

**Meeting of
May 20, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, May 20, 2013 at 5:00 pm.

Call to Order

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

Roll Call

Present: George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Lori Meeder, and Tom Neidhamer
Absent: Gretchen Crum, Aaron Place (arrived at 5:04 pm), and Joe St. Dennis

2013-05-20-2

Frasz moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absences of Crum and St. Dennis

Meeting Attendance

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

2013-05-20-3

Consent Agenda

Neidhamer moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda. Approval of the April 15, 2013 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

None

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

None

Unfinished Business

None

New Business

**Public Hearing zoning
ordinance amendment to
Section 10.20(Q)**

Planning Director McPherson reviewed the staff report included in the agenda packet. Last month the board went over draft language allowing alcohol on the sidewalks. The proposed change to the zoning ordinance deletes and/or changes much of the language of section 10.20(Q) that contains standards for outdoor cafés on public sidewalks. The effect of the amendment would eliminate outdoor cafés on public property as a use regulated by the zoning ordinance, and put it into a free standing ordinance. Outdoor cafés on private property would continue to be allowed by the zoning ordinance. Staff reviewed section 10.20 of the ordinance.

Public hearing opened at 5:06 pm

Hearing no comments, public hearing was closed at 5:07 pm

Board Discussion

Place – Is this to stream line?

McPherson – The intent is to move the request for alcohol on the sidewalk that was brought before the board forward, also to remove this section from the zoning ordinance, as it is not appropriate for the zoning ordinance to regulate things in the public domain. Even if the City Commission does not pass this request, I recommend taking this aspect out of the zoning ordinance and placing it in a stand alone ordinance.

Neidhamer – For private property only?

McPherson – The current zoning ordinance allows on public and private property, and this change will take out the public aspect.

Neidhamer – Current private establishments are allowed now?

McPherson – Yes, we are not eliminating that aspect.

Section 2.50 amendment criteria were reviewed, with sections 3, 4, & 5 the most applicable.

****MOTION**

With no further board discussion, **motion by Ellwanger, seconded by Place** to recommend to the City Commission the amendments to Section 10.20 (Q); as presented tonight, as Section 2.50 amendment criteria sections 3, 4, & 5 most applicable.

2013-05-20-7A

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, and Place

Nay: None

Absent: Crum and St. Dennis

Motion Carries

**Public Hearing for
proposed Sidewalk Café
Ordinance**

Planning Director McPherson reviewed the staff report included in the agenda packet. This would be a new free standing ordinance, which will be incorporated into the Code of Ordinances, Chapter 54 article 6: Street, sidewalk and other public places. Sidewalk cafés will be regulated under this section. The proposed Article 6 Outdoor Sidewalk Cafés was read. At any time, a free standing ordinance can be changed without having to “grandfather” anything/activity.

Public hearing opened at 5:20 pm

Hugh Conklin: Main Street Manager – Concerns were expressed about the placement of tables, whether up against the building or out by the curbside. Various communities handle this differently. The Main Street Board has reviewed this, and are in full support. Contact has been made with several communities that offer this service with no problems, possibly a couple of occasional issues. Magnum Hospitality is bringing this forward, as a business advantage. Let’s give it a try. If it doesn’t work out, we can always change. Don’t see anything to keep us from moving forward.

Frasz – Were any of those communities allocating just 4 feet or did they have something different?

Conklin – It varied, 6 feet was the standard. A lot depends on how wide the sidewalks are.

Becky Harris: citizen – I am here to speak up in support of this, it is a wonderful experience and is a family setting as well.

Justin Gibbert: Manager of Red Mesa Grill – Looking forward to having this move forward. See good things happening. It will be fully regulated with one server only; we are also concerned about alcohol leaving the premises. It would be a family destination, and I believe people would appreciate it.

Scott MacKenzie: - Thank you on behalf of the community for being pro-active enough to get this far with the hearing, and being open to new ideas. We are progressive which is garnering a sense of place and excitement; we are staying ahead of other communities in the state. With responsible management, it should be no problem in our community, and urge you to continue to move forward, and vote in favor of this.

