N. Lake Street directly adjacent to the Municipal Boat Launch

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, December 19, 2016 at 5:00 pm in the Honeywell Meeting Room.

****Motion**

2016-11-21-10

St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to adjourn the November 21, 2016 meeting at 6:40 p.m.

Vice Chair Chris Frasz

Recording Secretary Pat Haver

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: December 19, 2016

Subject: Application for alley vacation



Background

An application for the vacation of a public way has been submitted by Darrel and Marcella Hill 419 E Lincoln Street. They are requesting the alley located between their two parcels be vacated. The alley is 16.5 wide and 330 feet in length and runs between Lincoln Street and the undeveloped portion of Cedar Street east of Grant Street. The alley is undeveloped and not maintained and contains no infrastructure. There is a steep on a significant portion of the alley and the alley being developed for access in the future is very unlikely. The proposal has been reviewed by City staff and no



Process

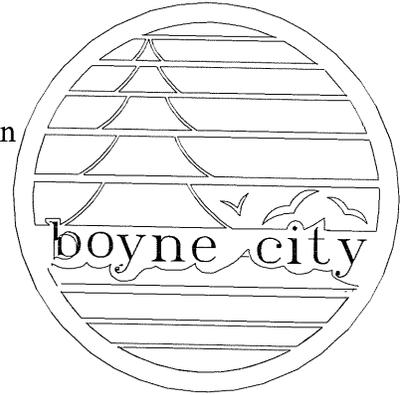
Before an alley can be vacated by the City Commission a recommendation on the proposed vacation request from the Planning Commission is required.

Action

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

CITY OF BOYNE CITY

To: Jane MacKenzie, Chairman Planning Commission
From: Scott McPherson Planning Director
Date: December 19, 2016
Subject: Group Child Care Homes



Background

As the need for day care facilities and options continues to grow in the Boyne City area, it has become more and more difficult to locate and secure services for many families. During the City's recent 2016 goal setting sessions, affordable housing, child care, and their lack of availability in our area were at the forefront of conversation. Some of Boyne City's major employers have cited recent concerns regarding affordable housing and day care options as reasons they are understaffed and unable to locate quality members to fill their workforce.

Over the past year the planning office has received two applications for zoning approval for "group child care homes" as required by the Michigan Department of Licensing and Regulatory Affairs. Although group child care homes are an allowable conditional use per the ordinance, both applications were immediately disapproved due to the fact that the applicant's lot area did not meet the 20,000 sq. ft. minimum, among additional requirements.

This issue was reviewed by the Planning Commission at the August 15, 2016 regular meeting and planning staff was tasked with developing less restrictive zoning ordinance amendment language and associated requirements to better accommodate Group Day Care Homes.

Discussion

The Boyne City Zoning Ordinance (BCZO) defines Group Day Care Homes as: "a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year." Section 25.10 Conditional Use Requirements lists the following requirements for a group day care home:

1. *Sites shall have a minimum lot area of 20,000 square feet.*
2. *An on-site drive shall be provided for drop-offs and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.*
3. *There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.*

In addition to the City requirements group day care homes are licensed and monitored by the State of Michigan which has a much more comprehensive set of rules and requirements.

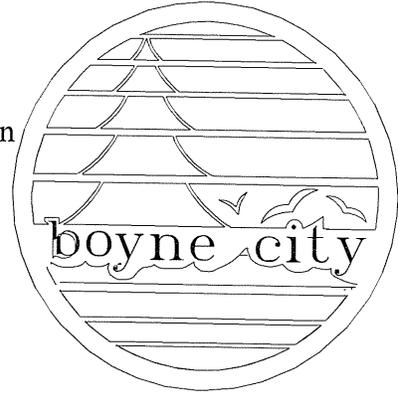
To develop a new facility a private home must be on a parcel that far exceeds the minimum standards for the district. A typical conforming lot in any of the residential zoning districts does not meet this standard as the minimum lot sizes for residential districts ranges from 5,445 to 10,980 square feet. Currently in the City there are 5 existing state licensed group day care facilities. The lot area of these facilities ranges from 8,000 to 17,000 square feet with an average of 13,000 square feet.

