



# City of Boyne City

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## AGENDA BOYNE CITY PLANNING COMMISSION Monday March 20, 2017, 5:00 p.m. Boyne City Hall



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1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda  
*The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.*  
  
Approval of minutes from the January 16, 2017 and February 20, 2017  
Boyne City Planning Commission meetings.
4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business Boyne City
  - A. 600 Jefferson Rezoning Request–Referral back from City Commission
7. New Business
  - A. Recommendation for Planning Commission Appointment
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting April 17, 2017

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

**Meeting of January 16, 2017** Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday January 16, 2017 at 5:00 pm.

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

**Roll Call**  
Present: Jason Biskner, George Ellwanger, Chris Frasz, James Kozlowski, Tom Neidhamer  
Absent: Ken Allen (arrived 5:04 pm), Jane MacKenzie, Aaron Place and Joe St. Dennis (arrived at 5:02 pm)

**Excused Absence(s)**  
**\*\*Motion** **2017-01-16-02**  
**Ellwanger moved, Biskner seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence of Jane MacKenzie.

**Meeting Attendance**  
City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Manager Michael Cain, City Commissioners Hugh Conklin and Ron Grunch, Executive Assistant/Harbor Master Barb Brooks and Recording Secretary Pat Haver  
Public Present: 73

**Consent Agenda**  
**\*\*Motion** **2017-01-16-03**  
**Neidhamer moved, Ellwanger seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda; approval of the Planning Commission minutes from December 19, 2016 as presented.

**Citizen comments on Non-Agenda Items**  
Derrick Schroeder 910 E. Main St. Wanted to know why the private snow plow haulers must truck in snow during the night and into the early morning, making 900+ trips down the residential streets at 90 seconds apart going at high rates of speed and making a lot of extra noise. Understands that is the best time to remove snow, but why can't they use the double gates off of Brockway Street to enter and drop off the snow at the airport instead of using the residential streets.

**Reports of Officers, Boards and Standing Committees and Unfinished Business**  
None

**New Business**  
Vice Chair Frasz opened this portion of the meeting by reading the public hearing procedures and explained to the audience the way that the meeting would be conducted.

**Public Hearing - Boyne City Housing Commission rezoning request**  
Planning Director McPherson reviewed his staff report that was included in the agenda packet. A conditional rezoning application had been submitted by the Boyne City Housing Commission to rezone a parcel they currently own from Traditional Residential District (TRD) to Multiple Family Residential District (MFRD). The parcel, on Grant St, 15-051-335-084-40 is 7.81 acres in size and is adjacent to the north of Deer Meadows and the Senior Citizen Center. The properties to the north, west and east are zoned TRD, and the property to the south is zoned MFRD and TRD and is used for multifamily and single family homes. The parcel is currently vacant with some mature tree coverage; water and sewer are relatively close and is available to the site from the north and south. The written offer for the conditional rezoning has identified the proposed uses for the parcel to

include up to 64 two bedroom units and 10 single family units which these 10 would have individual access points from Earl Street. The multifamily two bedroom units would be accessed from two different areas, the first off of Franklin Street and the second off of Division Street, the current driveway into Deer Meadows and the Senior Citizen Center. The lack of affordable housing has been a topic of a lot of discussion over the past few months and has been identified and adopted as a goal of the city these past couple years. In the 2015 Boyne City Master Plan, providing housing opportunities for everyone is listed.

**Chip Ironside: Progressive Associates representing the Boyne City Housing Commission** - The proposal submitted is for multifamily units consisting of 64 2 bedroom townhouse units and 10 single family units running along Earl Street. The townhouses will have access from Franklin and Division Streets, will not be stacked 2 story facilities, and will have 2 parking spaces each. They will have residential style finishes. Yard setbacks along the west side of the development will have a 33 foot buffer, and hope to save as many of the trees as possible to include in the playground area, and will include a community clubhouse. This project will be done in phases with the first being the construction of 32 work force type housing units along the east side of the development; phase II will be the construction of the 32 work force housing units along the west side of the development, and phase III will be the 10 single family houses facing Earl Street. Studies are underway for drainage.