Tony Williams: Fresh Water Gallery Business Owner – Robin and I are in full support of this. The key is if we have problems we can stop. It is more than worth a try.

Jim Baumann: Chamber Director – I think this is a great thing, Hugh has contacted a lot of other cities, they have not had any problems, it adds to the ambiance of the town. Would encourage you to support this.

Nate Jason: Café Sante – We are excited about the opportunity this presents. Outdoor dining is our most requested seating, this gives up more possibilities. We are excited that you are entertaining this idea. Thank You.

Robin Berry: Fresh Water Gallery Owner- Main Street has been able to address and discuss some of the negative issues, with the fears and potential problems being addressed and handled very appropriately. The important element is the ability to stop if needed. I also, am in full support of this.

Conklin – 4th of July, encourage you to strike this. I don't see any problems with this, and see no reason to restrict no tables on the sidewalk or time frame.

With no further comments, the public hearing was closed at 5:32 pm

Board Discussion

Meeder – Section 54.171, regarding the grandfathering; is this going to impact somebody with an outdoor café last year?

McPherson – Any one, who had an outdoor café last year, will be protected by the current zoning ordinance clause, and will be allowed to continue on. If the new ordinance were repealed, if they were started up after the new ordinance, they would have no right to continue.

Meeder – Noise ordinance, what creates a nuisance or hazard? Who decides that? Do the businesses have to sign an acknowledgement that the discretion would fall under the City Manager?

McPherson – There is no specific form other than the application and by signing the permit application they are acknowledging they will abide by the rules.

Place – 54.171B - Benches, waste receptacle, etc are listed - are tree planters considered part of that?

McPherson – Yes, it talks about clear zones

Place – I would like to see the 4th of July amended time wise or taken out.

Neidhamer – I would support Aaron, and taking that out.

Kozlowski – Parallel parking, how do you capture for clear walking zone?

McPherson – It will be case by case basis and each circumstance. Would have to look at site for possible obstructions.

Kozlowski – 4th of July item, the timing won't hurt anything, you have to be fair to everybody across the board.

Ellwanger – Very much in favor of this, I would like to see the 4th of July taken out. If there are problems they can be addressed at that time, it will be positive for the community. Scott you did a great job on putting this together, in favor of the whole proposal.

Frasz – Water Street Café serves breakfast before 9 am, and the hours noted are 9:00 am to 11:00 pm. I think it is a great direction we are headed in. Change the 9:00 am start to 8:00 am. 4th of July, strike that and make amendments if needed in the future. Item D: if table umbrellas are used, should compliment building colors. I think we should add not to have signage on them. Section F should take into consideration and should be fair with what public items are located in front of what cafés. If you have a bench in front of one, and not in front of another one, we should be consistent and take into consideration placement. How will pedestrian traffic funnel? Thank you Hugh for providing the information you presented. In areas that I am familiar with, they are on the street side, and I like that for a number of reasons: (1) safety for foot traffic which is up against the building, (2) retail shops the foot traffic stays tight up against the building and you have the

window experience which is huge for business, and (3) consistent foot traffic, and not going in and out. My vote is put it to the street side.

Neidhamer – Item F: I’m not sure this requirement is necessary. Full support to eliminate the 4th of July. Chris, you make very legitimate discussion points about foot traffic.

