



City of Boyne City
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

Phone 231-582-6597
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AGENDA

BOYNE CITY PLANNING COMMISSION

Monday, March 18, 2013, 5:00 p.m.

Boyne City Hall



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

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

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

Approval of minutes from February 18, 2013 Boyne City Planning Commission meetings.

4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Consideration of Boyne irrigation request for change of nonconforming use at 664 State Street
 - B. Review proposed grant proposal for Boyne River parcel
 - C. Review Capital improvement plan
 - D. Review Boyne City Master Plan Draft Social Economic Conditions
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting, April 15, 2013

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

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Hometown Feel, Small Town Appeal

**Meeting of
February 18, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, February 18, 2013 at 5:00 pm.

Chair MacKenzie called the meeting to order at 5:02 p.m.

Call to Order

Present: George Ellwanger, Jim Kozlowski, Jane MacKenzie, Lori Meeder, Tom Neidhamer, Aaron Place and Joe St, Dennis

Roll Call

Absent: Gretchen Crum and Chris Frasz

Excused Absence

2013-02-18-2

Motion by St. Dennis, seconded by Meeder, PASSED UNANIMOUSLY, to excuse the absence of Crum.

Meeting Attendance

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

Consent Agenda

2013-02-18-3

Ellwanger moved, St. Dennis seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda. Approval of the December 17, 2012 and January 21, 2013 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

Mark Kowalski: Fall Park Rd. - Wanted to advise the commission that an irrigation company is interested in the Chipman building on State St, and they may come before you next month with information for the business and possible storage.

Don Nessen: Boice St. - How can Kirtland run without a permit?

McPherson - They are doing so at their own peril. They have been issued a citation; as it is going to court to be adjudicated, for everyday that they run, there is the potential a daily fine could be imposed by the judge.

Nessen - Is it legal for us to call the police when they are running because of the noise? It is disturbing the peace.

Michael Cain: City of Boyne City Manager - People can do that if they wish, the police may take no action. If you are looking for a current position of the city on this matter, you should go back and listen to the audio of the last City Commission meeting when the city attorney was present, who outlined the process. It is going through the courts, and it is now out of the hands of the city, and could take several months. Possibly not much changing until the judge's decision.

Lisa Liebgott: M-75 - When is the date that all of the information is going to be turned over to the Circuit Court?

Cain - It is up to the city attorney to determine.

Kowalski - Any complaints to be turned into the judge is there a certain time period? If I want to file a complaint when is the deadline?

MacKenzie - We know nothing other than what the city attorney has said.

Cain - We can not guarantee that all of the items submitted will become a part of the court record. It is a pending legal matter; it is with the city attorney, who has to follow court procedures and processes. It is out of staff's hands at this time. We will be glad to hear what you have to say, and it will be passed along to the city attorney, not sure what will happen through the process.

Reports of Officers, Boards and Standing Committees

None

Unfinished Business

None

New Business

Capital Improvement Plan Review

Planning Director spoke of the preliminary draft of the Capital Improvement Plan that was passed out at the meeting. The last adopted plan from 2008 was included in the agenda packet for comparison. The new format appears much easier to read. The responsibility to develop the CIP is the City Manager's however; the Planning Commission can review, comment and can make recommendations on it. There will be an opportunity to review at a future meeting.

Cain - Staff has been working really hard to gather information and assemble it. It is the beginning of a preliminary document, take a look at it and review, it will be brought back at the March meeting for discussion. If you find there is something that should be added or deleted, get your comments to Scott or myself. The budget process uses this document tool as well; it is used as a roadmap or plan on what we would like to happen in town. The adoption of the plan is in May.

Meeder - Is this revised every year, out an 8 year period? **Cain** - Yes.

Meeder - Does federal funding play a big part of this?

Cain - Federal and state funding is difficult to determine, as money is shifted all the time for different projects.

Review Zoning Ordinance Section 4.40(A)(6), 5:12 roof pitch requirement in the TRD

Planning Director McPherson reviewed his staff report included in the agenda packet. Section 4.40(A)(6) of the Boyne City Zoning Ordinance regulates a minimum roof pitch of 5:12 for dwellings in the TRD and WRD districts, and is also in the design standards in the ordinance. Last December a variance request was before the ZBA for relief from this standard. The applicant was not successful, however, a great deal of discussion was heard, so staff felt that it is worthy of discussion at the Planning Commission to see if you want to review and perhaps modify. This is being brought before you for initial discussion.

Public comment opened at 5:13 pm

Chris Christensen: Pine St. - Have a sale of a house that is non-conforming. Beside the roof pitch, the house sits sideways on a 1/2 lot on Wilson St. The sale of the house is to be moved, and have lost out on offers because of the pitch requirement. There is someone who would like to purchase the house, and move to a vacant lot on Lewis St, which had a number of non-conforming issues itself. We would like to take and move the house to the new lot, and have only one non-conforming lot when the deal is done. Cited Planning Enabling Act, 2008 in section 201, paragraph 4*"Local units of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles...."* it doesn't specifically say you have the ability to declare the roof pitch.

Mike Stark: Realtor - Manufactured homes are approved by the federal government, and most have 3:12 pitch. They are for the Working Joe who can't afford a stick built house. I am surprised that the municipality has put restrictions out there. Options now with 5:12 pitch are available, but cost more. This hasn't sat well with me. I should have applied for a permit to pull the old trailer off the lot, but I did not, I intended to put a double wide there myself, but ran into the 5:12 pitch issue, so sold the lot.

Mike Dell - I am the person interested in purchasing the home and moving it. I have offered a 5:12 pitch roof on the porch. You really can't tell the difference

between the 3:12 and 5:12 pitch. It is a HUD approved home that meets the snow load requirements. In this community approximately 90% of the homes have a 3 ½:12 pitch roof, so this house would fit right in. There are no safety issues. Not sure why a house being moved is considered a new residence. I can understand square foot of a residence, but not roof pitch.

Stark – It is not feasible to build a 5:12 pitch over a sound house. Can meet other requirements. It will be a total improvement on two lots, tax base will still be there, and it will provide another home for someone in the community.

Kowalski – I can give you a little bit of background. A company came in bought a lot of land and brought in approximately 20 inexpensive homes, scattered about Boyne City.

Public Comment closed at 5:29 pm

Board Discussion

Ellwanger – Don't want to set a precedent, have an existing house, they want to move from one area to another; not building a new one, will we be setting a precedent if we allow?

McPherson – This would be a city wide change in the TRD, it would affect everyone, not just this instance. As they stated, there are a lot of non-conformities that were created by the change, in that area in particular.

Meeder – If they needed a new roof or any structural change, would they need to bring into compliance?

McPherson – Yes, any structural changes need to be brought up to code.

Neidhamer – The changed intent was architecturally and aesthetically pleasing. The lower pitch is not as architecturally good looking. I can see both sides, and don't mind revisiting this discussion as a board.

St. Dennis – The idea of having porches facing the streets, you can get to know your neighbors better, watch out for each other. Architecture was important, and a front door on the street with your mailing address. Some people were afraid that lower pitch roof houses would bring down the value of certain neighborhoods.

Kozlowski - Grandfather clause for houses under a 5:12 pitch? Is moving a home considered new construction? **McPherson** – Yes. Can you move a house from one area of town to another; you still have the same number of lower pitched roofs, or is it for the houses brought in from out of town?

McPherson – Doesn't matter where it is moved from, anything brought in must meet code, or be brought up to current standards. In the non-conforming section, it specifically speaks of that.

Neidhamer – Issue before us is lower pitch. Is there other language to look at such as porches, driveways, setbacks?

McPherson – Those are additional regulations. Still need to meet all the other requirements even if you decide to change the pitch. Different districts will be affected. It may not be appropriate to change in the WRD, however, would be in the TRD. The design criteria talks about 5:12 pitch. Design standards, section 22, talks about architecture in the residential districts, roof lines should be consistent with the surrounding neighborhood character. Also talks about roof lines and eaves, sometimes conflicting with each other. There maybe other language to look at, if you decide to pursue this.

Meeder – Happy to revisit the language and discuss it.

Kozlowski - Would like to see some language

Neidhamer – Would like to see this as a future agenda item.

Place – Would also like to look at language for today's standards.

2013-02-18-7B

With no further board discussion, **motion by Neidhamer, seconded by Meeder, PASSED UNANIMOUSLY**, to refer this issue back to staff for language consideration and design standards for the TRD.

****MOTION**

Staff Report

- Kirtland has appealed the Planning Commission determination; the finding of non compliance as a final decision. It is in the court's hands, and we have no control over time line and dates, or schedules. Citation has been issued, and will be heard in District Court, we also have no control over that time frame. The citation is for operating without permits.
- Application for the Re-development ready communities program has been submitted. Should know by March 1st, if we were selected. If selected, hopefully we can get some guidance in the Master Plan update process.
- Robert Gibbs made a presentation February 4th, it was very informative. A lot of very interesting points were made. A different way of looking at things; downtown spaces used for office spaces and not retail. He really thinks that Boyne City has it "going on" and we were on a good path already, something good to hear from someone who has visited several other communities. He indicated that 70% of retail happens after 5:00 pm. His other observation was that using chain stores as "anchors" for the community was good, it would bring people downtown.

Good of the Order

- Leadership Charlevoix is starting their 3rd school year, and applications are being accepted for that program.
- Welcome Aaron to the board

The next meeting of the Boyne City Planning Commission is scheduled for March 18, 2013 at 5:00 pm in the Auditorium.

Adjournment

****MOTION**

2013-02-18-10

St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:00 p.m.