#### Board Discussion

**Kozlowski** – will it be a mix of one and two story units? **Ironside:** yes

**Kozlowski** – will the single family units be connected or individual, and will people park in the back? **Ironside:** The single family units will not be connected; the multifamily will have connected units with space between each unit pod.

**Biskner** – You originally stated that the houses will have individual access points off of Earl Street, now you are stating that they will not be.

**Ironside** - We will be modifying the single family houses and their access point will be from Franklin Street and not Earl Street.

**Neidhamer** – will there be basements or garages? **Ironside** – for the multifamily units no; possibly garages for the single family houses.

**Biskner** – you indicated that there will be a buffer of 33 ft on the west side of the development, what about the east side, will there be a buffer? **Ironside** – we will do what we can for a buffer there.

**Ironside** – we are aware of the drainage issues and concerns and will address those concerns with onsite drainage ponds.

**Kozlowski** – what is the proposed square footage of the units? **Ironside** – the single family houses will be 900 to 1200 sq ft; and the multifamily units will be 750 to 1200 sq foot, however, not cookie cutter. It will be a unified development with elaborate porches and different finishes within the same color scheme throughout.

**Frasz** – Letters from citizens received should they read or recognized? **McPherson** – they were made apart of the packet and are on record there are 5 total

Public Hearing opened at 5:43 pm

**Jerry Kelts 315 E. Division St.** – My concern is for traffic between Deer Meadows and the Senior Citizen Center; there will be a lot of extra traffic coming off of Division.

**April Reycraft 520 S. East St.** – My concern is foot traffic, there are not sidewalks available around that block, will fences go up so that people have to go around or will they continue to go through the rest of the woods to get downtown, how will

foot traffic be handled?

**Tracy Russold 608 Alice St.** – Are there any other sites available? Who is the developer and have they done a project like this in the past? Has an analysis been done to see if the values of the residential properties in the area will go down? Is there going to be any type of assessment to put in sidewalk and sewers to the current homeowners in the area? Is the city capable to handle the 8 to 9% increase in population for the Fire Department and Police Department service calls?

**Scott Pearce 617 Earl St.** – The personality of Boyne City is 3 to 5 houses total within a block with double lots; I have 110 ft frontage, my neighbors have 115 ft frontage on average on our street. Between 2000 and 2014 there was a 7.3% population increase in people; we are trying to shove more than that in one development. Concerned about pride of ownership. I do like the inside street and would like to see less than 10 houses, will they be unrelated people living in the single family homes, where are they going to park? Will they park on Earl Street that narrows down at the end? What is the time frame to finish each of the phases?

**Pam Handy Crumpler 607 Grant St.** – I grew up here and have lived in my house for over 40 years, we have 50 ft frontage which goes back a bit. My concern are kids growing up and grandkids coming back with the extra traffic, we have an apartment building down the street through the years, we have had problems with the renters not taking care of animals, not saying there is going to be problems, but in the past the police have been called to this rental, I do not want to have to go through this again with new rentals.

**Shannon Pearce 617 Earl St.** - We bought our house on 3 lots in 2000; and have invested a ton of time and money to make it our home, we are in a nice stable neighborhood; not much turn around. That wooded area has been used by the neighbors, we know that it is not owned by us; we snowmobile on it to maintain the trails, mow in the summer; we bought for the natural beauty. What are you going to do about green space? Because rentals have no pride of ownership problems do occur and there is trouble; we don't need that kind of headache. Boyne City has a lot of other opportunities for growth and development, I understand that some have more than others but feel this is not a wise choice at this point; there are a lot of better places within Boyne City for development so don't plop down in this good residential neighborhood.

**Dennis Deschryver 610 Grant St.** – Is there a finished plan available as far as where things will go and sizes? Density of the area, is this a common density in this small space? I agree with what has been said earlier. Changing what exists is a big deal.

**Mitchell Klooster 805 Earl St.** - Asked for clarification in the size of the multifamily units and the size of the single family house on the lots.