With no further board discussion, **motion by Place, seconded by Meeder** to recommend to the City Commission to adopt Article VI Outdoor Sidewalk Cafés with changes to 54.171 (a), change the time to read 8:00 am to 11:00 pm; also from this section strike “*No outside sidewalk café shall be permitted on the 4th of July*”; and (d) add: If table umbrellas will be used, they shall complement building colors, and *no signage allowed on the umbrellas.*

2013-05-20-7B

Roll Call:

Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, and Place

Nay: None

Absent: Crum and St. Dennis

Motion Carries

**Review Main Street
proposed bike rack art
project for downtown**

Hugh Conklin: Main Street Manager - Reviewed the renditions of various bike racks that were included in the agenda packet. The Main Street Design committee deals with façade, streetscapes elements; and visual items within the downtown. This idea has been in the development process for awhile, a grant was applied for and the group received \$1,500.00 towards the project. Slides were viewed of conceptual ideas, which could be unique to Boyne City, such as beautiful pieces of art as well as serve a function. Proposed ideas are an apple, fork, books, and juggler on a unicycle. This will be very visible and visual, and wanted to make sure everyone was comfortable with the designs that we will have created for us.

Becky Harris: Design committee member – As a member of the design committee, this has been in the development stages for a long while, they are functional pieces of art.

Michael Cain: City Manager and design committee member – This will generate a lot of discussion; the committee believes they are a good idea, it adds one more unique feature to the community, and we want to encourage people to get to Boyne City any way they can, and this would be a fun places to put bikes. These are concepts and proposed locations, if these are allowed to take place; the community will have discussions about the type of racks.

Jim Baumann: Chamber Director – I think they are great, and commend the design committee for the work they put into this. It will generate discussion and I believe is cool. I see people taking pictures by the fish all the time.

Conklin – We would like to have input from the board. This is very public, and will be talked about for along time.

Board Discussion

Meeder – I think they are pretty cool, I am worried about the placement of the racks, which I feel is quite important.

Place – Where we have showed you possible locations, there are existing bike racks there now. These could be made to add unique bike racks. Discussion will need to be had about removing the existing bike racks and replacing them with new ones, or in addition to the existing.

MacKenzie - I think they are clever, and like art which adds to the vibrancy and vitality of the community.

Frasz - Wonderful job design committee. Very cool when you start thinking about place making. To have something that distinguishes location, they do that; apple by farmers market, fork down by restaurants, books at the library. Thinking about taking pride in the community, and getting them involved with the decisions.

Kozlowski - This is a great idea, and I'm all for the art, and it makes you look at the surroundings. It could cause some congestion, and will need to look at placement.

Ellwanger - I agree with everyone and am very much in favor of the project. I think it is a novel idea, and will bring more flair into the community.

With no further board discussion, **motion by Ellwanger seconded by Kozlowski, PASSED UNANIMOUSLY**, Planning commission board support of the Main Street Design Committee art bike rack concept to the City Commission with full support to move forward.

Staff Report

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- Re-development Ready Community joint meeting is set for Tuesday, May 28, 2013 at 6:00 pm in the auditorium.
 - MEDC had some available funding for a feasibility study. The city submitted Lake Front Square, and we were selected for the project. U of M students came up to begin the project under the direction of Peter Allen. They not only looked at this property, but other areas around town. They have a budget of \$4,000.00 to develop a plan. Presentation/report will be done after the re-development meeting.
 - Possible planning grant for assistance in Master Plan process. It would be for place making/design, which we have had a strong focus on. A letter of intent is due by May 24th.
 - Webinar: May 29th from 6:00 - 8:00 pm: *Planning and Zoning for Small Scale Alternative Energy*. Coordinate with Pat Haver by May 24th, if you are interested in participating.

Good of the Order

Frasz - What is the status of Kirtland?

McPherson - The attorneys exchanging briefs.

Cain - As of a couple weeks ago, they are about a month behind the original time line.

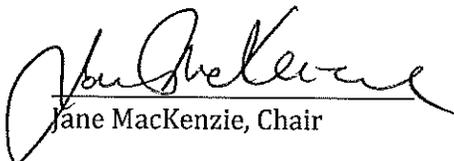
Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for June 17, 2013 at 5:00 pm in the Auditorium.

2013-05-20-10

Meeder moved, Place seconded, PASSED UNANIMOUSLY a motion to adjourn the May 20, 2013 meeting at 6:21 p.m.

****MOTION**


Jane MacKenzie, Chair


Pat Haver, Recording Secretary