Jane MacKenzie, Chair

Pat Haver, Recording Secretary

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: March 18, 2013

Subject: Change of Nonconforming Use
664 State Street .



BACKGROUND

An application submitted by the Boyne Irrigation Company for approval to allow the change of a nonconforming use located at 664, parcel # 15-051-275-014-00. The proposed use would be located in the existing nonconforming building that is currently vacant. The buildings were previously used for Chipman plumbing heating and then more recently Boyne Valley printing. The building is located in the Traditional Residential District. The building will be used as an office and warehouse for an irrigation supply company with possible limited retail sales. No structural changes to the building are proposed and the use would have no outside storage or display.

DISCUSSION

In general it is the intent to have nonconforming uses converted to conforming uses; however, Article 26 does give the Planning Commission considerable discretion in considering changes to existing nonconforming uses. The specific authority granted to the Planning Commission to consider a change in this regard is stated in the paragraph C of Section 26.20 which is as follows:

If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided the Planning Commission determines that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

PROCESS

While the above section gives the Planning Commission wide latitude and discretion in reviewing reconstruction of nonconforming uses, it stipulates that the proposal must be reasonable and the use shall be considered under the requirements and standards of a legal nonconforming use. To complete this review staff has prepared a checklist from Section 19.40 Development Plan Review. The Commission may approve, approve with conditions or deny the request.

RECOMMENDATION

Staff recommends approval of the proposed use with conditions as suggested by staff and as determined by the Planning Commission.

Boyne Irrigation Site Plan and Business Proposal

Boyne Irrigation has been a successful residential and commercial irrigation company for many years in Boyne City, first as Smith Irrigation and more recent as Boyne Irrigation. The business plan for the State Street location will include storage of supplies and materials in the pole barn structure, and billing, estimates, design, system display and retail sales in the store front building. The location and building layout are ideal for Boyne Irrigation's desired use. We would also request permission to use the existing sign hangers and location on the front of the building. Thank you for your consideration.

ALL FIELDS DETAIL



MLS #	434582	# of Bedrooms	0
Status	ACTIVE	# of Full Baths	1
Type	Commercial/Industrial	# of Restrooms	1
Address	664 State Street	STORIES	Two
City	Boyne City		
State	MI		
Zip	49712		
School District	Boyne City		
Class	COMMERCIAL/INDUSTRIAL		
Asking Price	\$89,500		
Sale/Rent	For Sale		
IDX Include	Yes		

[Virtual Tour](#)

GENERAL

Fractional Ownership	None	Water Front/Water Access?	Neither
Agent	Mark Kowalske - Cell: (231) 675-3721	Listing Office 1	Coldwell Banker Schmidt - Boyne City - Office: (231) 582-6554
Fee to Coop Broker - SA	3	Fee to Coop Broker - BB	3
Fee to Coop Broker - TC	3	Owners Name	Chipman
Listing Date	7/20/2012	Total Sq. Ft.	1000
Measurement Source	Agent	Township	Boyne City
Section	35	Town/Range	T33
County	Charlevoix	Zoning	Non Conforming
Legal	668 State Street City of Boyne City Ware's Addition Lots 13,14 and 15	Directions	Boyne City - State Street towards Walloon Lake out a few blocks on the right.
Agent Hit Count	66	Client Hit Count	15
VOW Include	Yes	VOW Address	Yes
VOW AVM	Yes	VOW Comment	Yes
Update Date	12/28/2012	Status Date	12/22/2012
HotSheet Date	12/22/2012	Price Date	12/11/2012
Input Date	8/1/2012 12:28:00 PM	Associated Document Count	2
Original Price	\$98,500	Days On Market	234

FEATURES

TYPE Commercial Building Pole Barn / Storage Unit	OTHER BUILDING Garage	HEAT Natural Gas	FEATURES Cable TV
BASEMENT Slab	CONSTRUCTION Block	UTILITIES TV Cable Available Electricity	WATER Well
	ROOF Asphalt Shingle		

FINANCIAL

Board Member of Agent Remarks	ACK If to be used as a business need to be approved by the planning department.	Tax ID	051-275-014-00
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PUBLIC REMARKS

Boyne City 50x50 commercial building, 2 stories, new furnace and air conditioning. Additional 3 stall heated garage, 1200 sq ft. Formally Chipman Plumbing & Heating.

ADDITIONAL PICTURES





DISCLAIMER

This information is deemed reliable, but not guaranteed. This listing may be that of another office and/or agent who participates in the MLS. Any commission information contained herein applies only to NMMLS members.