**Nathan Minnaar 201 Franklin St.** - We moved into the area 8 years ago, you don't see increases in values and people investing in their neighborhoods like this. What support is there for the value of the homes in the area? You are asking us to continue to put money into our houses and yet have this large project. My first thought when I heard about the project, is that it is time to move. What is going to happen when everyone currently living there moves out and bails? I hope you take that into consideration when you make your decision.

**April Caverly 522 E. Lincoln St.** - There are wetlands in the area on the back of the parking lot with nesting birds, how can you put a proposed road through the wetland? In the spring time that wet area comes out further.

**Kyle Marshall 1214 Nordic Dr.** - I am here representing Magnum Hospitality. We are in dire need for labor force housing to hire employees. We have watched a steady decline in the past 2 to 3 years in applications. We pride ourselves in hiring within the community; there is a lack of affordable homes for people in our industry.

**Diane Deschryver 610 Grant St.** - I'm going to pick on Jane. When she first became the head of the housing commission, she told us that there are very few communities in Northern Michigan that have public housing with federally funded housing vouchers as extensive as the ones in Boyne City in a community this size. My point is I don't think we need to add anymore. I thought Boyne City was in need of middle income housing, I think this is a better place for middle income housing. People moving into the Boyne City area are going to look for family housing and neighborhoods. I oppose the change in zoning.

**Sarah Niederpruem 503 Harris St.** - Come at this as a resident, and business manager. I live by low income housing and it does not bother me, I have put well over \$100,000 into my house, I plan on being there for years to come. I don't think it will be a problem. We have lost a lot of great staff members, as there are no places to live in town, we have them coming from all over Northern Michigan because there is nothing to rent or even buy here in town. The potential and need for affordable housing is great and we need this for our town.

**Robin Burke 611 Earl St.** - The 10 single homes with the backs facing Earl St. if there are no garages or basements where will they store their stuff? Is it going to be on the back side facing Earl St? Have they looked into other areas within Boyne City or just here?

**Arthur Strand 721 Earl St.** - I don't want to look at someone else's back yard junk out my picture window. One of the reasons we bought there was the property across the street was residential. This project will overwhelm the density and degrade the rest of the home in the area.

**Sharon Harrington 825 Earl St.** - I knew the original landowner, Mr. Titsworth; it was his desire that this land not be developed and left as a wildlife preserve. He put it in his will and it was his desire not to have this area developed. He wanted to maintain living in the city and feel like you are living in the country. We work hard and take care of our property and our homes, the home values in the area are \$130,000 to \$200,000 and you want to put this multiple rental unit development smack dab in the middle of this residential area which will definitely lower the surrounding home values. Have they looked at other areas to develop? I understand that there is a need. There is a large property on the backside of Parkview, is that an option? This is not welcoming to the current owners and not a good idea. To put 10 houses down Earl Street that was not supposed to be developed any further, that number of homes in that small area, will be crammed in. We have large yards and invested money into them; this will change the look and feel of this residential area.

**Rod Cortright Business Owner 221 Water St.** - I'm in favor of more affordable housing; people can't afford housing in this area to rent or buy. On the site plan, I would like to see some sample elevations of the buildings for both multifamily and single family, what will they look like? Drainage there is a known problem in the area behind the senior citizen center, so care must be taken for the development. Single family homes on Earl St, maybe place some sort of signage for no parking on that side of the street. Sidewalks, I would like to see in this plan, showing pedestrian traversing within the development and outside connecting to other sidewalks in the area.

**Scott MacKenzie 847 Division St.** - The issue of affordable housing has been going on since we got here in 1999. Change is hard, I understand the concerns. The second part will address all of the specific details. This property has been sitting ready for development and now is the opportunity to do so and address some of our housing needs. Boyne City Housing Commission is the owner and developer of this project and it will be well maintained and taken care of.

**Sue Sherwood 604 Grant St.** - Brought up another proposed development on the north side of town, and feels that it will adequately address the needs for housing.

Retain wooded area of this neighborhood and the small town feel home town appeal.