Recommendation

Given the facts that group day care homes are currently regulated and licensed by the State, that there are existing group day care homes that are nonconforming in lot area and there have been no zoning issues brought to the attention of the City, that the scarcity and cost of land in the City make the land area requirement of 20,000 square feet unnecessarily burdensome and has inhibited the creation of new group day care homes it is being recommended that the conditional use requirement for group day care homes be eliminated and group day care homes be categorized as a use by right in the Rural Estate District, the Traditional Residential District, the Waterfront Residential District, the Multifamily Residential District and the Central Business District with the requirements that the minimum lot area be 10,000 square feet and the minimum outdoor play area be 2,000 square feet.

CITY OF BOYNE CITY

To: Jane MacKenzie, Chairman Planning Commission
From: Scott McPherson Planning Director
Date: December 19, 2016
Subject: Minimum Floor Area Requirements



Background

In reviewing possible actions the City can take to help facilitate the development of more diverse and affordable housing options, the amendment of the zoning regulations can be one of the most effective tools the City has to accomplish this goal. Just some of possible areas that can be reviewed and amended that can effect housing are minimum floor area, lot area, density, setbacks, required parking and review processes. In terms of developing an amendment The easiest and most likely to have to have an impact quickly is a reduction in the minimum floor area.

Discussion

With the increasing attention and popularity of “tiny houses” there have been inquiries to the planning department in regards to the required minimum floor area for a dwelling in various residential districts and how a “tiny house” would be regulated.

In all the residential districts there is a minimum required floor area. Floor area for a dwelling is defined as:

Floor Area: The sum of the gross horizontal areas of several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls, but not including porches (enclosed or unenclosed), breeze ways, garages (attached or unattached), basements, utility rooms, unfinished attics, or any space devoted to off-street parking or loading. The “floor area” of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half (2) of the basement height is above the established curb level or finished lot grade, whichever is higher.

The minimum required floor area for a dwelling for each district is as follows:

Rural Estate District (RED) = 800 First floor, 1,200 if more than 1 story

Traditional Residential District (TRD) = 672 First floor, 1,000 if more than 1 story

Waterfront Residential District (WRD) = 672 First floor, 1,000 if more than 1 story

Multifamily Residential District (MFRD) = 500

Professional Office District (POD) = 672

Waterfront Marina District (WMD) = 672 (As part of mixed use conditional use)

Central Business District (CBD) = Single Family 672, Apartments None

Transitional Commercial District (TCD) = 672, Some efficiency units of 350 allowed.

Community Service District (CSD) = 672 (Senior housing only)

When reviewing the minimum floor area of a dwelling the definition of a dwelling should also be reviewed as the minimum width of a dwelling is contained in the definition. A dwelling is defined as follows:

Dwelling: Any structure, building, or portion thereof, on-site built, prefabricated, preassembled, or pre-built, having cooking facilities and which is designed, used, and occupied wholly as the home, residence or sleeping place for complete living accommodations of one (1) family, either permanently or transiently, complying with not less than the following minimum standards:

1. Foundation: The structure must be firmly and permanently attached to a solid concrete block, poured-in-place concrete, or stone foundation, or a foundation of other suitable materials, set upon concrete footings, below frost level. Said foundation shall be completely extend from the structure to said footings and enclose the entire perimeter of the structure. Said foundation and footings shall be constructed in accordance with the building code and all state regulations.
2. The exterior width of any structure as measured along the width of the dwelling and, also, as measured along the depth of the dwelling shall not be less than twenty-four (24) feet, excluding eave overhang.
3. All structures have overhangs of not less than one (1) foot as measured horizontally from the side of the structure to the outside edge of the eave and gable end.
4. No structure shall have exposed wheels, towing mechanism, or undercarriage.
5. The foregoing standards do not apply to a mobile home located within a licensed mobile home park except to the extent required by state law.
6. The structure contains a full kitchen, and contains lavatory and bathing facilities in a separate room.

In no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings.

Recommendation

Review residential floor area sizes for districts all and make recommendation to staff to development ordinance amendment language for any changes to minimum floor area requirements.

2017 Planning Commission Meetings

January							February							March							April						
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