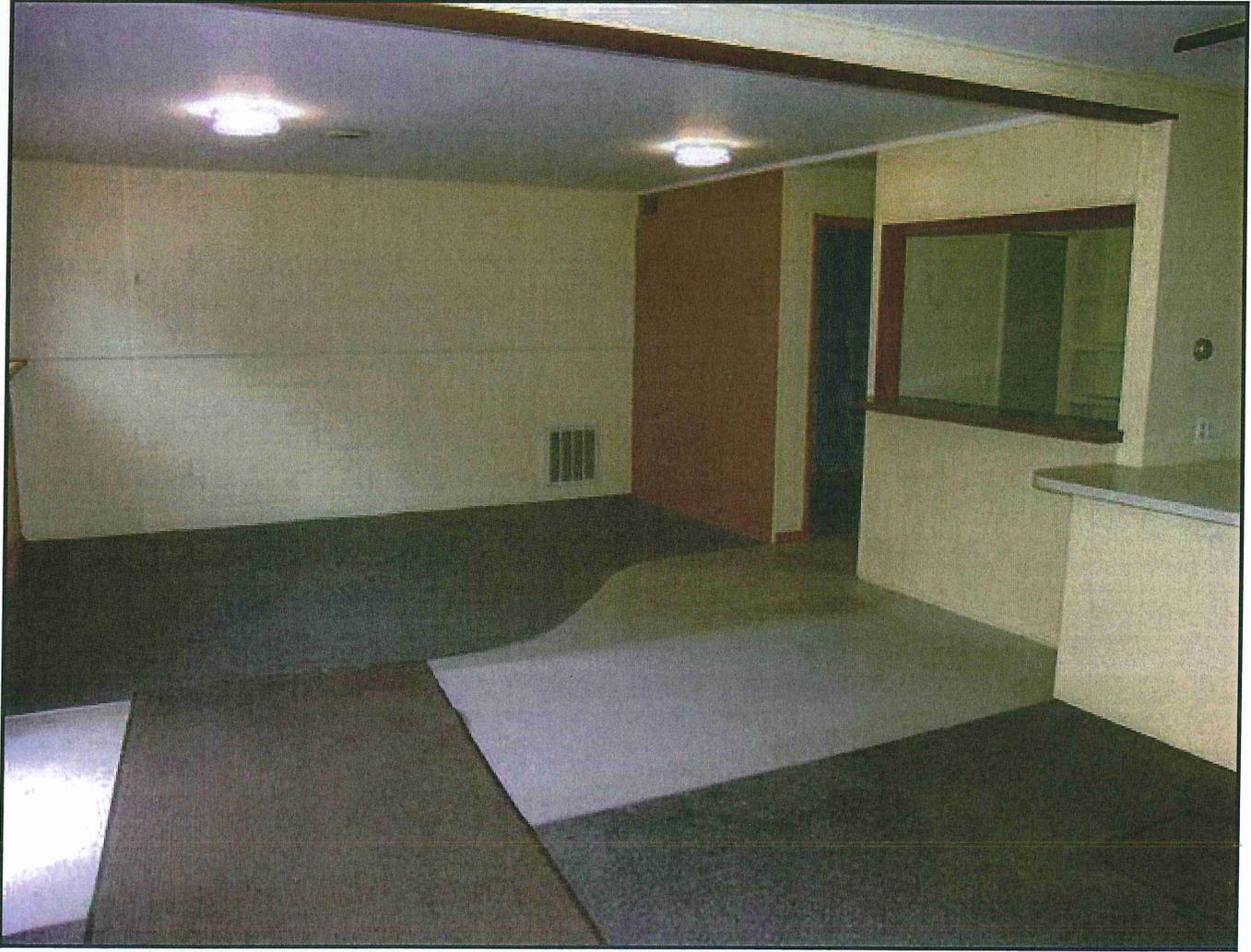
Listing #434582



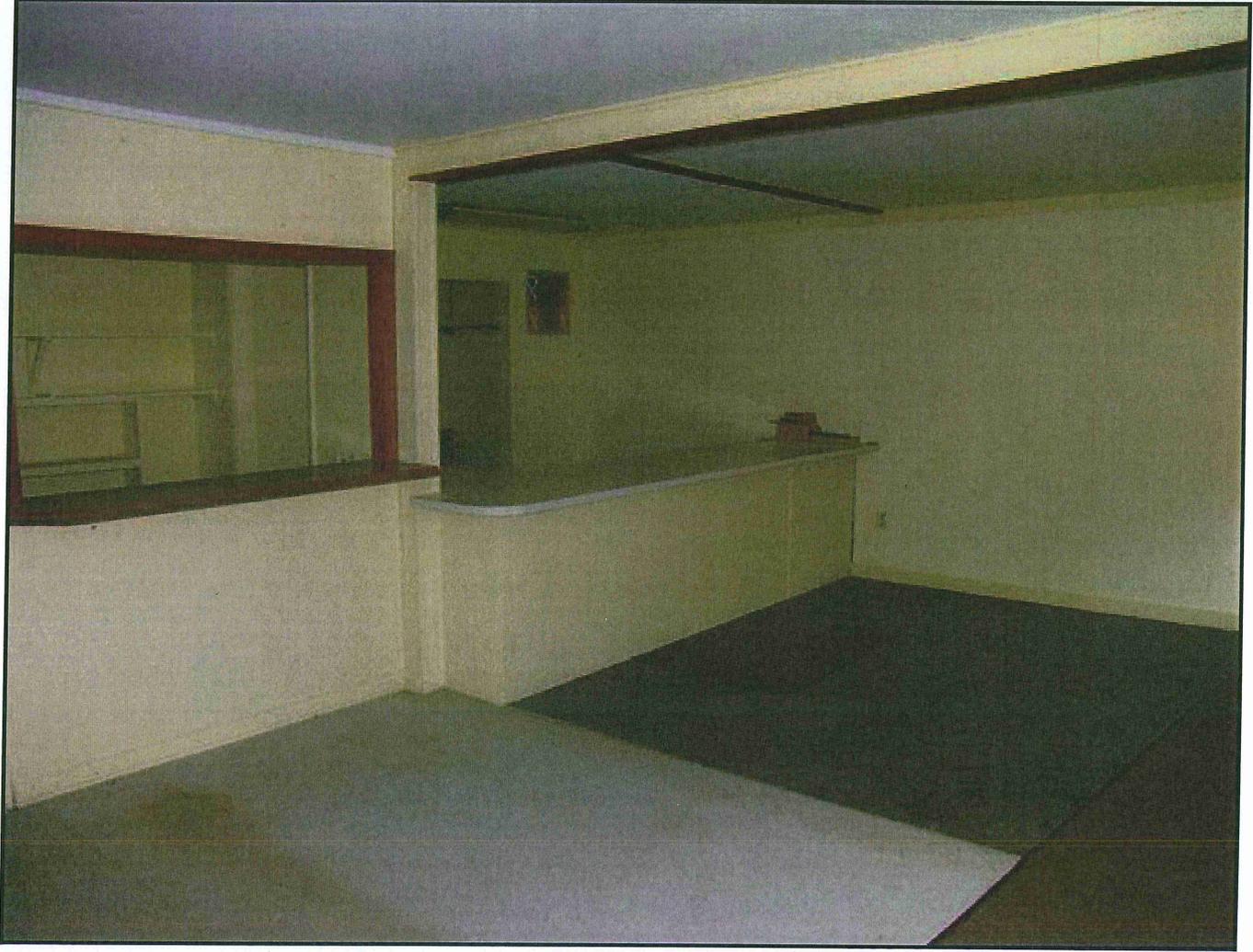
Listing #434582



Listing #434582



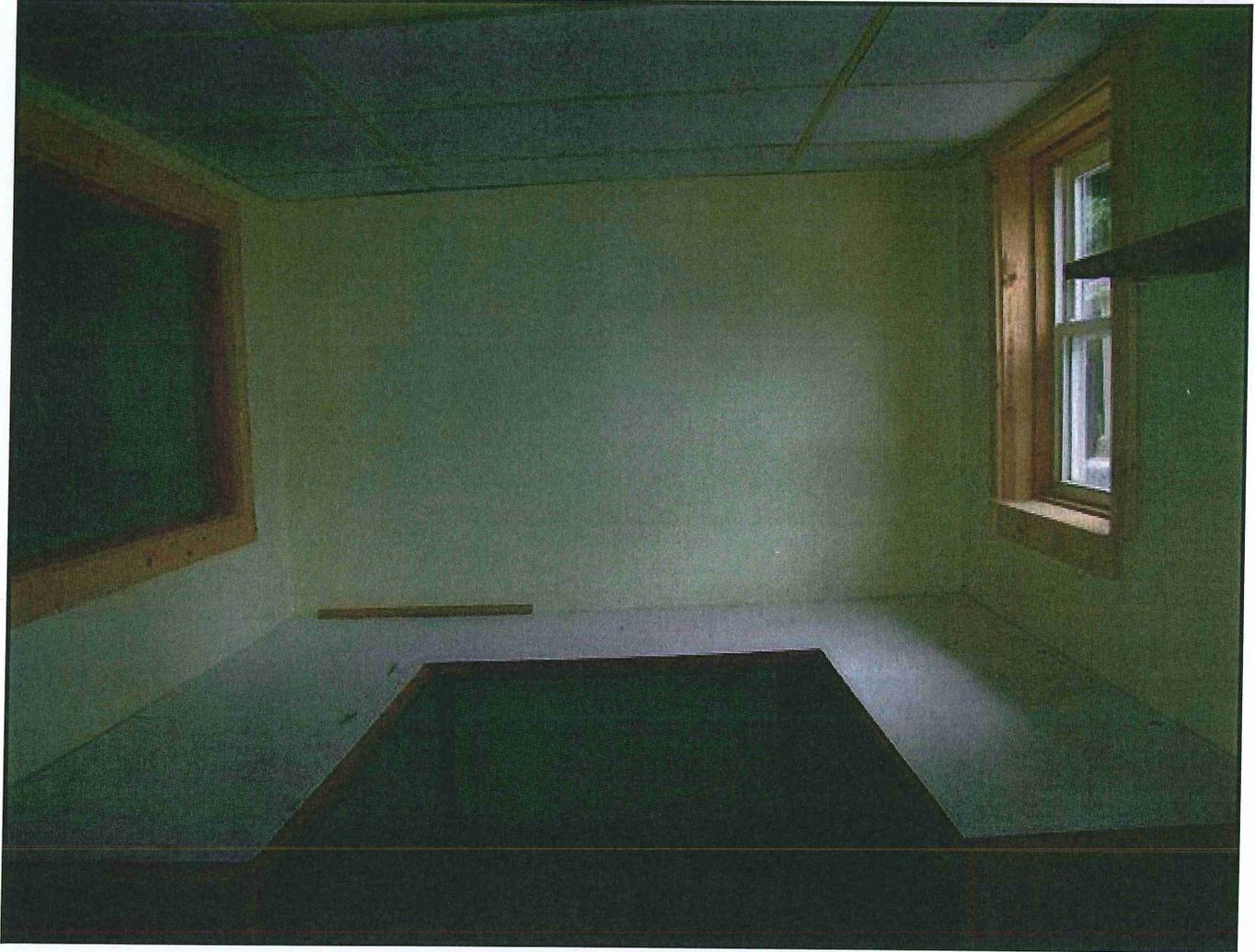
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Listing #434582



Listing #434582



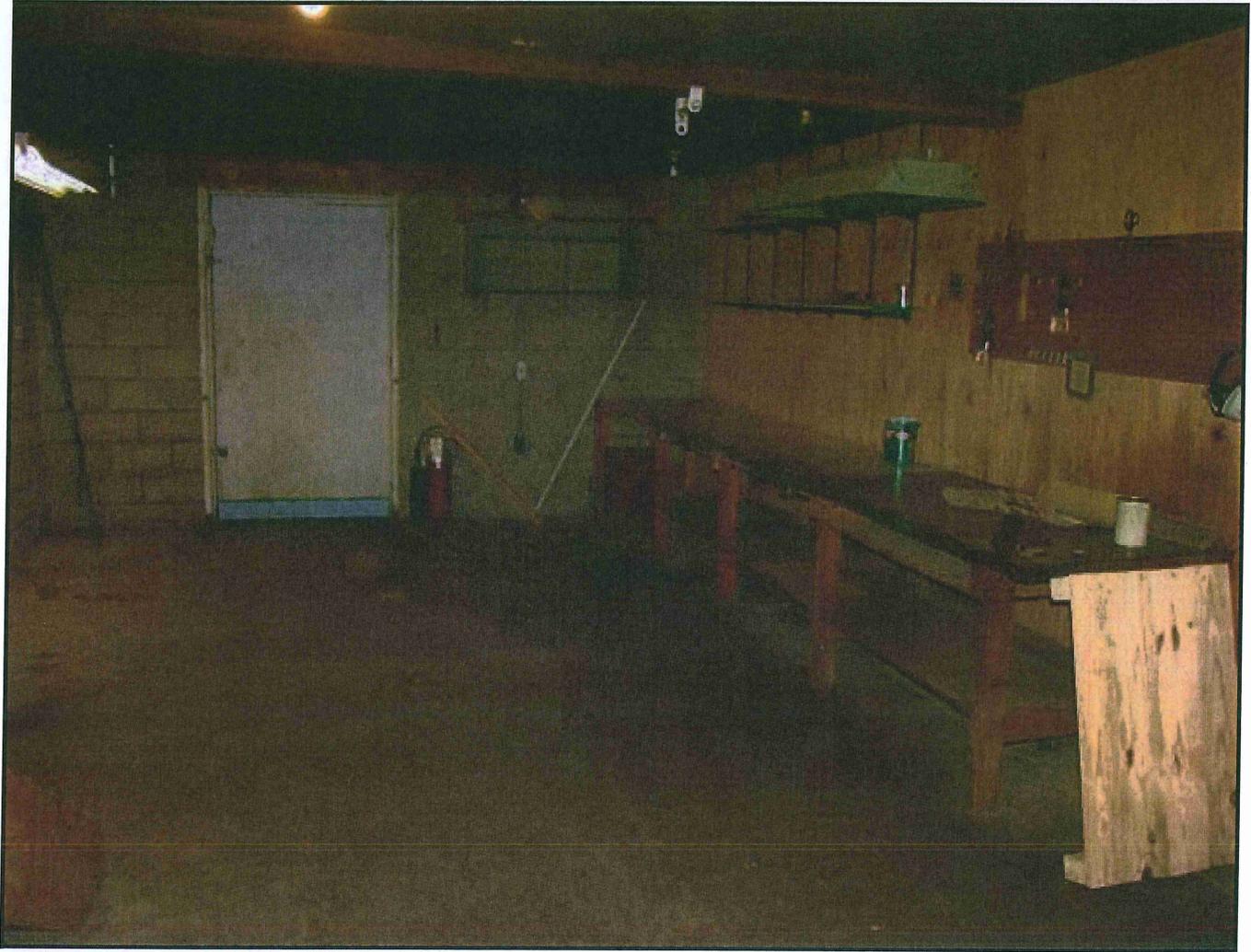
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Listing #434582