**Leonard Sherwood 604 Grant St.** – Has been a builder for over 48 years, and knows that if a project is not planned right it could be bad. He is against developing this wooded area. During the summer they cannot sleep with their windows open due to the foul language of people walking by who already live in Parkview, this development could increase that problem, and agrees with what the others have said.

**Jackie McNutt 623 S. Park St.** – Is this the same type of development like Parkview, why can't it be used for more senior citizens. The police have been called to Parkview on several occasions.

**Julie McGee 224 Franklin St.** – The entrance will be in front of her house, is concerned about the value of her property. She sits in the back yard and watches the deer with her grandkids and has had difficulties with people stealing from her and walking right through her yard. Will the wooded area remain? Does not feel safe

**Bob Drap 418 E. Lincoln St.** - What is going to be the final cost of the units? Some businesses in town need to raise what they pay their employees in order to afford housing.

**Jeff Ross 718 S. Park St.** – I agree with what has been said earlier. I have 3 young kids that can't play out in the front yard; I am scared to death for their safety. The proposed entrance off Franklin St will be a traffic nightmare. Traffic is not monitored at this end of town now; people are always speeding in front of our houses.

**Patricia Drap 418 E. Lincoln St.** - Who will be responsible for the care of this project with upkeep, landscaping and snowplowing?

**Sherry Munday 315 E. Division St.** - Concerned for the additional traffic down Division St past Deer Meadows and the senior center. There is a lot of crime at Parkview across the street; what would happen between the senior citizen and low income residents when this project is completed?

**Pat Carey 626 Grant St.** – I am the owner of the rental that everyone has talked about, the church. If you have a problem with one of my renters, call me directly and I will take care of it. Why would you plan a development when 3/4s of the surrounding area is residential? Laundry facilities need to be established in Boyne again. People are driving up and filling my dumpsters with trash that does not belong to my renters; cars are pulled off of the roads and are in designated parking areas. If I have a problem with my renters, they are thrown out. I feel that it is a poor choice for this area.

**Cindy McCort 850 W. Dietz Rd. Boyne City Housing Commission program manager** - The BCHC owns this land along with Litzzenburger and Deer Meadows and we will be the ones to maintain, plow and upkeep the property. We currently have 109 rental units, and that is not enough as we have a waiting list of 105 people for Boyne City only. This affordable housing development will address some of the shortages in affordable housing and the renters will have rules that will need to be adhered to because of Mshda regulations. If the current renters do not follow the rules they have to leave. This will not be another Parkview. A lot of these two bedroom units will only have 2 people in them not more than 4.

**Deb Neer 615 Grant St.** – Does not want to see any developments in this area and does not want to see Grant St opened up to go through. Concerned about the lack of sidewalks in the area. We do need more affordable housing, but not in this residential area.

**Dave Sandin 629 East St.** - Just moved into the area and a development is not the reason they purchased their home; understands the need for workforce housing, but would like it someplace else other than this wooded lot.

**Shannon Pearce 617 Earl St.** – Everyone is talking about working class and affordable housing; we are that working class. This development does not need to be at the cost of us; I understand that rentals are needed, but other areas are being looked at for development.

With no further comments, the public hearing was closed at 6:40 pm

**Cliff Ironside** was asked about the income levels to qualify for renting. In the area of \$10,000 to \$42,000. Depending on the family makeup, there are certain wage limits that can be made to qualify for renting. Wanted to reiterate that the front of the house will be facing Earl Street on the single family homes and they will be using a drive in the back of the houses for parking.

**Ellwanger** – I agree with what has been said here tonight and sympathize. Is the density a little high, I don't know. I don't have a final site plan to make my determination and I want to make the right decision for all involved. I do believe that it will be well maintained.

**McPherson** – What was submitted for review is a conceptual design only. Density, access, orientation of houses, building elevations will all be a part of the application and written request for the final site plan. Final site plan review is where everything must be identified.

**Frasz** – Can the Planning Commission recommend the rezoning change with a condition on what this commission believes density amount could be?