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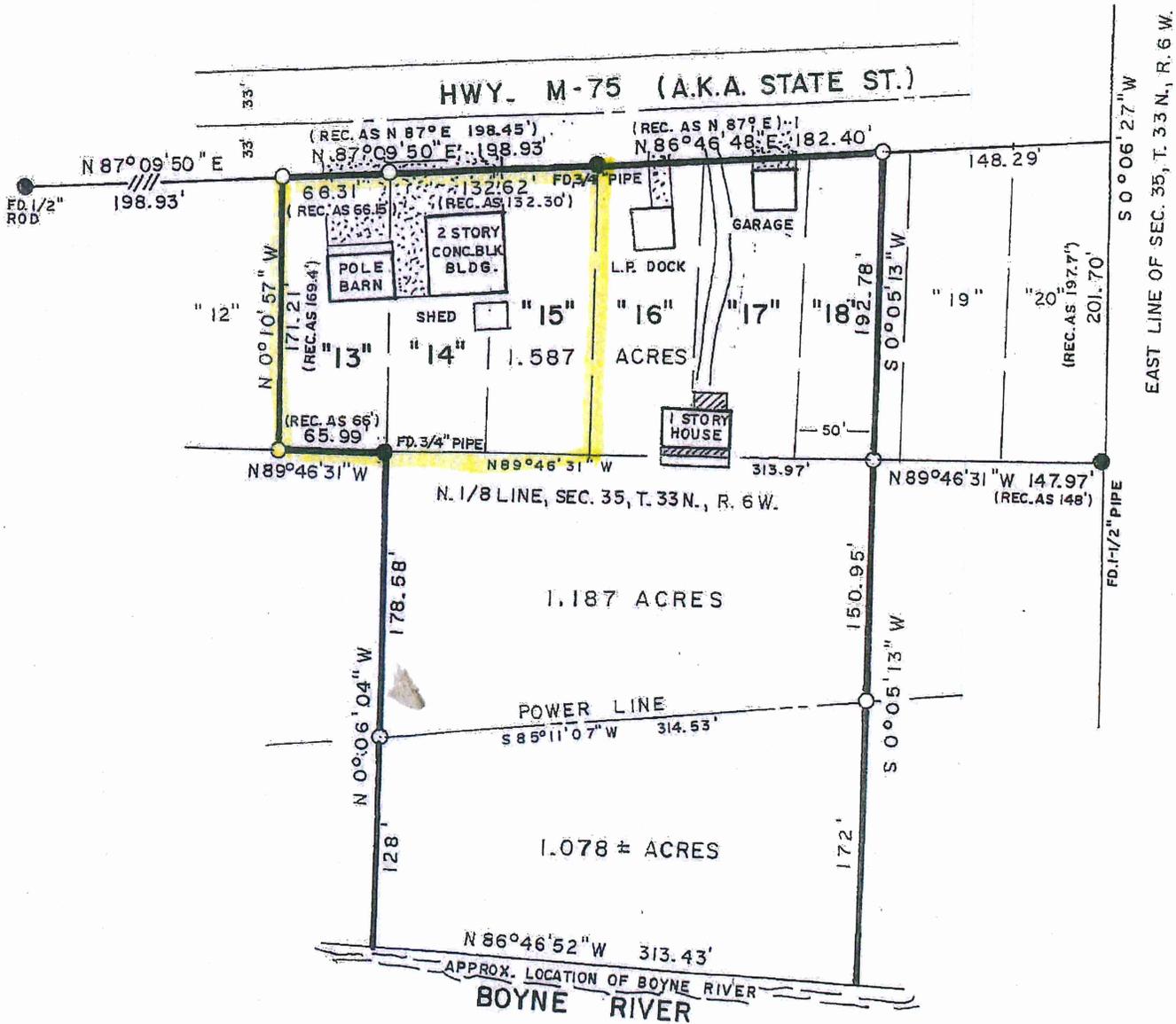
Listing #434582



For Sale PLUMBING & HEATING BUSINESS

FAMILY OWNED AND OPERATED FOR OVER 56 YEARS.
OWNER WISHES TO RETIRE.

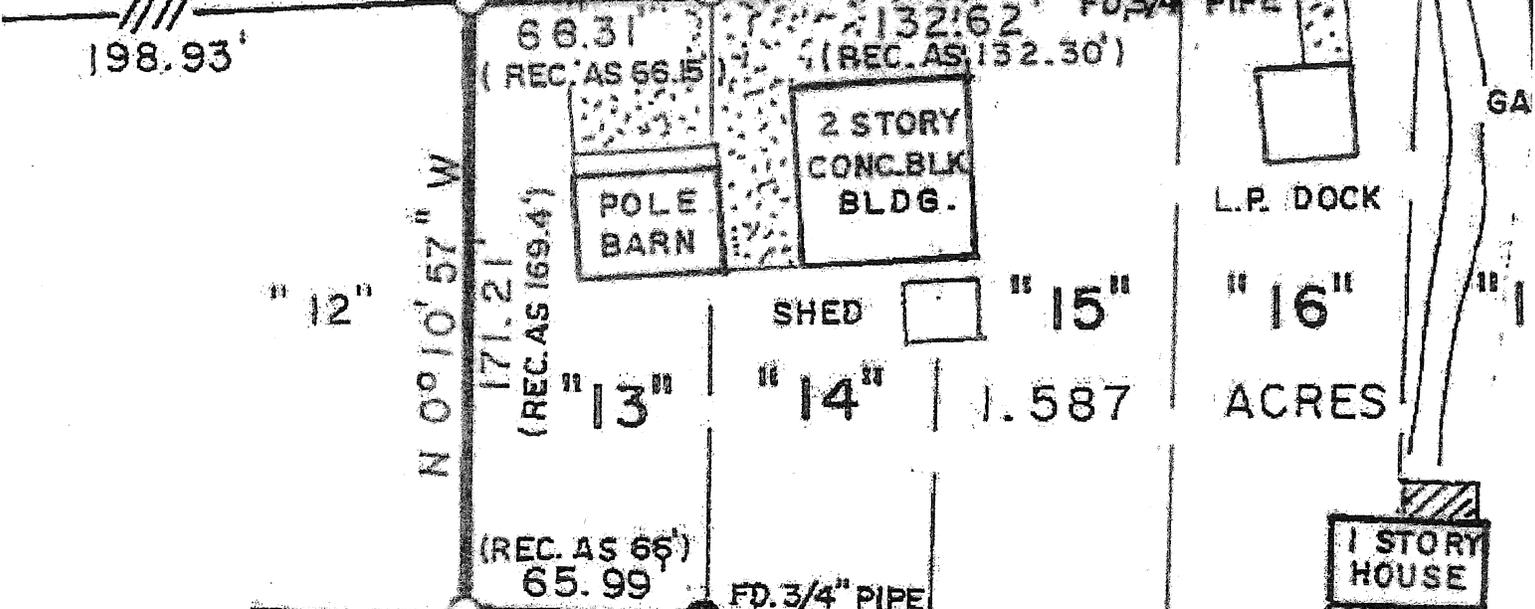
PROPERTY SOLD AS A UNIT OR SPLIT.



STAKED AND SURVEYED 2001

HWY. M-75 (A.K.A.

N 87° 09' 50" E 198.93' (REC. AS N 87° E 198.45')
N 87° 09' 50" E 198.93' (REC. AS N 87° N 86° 46' 48')



68.31 (REC. AS 68.5)
171.21 (REC. AS 169.4)
65.99 (REC. AS 65)
132.62 (REC. AS 132.30)
1.587 ACRES
1.187 ACRES
1.078 ± ACRES

N 0° 10' 57" W
N 89° 46' 31" W
N 89° 46' 31" W
N 1/8 LINE, SEC. 35, T. 33 N., R. 6

POWER LINE
S 85° 11' 07" W 314.53'

128

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

Section 19.40 Development Plan Approval Criteria.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether or not the development plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:

ORDINANCE REQUIREMENT	STATUS	FINDINGS
<p><u>A. General.</u> All elements of the development plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The development plan shall conform with all requirements of this Ordinance, including those of the applicable zoning district(s).</p>		<p>The proposed use will have the same basic layout and access as the previous use.</p>
<p><u>B. Building Design.</u> The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the architectural and building material requirements of this Ordinance.</p>		<p>No change to existing buildings is proposed</p>
<p><u>C. Preservation of Significant Natural Features.</u> Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Ordinance, in particular wetlands designated /regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, wetlands which are not regulated by the Department.</p>		<p>The site has no significant natural features</p>
<p><u>D. Streets.</u> All streets shall be developed in accordance with the City of Boyne City Subdivision Control Ordinance and City Municipal Standards, unless developed as a private road in accordance with the requirements of the City.</p>		<p>No streets are building developed with this proposal</p>

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

<p><u>E. Access, Driveways and Circulation.</u> Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Boyne City Comprehensive Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the access management provisions of this Ordinance.</p>		<p>The existing curb cut on State Street will be remain</p>
<p><u>F. Emergency Vehicle Access.</u> All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department, Ambulance Department and Police Department.</p>		<p>The site is easily accessible to emergency vehicles.</p>
<p><u>G. Sidewalks, Pedestrian and Bicycle Circulation.</u> The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.</p>		<p>Use is not anticipated to create a significant amount of pedestrian traffic. No sidewalks or pedestrian access are being proposed with this development.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>		<p>No barrier free parking is currently designated</p>

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

<p><u>L. Parking.</u> The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Ordinance.</p>		<p>The lot does not have striped parking spaces. Existing paved parking lot is approximately 4,000 square feet. Ordinance requirements for minimum parking spaces is 300 square feet per car, parking lot can accommodate approximately 13 cars. Required parking spaces for proposed use per ordinance standards would be no greater than 5.</p>
<p><u>J. Loading.</u> All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Ordinance.</p>		<p>Existing loading areas will remain unchanged</p>
<p><u>K. Landscaping, Screening, and Open Space.</u> The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the landscaping provisions of this Ordinance. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.</p>		<p>No landscaping is proposed</p>
<p><u>L. Soil Erosion Control.</u> The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Planning Director or City Engineer, and have a valid Charlevoix County Soil Erosion permit.</p>		<p>Soil erosion permit required to be obtained from Charlevoix County.</p>

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

<p><u>M. Stormwater Management.</u> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. All such measures shall comply with the Charlevoix County Stormwater Ordinance.</p>	<p>Met</p>	<p>On site storm water retention proposed. Storm water to be retained on site using detention basins. See sheet 3 Grading plan. Plan submitted to Charlevoix County Drain Commissioner for review.</p>
<p><u>O. Lighting.</u> Exterior lighting shall be arranged so that it is directed preferably downward onto the subject site and deflected away from adjacent properties. Lighting shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.</p>	<p>Met with Conditions</p>	<p>3 Box lights with shields shown on site plan, details of fixtures and pole heights not provided. Staff would recommend a condition that fixtures must be approved by planning director prior to installation and poles may not exceed 13 feet in height.</p> <p>Staff to review lighting prior to and after installation</p>
<p><u>P. Noise.</u> The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.</p>	<p>Met</p>	<p>It is not anticipated noise levels from proposed use will not exceed current use.</p>
<p><u>Q. Mechanical Equipment.</u> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p>Met</p>	<p>No mechanical equipment on roof or ground shown on site plan or elevations. See elevations sheets 2 and 3.</p>
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p>Met</p>	<p>Wall and Free standing signage proposed. See sheet 2 North Elevation and sheet 1 free standing sign detail. A variance for signage would be required</p>

**664 STATE STREET
DEVELOPMENT SITE PLAN REVIEW STANDARDS
FINDINGS OF FACT**

<p><u>S Hazardous Materials or Waste.</u> For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.</p>	<p>Met</p>	<p>Applicant has stated that cars would be only washed and cleaned at site and some minor detail work would be done. Oil would not be changed and no repair or mechanical maintenance of vehicles would be done on site.</p>
<p><u>T. Other Agency Reviews.</u> The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Charlevoix County Drain Commissioner, Northwest Michigan Community Health Agency, Charlevoix County Building Department, and other federal and state agencies, as applicable.</p>	<p>Met</p>	<p>Plan has been distributed to dept heads and applicable agencies.</p>
<p><u>U. Approval Process.</u> The development plan shall be reviewed by the Planning Commission. If disapproval is recommended, the Planning Commission shall cite reasons for such disapproval. If the Planning Commission finds a development plan not in conformity with this section, it may, at its discretion, return the development plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified development plan, the Planning Commission shall review the plan. The Commission may approve, disapprove or approve subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this Ordinance and other ordinances and resolutions of the City. If disapproved, the Planning Commission shall cite reasons for such disapproval.</p>		<p>Conditions:</p> <ol style="list-style-type: none"> 1. Lighting to be reviewed by staff prior and after installation 2. 5/12 pitch roof 3. Vinyl siding on all sides of the structure 4. Approval of Plan without a dumpster, and must be reviewed by staff if one is needed at a later date.

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: March 18, 2013

Subject: MDNRTF Grant Request



Background Information

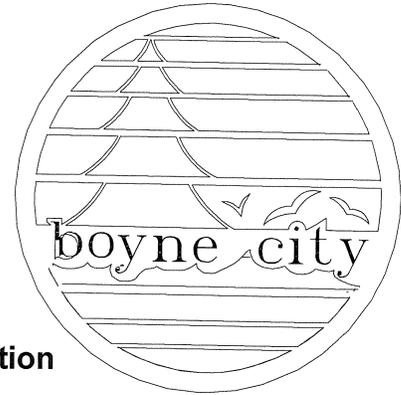
The Moody family has brought to the attention of the City a waterfront parcel that is owned by the Moody family that the City may wish to acquire. To acquire the property a grant request to the Michigan Natural Resources Trust Fund is being proposed. The City Commission has directed staff to schedule a public hearing on March 26th to consider the application. For your reference a memorandum to the City Commission regarding the proposal from assistant planning Leslie Meyers has been attached.

Process

Review proposed grant request for property acquisition and make a recommendation to the City Commission.

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Leslie Meyers, Assistant Planner
Date: March 7, 2013
Subject: MI Natural Resources Trust Fund Application



Several years ago, the Moody family expressed future interest in selling their vacant Boyne River frontage to the City. They are now ready to move forward if the City is still interested (see attached map).

The Michigan Natural Resources Trust Fund (MNRTF) is currently accepting applications for land acquisition until April 1, 2013. Funded by the sale of oil, gas, and mineral leases and royalties, the MNRTF assists state and local units of government with public acquisition of recreation lands.

The amount of MNRTF funding is determined by fair market value of the parcel and a minimum match of 25% is required. For purposes of the grant, an estimation of the property is determined. It is our best guess that the property can be valued at \$100,000. An appraisal of the property will be required if the application is accepted.

The purchase of waterfront property is a goal of the Parks and Recreation Plan approved in 2010. Due to timing and wintering residents, the Parks and Recreation Commission will not meet until after the application deadline. The application requires a public hearing to be held prior to submittal.

The request is two-fold:

- 1) Should staff should proceed with the application to the MNRTF for the purchase of the Moody property?
- 2) Will the City Commission agree to holding a public hearing at their next meeting March 26, 2013 in the absence of the Parks and Recreation Commission?

RECOMMENDATION: Authorize staff to proceed with the application and schedule a public hearing for the March 26, 2013 City Commission meeting.

Options:

- Forgo the application to the MNRTF for 2013
- Other options as suggested by the City Commission



City of Boyne City



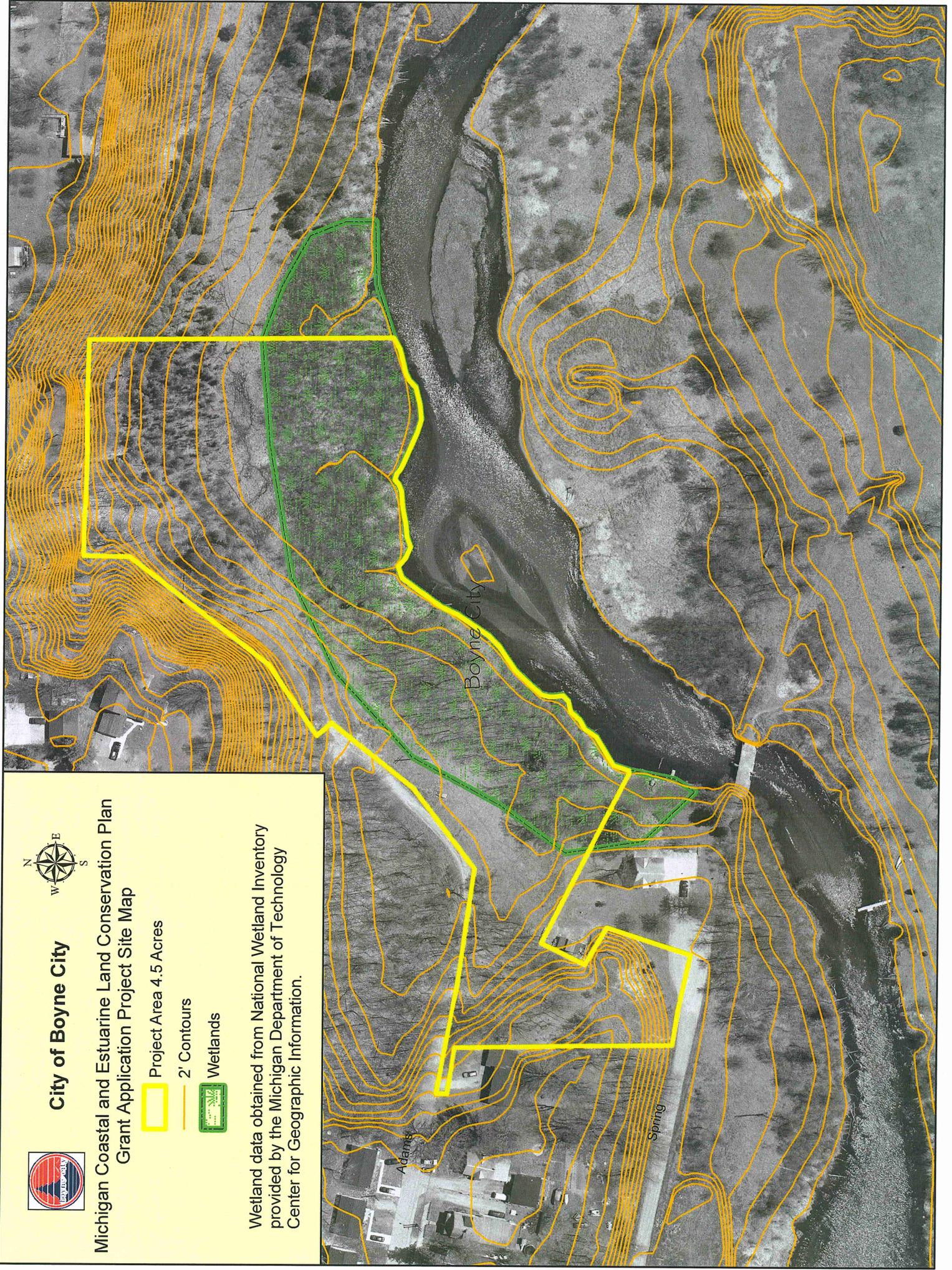
Michigan Coastal and Estuarine Land Conservation Plan Grant Application Project Site Map

 Project Area 4.5 Acres

 2' Contours

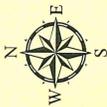
 Wetlands

Wetland data obtained from National Wetland Inventory
provided by the Michigan Department of Technology
Center for Geographic Information.



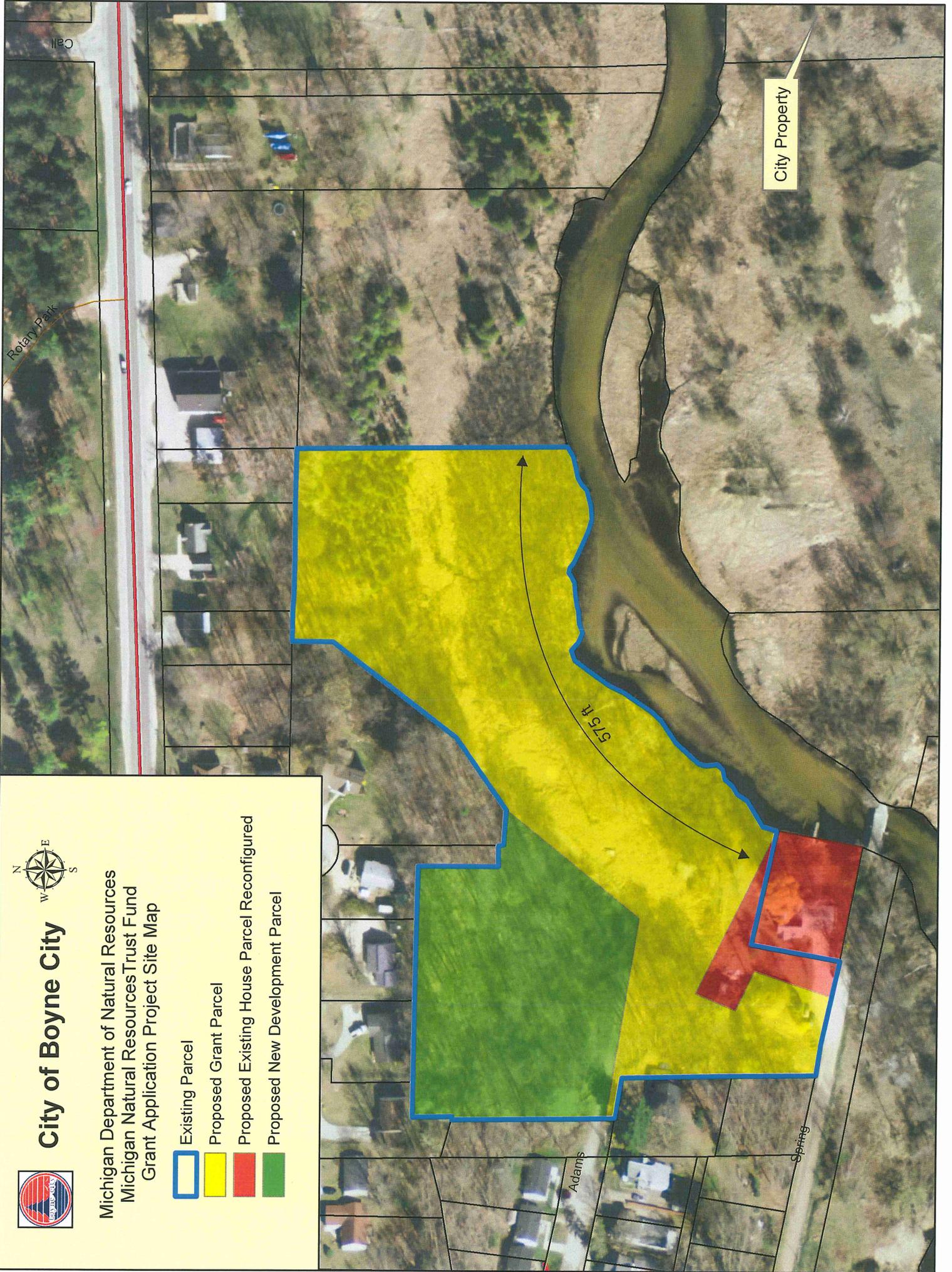


City of Boyne City



Michigan Department of Natural Resources
Michigan Natural Resources Trust Fund
Grant Application Project Site Map

-  Existing Parcel
-  Proposed Grant Parcel
-  Proposed Existing House Parcel Reconfigured
-  Proposed New Development Parcel



SOCIAL AND ECONOMIC CONDITIONS

Population

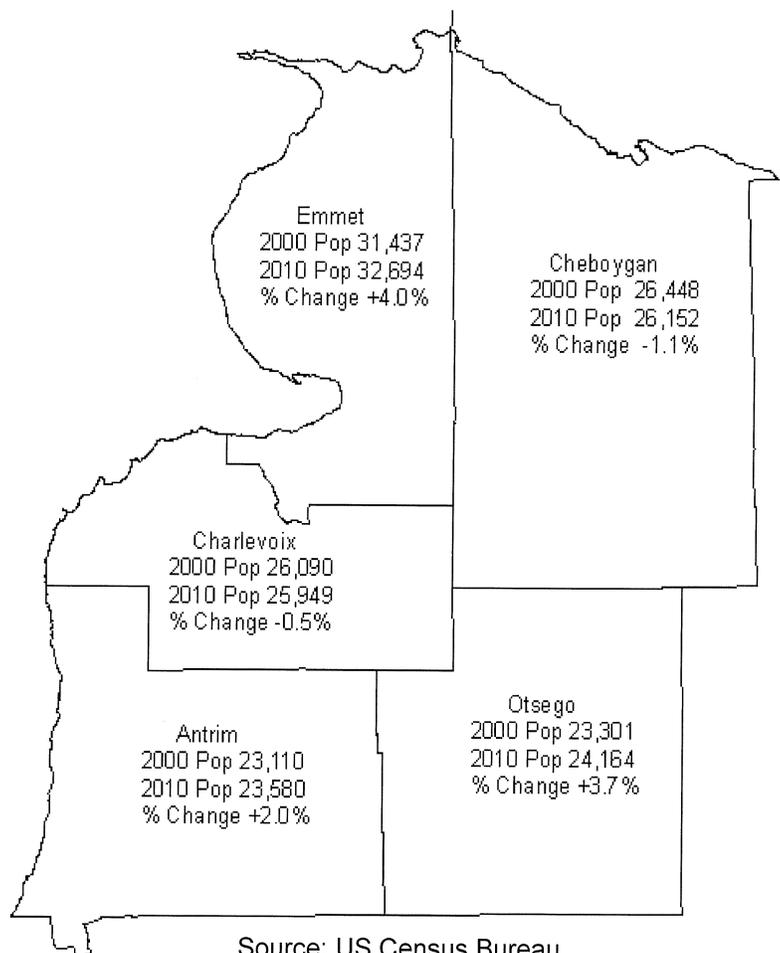
The 2010 Census showed that Charlevoix County had a population of 25,949, which was a 0.5% reduction from the 2000 count of 26,090. The decrease in population reversed a trend of strong population growth that took place over the previous four decades. From 1960 to 2000 the County population almost doubled from 13,421 to 26,090 persons. Of the 12,669 persons that were added during that 40 year period, the largest increase was from 1990 to 2000 when the County population increased by 4,622 persons, a population increase of 21 percent.

While 3 of the 4 adjacent counties did see population increases over the past decade, the increases were modest as compared the growth trends that were experienced previously. As shown by **Figure 1**, of the three adjacent Counties that had a population increase, Emmet County had the largest population increase of 4% adding 1,257 persons.

The low growth and population loss in the surrounding area is most likely attributable to out migration caused by the economic downturn experienced by the County, State and Nation over the last decade.

According to the estimated population changes prepared by the Michigan Department of Management and Budget, Charlevoix County had increases in population from 2000 to 2003, and then the trend quickly reversed beginning in 2004. Over the past decade the birth rates and death rates for the County have remained fairly consistent. Over the past 10 years the population of the county had a natural increase (births>deaths) each year that averaged approximately +44 persons per year. During this same period the net migration for the county averaged -58 persons per year for an average net loss of population of 14 persons per year. Beginning in 2004 is when Charlevoix County began experiencing the significant out migration. From 2003 to 2004 the net migration rate dropped from the in-migration of a 90 persons in 2003 to the out-migration of a 168 persons in 2004. While there was an in-migration in 2006 of 57 persons, the rest of the decade had significant out-migration with the largest out-migration occurring in 2008 and 2009 with a net out-migration of 253 and 227 persons respectively.

Figure 1



Source: US Census Bureau

While the county had an overall decrease in population over the last decade, 11 of the 18 municipalities had an increase in population. Contrary to the other cities in the County, and many Cities in northern Michigan, the City of Boyne City increased in population. Since the 2000 census the City had an increased population of 6.6% adding 232 persons. While the population in Boyne City increased the immediate surrounding area had an overall decrease in population. Over the past decade four of the five townships adjacent to the City decreased in population by a cumulative 17% (1,200 persons) from at total of 6,958 persons in 2000 to 5,758 persons in 2010. Of these townships, Eveline had the largest decrease in the number of persons (96) and Evangeline had the largest percentage decrease (7.9%). **Figure 2** shows the number and percentage of population change from 2000 to 2010 for all the Charlevoix County municipalities.

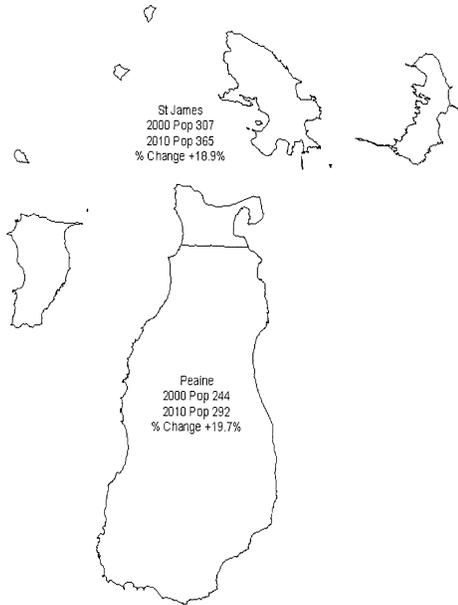
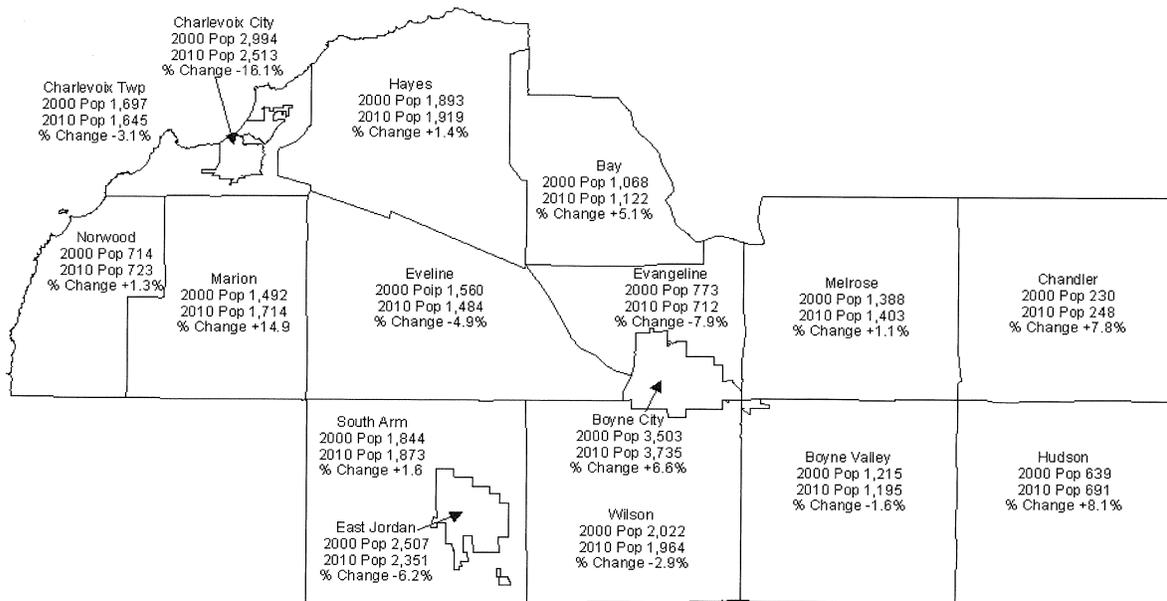
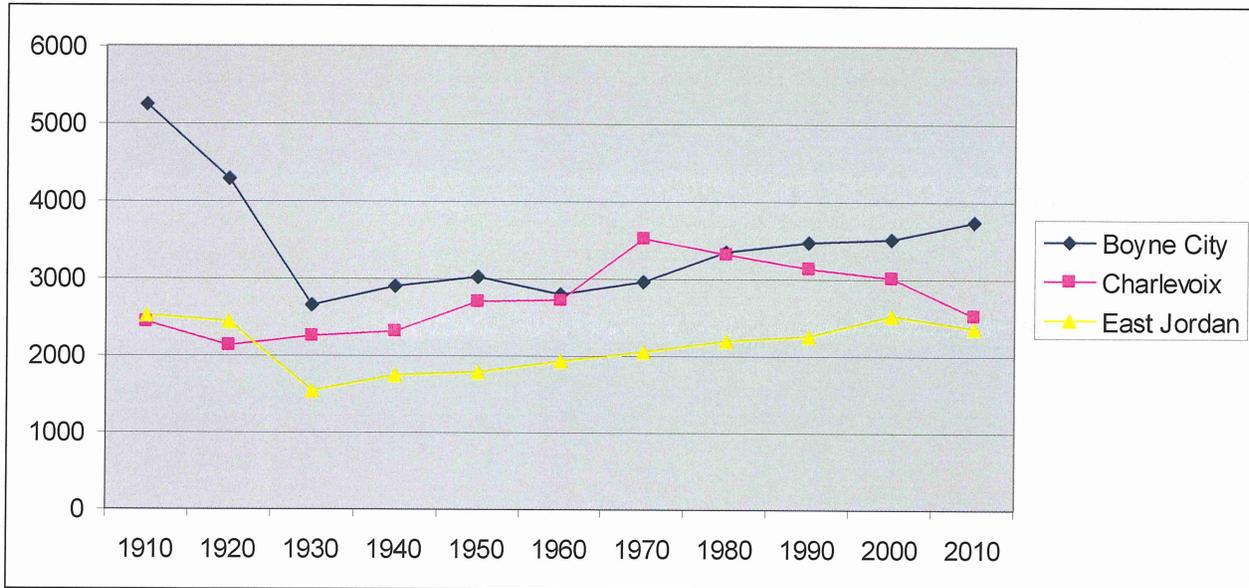


Figure 2: Charlevoix County Municipalities Population Change 2000 -20100



The 2010 census showed the population of Boyne City was 3,735 persons, and albeit relatively slowly, as shown by **Figure 3**, the City of Boyne City has continued to grow in population over the past 50 years. While still not near the peak population numbers the City experienced over 100 years ago of 5,218 persons, the City is the most populated City in the County and has been for most of the past century. Since 1930 the City has increased its population every decade with the exception of 1960 and has increased in total population since then by 35 percent (938 persons). The largest increase for the City during this time was between 1970 and 1980 when the City grew by 13 percent (379 persons).

FIGURE 3: City Populations Charlevoix County 1910-2010



Seasonal Population

Obtaining accurate numbers of seasonal residents and tourists is difficult. Because the U.S. Census is conducted each decade in April, the numbers only reflect those persons who live in the county on a year-round basis.

In 2010 the Census showed the number of seasonal homes in Charlevoix County increased from 4,391 units to 5,156 units. Of the 17,249 total housing units in the county this represents a 2 percent increase in the seasonal units up from 28 percent in 2000 to 30 percent in 2010.

As shown in Table 3 the City of Boyne City also had a similar increase in seasonal units between 2000 and 2010 with an increase of seasonal units from 19.6 percent to 21.9 percent. In 2010 of the total 2,292 housing units in the City 502 were classified as seasonal units.

A rough estimate of the number of seasonal residents can be calculated by multiplying the number of seasonal housing units by the average number of persons per household. Using this method a County seasonal population increase of 11,858 persons is estimated and for the City an additional 1,154 persons are estimated. Seasonal residents, therefore, added another 46 percent to the county's population for a total of 37,807 persons and increased the City population by almost 31 percent up to 4,889 persons. This figure does not include those seasonal visitors or tourists staying in area motels, campgrounds or family homes.

Population Estimates and Projections

Each year, the Census Bureau's Population Estimates Program (PEP) utilizes current data on births, deaths, and migration to calculate population change since the most recent decennial census and produce a time series of estimates of population. Estimated population for Charlevoix County from 2010 to 2011 predicts a modest increase in the County population from 25,949 to 25,998.

While population estimates try to forecast changes in population on an annual basis projections take a longer view and try to anticipate trends and forecast changes in population that will occur over a longer period. Population projections for the State of Michigan prepared by the Michigan Department of Technology and Budget forecast that the State population will rebound slowly over the next 20 years from the 2010 decrease of population to 9,883,640 to 10,683,432 in 2020 to 10,694,172 in 2030.

When making estimates or projections it is impossible to know with certainty what impact a wide variety of variables will have, and a number of assumptions need to be made and projections and estimates should be viewed keeping those assumptions in mind. These official population estimates are widely used for planning purposes, and they can serve as a basis for distributing federal, state, and non-governmental funds. They also provide valuable information about demographic changes that have occurred in different areas of each state.

Age Distribution

2010 census data shows that the median age in Charlevoix County increased by 6.4 years since 2000 with 50.7 percent of County's population now 45 years old or older. This is more than a 10 percent increase in number of persons over 45 since 2000 (**Table 1**). The breakdown of County's population by age grouping shows a significant shift in the 25-44 and the 45-64 age groups from 2000 to 2010. The percentage of those in the 45-64 age groups grew by 6.9 percent while the 25-44 age group declined by 6.4 percent. During this same time period the total County population decreased by 141 persons. While the in-migration of older people is likely part of the reason for the shift towards an older population, probably the biggest factor for the increase in the median age is the out-migration of younger people as the total number of people ages 18-44 decreased by almost 20 percent (-1,766 persons) since 2000.

Table 1: Population By Age For Charlevoix County and Boyne City 2000-2010

Age	Charlevoix County				Boyne City			
	2000		2010		2000		2010	
Under 5	1,691	6.5%	1,363	5.3%	228	6.5%	266	7.1%
5-17	5,072	19.4%	4,353	16.8%	696	19.8%	628	16.8%
18-24	1,688	6.5%	1,638	6.3%	260	7.4%	280	7.5%
25-44	7,159	27.4%	5,443	21.0%	998	28.5%	848	22.7%
45-64	6,586	25.2%	8,319	32.1%	769	22.0%	1,083	29.0%
65+	3,894	14.9%	4,833	18.6%	552	15.8%	630	16.9%
Median Age	39.1		45.5		37.9		41.9	

Source: U.S. Census Bureau

A similar pattern of change in the age of the population can be seen in the City of Boyne City. From 2000 to 2010 the percentages of people in the 25-44 age bracket declined by 5.8 percent (-150 persons) from 28.5 percent to 22.7 percent and those 45-64 increased by 7 percent (+314 persons) from 22 percent to 29 percent. Given the fact that the population of the City increased by 232 persons since 2000, it would appear that while the City experienced some out-migration of younger people, it was offset by the in-migration of people over 45 years old.

Race and Ethnic Composition

Race and ethnicity data was not collected as part of the 2010 census and this information now collected as part of the 2006-2010 American Community Survey. As this information is now collected and developed through statistical analysis of survey samples there is a margin of error in all the values. **Table 2** shows that the City has a very small minority population and that situation has changed relatively little over the last 10 years. From 2000 to 2010, the minority population in Boyne City increased only slightly from 3.0 to 3.4 percent.

Table 2 Population By Race And Hispanic Origin City of Boyne City				
	2000 Census		2006-2010 ACS Survey	
	#	% of Total Pop	#	% of Total Pop
Total	3,503	100	3,760	100
White	3,395	96.9	3,620	96.3
Black	4	0.1	13	0.3
Am. Indian	40	1.1	14	0.4
Asian	6	0.2	27	0.7
Other Race	14	0.4	0	0
Two or More Races*	42	1.2	75	2.0
Hispanic or Latino Origin**	26	0.7	11	.03
Total Minority***	106	3.0	129	3.4

* Census 2000 gave respondents the opportunity to choose more than one race category.
 ** Persons of Hispanic or Latino Origin may be of any race.
 *** Excludes Hispanic or Latino Origin
 Source: U.S. Bureau of the Census

Disability Status

Data shown in **Table 3** gives an indication of how many disabled persons reside in Charlevoix County and City as per the 2000 Census. A person was classified as having a disability if they had a sensory disability, physical disability, mental disability, self-care disability, going outside the home disability or an employment disability. Data from the 2000 Census is being used as this data was not obtained as part of the 2010 census and disability status has not been updated as part of the American Community Survey.

The 2000 Census showed that 17.4 percent of the persons in Charlevoix County had some type of disability and 16.3 percent of the residents in the City had some type of disability. The largest numbers of disabled persons in the City were between the ages of 21 - 64 (286), and of the people in this group, 47.2 percent were employed. The 65 and over age group had the highest percentage

of persons with a disability with almost one out of every two persons in the City having some type of disability (44.2%).

Table 3 Disability Status Boyne City and Charlevoix County - 2000							
LOCAL UNIT	Disabled persons 5-20	% Disabled 5-20	Disabled persons 21-64	% Disabled 21-64	% of disabled persons 21-64 employed	Disabled persons 65+	% Disabled 65+
Boyne City	42	5.5%	286	15.1%	47.2%	243	44.2%
Charlevoix Co.	501	8.5%	2,546	17.6%	60.5%	1,497	40.1%

Source: U.S. Bureau of the Census
*Disability of civilian non-institutionalized persons.

Educational Attainment

Since 2000 it would appear that the educational status of educational attainment for residents of Boyne City has changed relatively little. As shown in **Table 4** the percentage of persons 25 and older who had a high school diploma decreased slightly from 37.1 percent to 34.1 percent. The percentage of the population that obtained an associate degree decreased from 10.6 to 8.3 percent and the percentage that obtained a bachelors degree decreased by 3.2 percent while those with a graduate or professional degree increased by 7.3 percent.

The 2006-2010 American Community Survey showed slight decreases in the percent of persons who only completed 9th to 12th grade and had no diploma and those who had completed less than a 9th grade. Respectively, these groups went from 8.7 percent to 3.5 percent and from 3.9 percent to 2.1 percent.

Table 4 Boyne City Educational Attainment				
Degree	2000*		2010**	
	Number	Percent	Number	Percent
Less than 9 th grade	89	3.9%	52	2.1%
9 th to 12 th no Diploma	197	8.7%	86	3.5%
High School Diploma	853	37.5%	845	34.1%
Some college no degree	457	20.1%	661	26.7%
Associates	241	10.6%	205	8.3%
%Bachelors	311	13.7%	313	12.6%
Graduate or Professional	125	5.5%	316	12.8%

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

Income and Poverty

Income statistics for Boyne City, Charlevoix County and the State of Michigan (**Table 5**).show that the median income in the City has increased by 37 percent since 2000. While the ACS data shows median income now exceeds the median income of the Count and the State, in reality the value may be much less as the estimated margin of error the ACS has put on this value is +/-9,499.

Table 5			
Median Family Income For Wilson Township and Charlevoix County: 1990, 2000 & 2010			
Year	Boyne City	Charlevoix Co.	State
1990*	\$33,795*	\$38,427*	\$47,569*
2000*	\$44,096	\$46,260	\$53,457
2010**	\$60,387	\$57,022	\$48,432

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

From 2000 to 2010 the poverty rate Boyne City increased by 3.6 percent for families with children and by 6.4 percent for families with a female householder with no husband present individuals (**Table 6**). The largest increase in poverty rate was for individuals that increased by 107 percent.

Table 6				
Poverty Status For Boyne City 2000 & 2010				
Category	2000*		2010**	
	Number	Percent	Number	Percent
Families	81	8.9	126	12.5
Families with no husband	45	26.8	71	33.2
Individuals	55	11.8	123	22.5

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

Poverty characteristics in **Table 7** show economic distress in two sub-groupings, female headed households with dependent children and the elderly. One striking statistic was that while the number of females with dependant children below poverty increased in the County and the City by 23.2 percent and 24.4 percent respectively. The number persons 65 and over in the City and County below poverty changed relatively little over the same period.

Table 7: Poverty rates for Boyne City and Charlevoix County:2000 & 2010										
Municipality	Females With Children < 18 Below Poverty					Age 65 and Over Below Poverty				
	2000*		2010**		% Change	2000*		2010**		% Change
	#	%	#	%		#	%	#	%	
Boyne City	106	26.8%	149	51.2	24.4%	37	6.7	41	6.5	-0.2%
Charlevoix Co.	163	25.6%	281	48.8	23.2%	222	5.9%	309	6.4	0.5%

Source: U.S. Bureau of the Census*
American Community Survey 2006-2010**

Housing Characteristics

As shown by the 2010 census the City of Boyne City has a significant number of seasonal units as 21.9 percent of the total housing units in the City of Boyne City are seasonal units. This was a 2.3 percent increase in seasonal units. While owner occupied units is still the most prevalent type of housing in the City, over the past decade there has been a shift towards renter occupied units. Since 2000 the percent of owner occupied units decreased by 8.4 percent with approximately 1 in 3 homes in City being renter occupied.

Table 8: Boyne City Housing Characteristics 2000-2010								
	Total Housing Units	Total Occupied Housing Units	% Owner Occupied	% Renter Occupied	Total Vacant Housing Units	% Seasonal*	% Vacant Owner	% Vacant Renter
2000	1,935	1,468	75.6%	24.4%	467	19.6%	0.5%	7.5%
2010	2,292	16,35	67.2%	32.8%	657	21.9%	5.2%	7.8%

Source: U.S. Census Bureau
 *Figure shows the seasonal housing units as a percentage of the unit's total housing units.

Table 9 shows the age of the housing units in the City of Boyne City. Generally speaking, the older a housing unit is the more likely it is to be in need of rehabilitation. As a rule of thumb, any housing unit that is older than 50 years may be in need of at least some rehabilitation, if not a great deal of renovation. Data from the American Community Survey indicates that 36.3 percent of the homes in the City were constructed prior to 1960. While many of the older homes in the City are beautiful, historic and well kept homes; several are in need of repair and renovations.

Table 9: Boyne City Age of Housing Stock									
Year Structure Built	1939 or Earlier	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000 or later	
Number	654	97	83	241	396	262	424	142	
Percent	28.4%	4.2%	3.6%	10.5%	17.2%	11.4%	18.4%	6.1%	

Source: U.S. Census Bureau

The percentage of household income spent on housing costs is often looked at in order to measure the possible need for additional affordable housing stock. Data found in **Table 10** shows the percentage of household income spent on owner occupied housing in the City of Boyne City.

Table 10: Boyne City Home Ownership Costs as Percentage of Household Income					
	<20%	20-24.9%	25-29.9%	30-34.9%	>35%
Number of Units	174	104	67	140	337
Percent of Total	21.2%	12.7%	8.2%	17.0%	41.0%

Source: U.S. Census Bureau