**McPherson** – Can't add conditions or limits. Can't be any greater than what was submitted in their written offer which was worded as "up to 64 multifamily units and 10 single family units", if this were approved that is only what could be developed.

**St. Dennis** – wanted clarification that nothing will be accessed from Earl St. and that the front of the houses will face Earl St. What about storm sewers?

**Ironside** – that is correct, the single family houses will be accessed off of an alley type drive at the rear, and the fronts will face Earl St. The wetland is not big enough to regulate, however we will be utilizing the city's storm water/sewer system and will have drainage ponds.

Board had discussion on increased traffic and the areas that will be impacted, the lack of access points into the development is concerning to some members. A traffic study has not been done, and the standards of parking and roads must adhere to the current city street standards at the developers cost. Sidewalks were discussed and they have not been drawn up yet. Can the development handle increases in the infrastructure?

**McPherson** – There has been a recent larger development that Mark Fowler has indicated our infrastructure handled the increase in usage and believes that this development will also be handled by our current infrastructure.

**Biskner** – Are there any other areas that can be developed?

**Ironside** – The housing commission already owns this piece of property, and will keep it contiguous with Litzenger and Deer Meadows. Can't speak to any other available locations.

**Biskner** – What is the time frame for the phases in development? **Ironside:** There are only two rounds for funding in the spring and in the fall. The applications are point based applications for funding so could be a couple of years or a couple of months before funding is available. Once that occurs, Phase one which will be 32 units will take anywhere from 8 to 12 month to complete as actual construction time, however, there can be a couple of years between each phase depending on available funding.

7:05 pm - Due to an alarm going off, the board took a brief recess until 7:15 pm and the recorder was turned off.

Meeting reconvened at 7:15 pm; recorder was turned back on

**McPherson** – The general process for a conditional rezoning which is very specific in details will be to the Planning Commission first (tonight’s meeting), if recommended it will go to the City Commission for a 1<sup>st</sup> and 2<sup>nd</sup> reading, and there must be no less than 30 days between those reading, the City Commission will not be able to put any conditions on the proposal, must be a “take it or leave it” application. If they approve the request, it comes back to the Planning Commission for site plan review, this is the step that everything must be laid out and a lot of the criteria must be met. As it is a use by right, can’t deny the request because you don’t like the use, if there were an issue that could not be mitigated you can put in all of the details for the site plan review.

**Neidhamer** – I am in favor of the rezoning request. The various goal setting sessions that have been held, over 400 people responded that housing diversity is the number 1 goal. This campus is already owned by the housing commission, and their desire is to use all of the available tools to create affordable housing. There are already units on this campus that are very well maintained and I feel that this new project will also be well maintained. I understand that Franklin Street and some of the other local streets will be impacted, and I am in favor of no access off of Earl or Grant/Morgan Streets. Change is hard; I remember other high density developments such as the trailer park, Harborage Park, the Harborage, Court and Silver Streets and even Division St that people were concerned about. We have to remember without a zoning change they could build 32 duplexes, what they are proposing is 64 units double of what could be placed there now. Wetlands and water retention will need to be looked at and addressed. We have been told that the fire, police and ambulance services can handle any additional capacity and workloads. Unfortunately, I do not have the paperwork with me, but high quality neighborhood developments can actually improve the value of surrounding homes.

**Allen** – I appreciate the audience participation, and sympathetic with many who have spoken; it sounds as if a lot of people indicated that this development was a surprise. The original plan appears it could be a long way away for site plan approval and I would like to see something different. I’m concerned about the infrastructure. Are we locked into this concept if approved or do we do separate site plan review for each phase?

**McPherson** – You do the site plan review for the entire site and identify each phase, which is all reviewed at once.

**Allen** - How did the BCHC obtain title to this property? Can they trade the property, or does it have to be developed? Wetlands, nearby mud lake and the Boyne River are all nesting areas for birds, eagles and waterfowl. What could be the impact to those? The senior population has a connection to this wooded space.

**Frasz** – Really difficult balance of taking into consideration the goals of the city, what the ordinance allows, what the Master Plan has stated, and the current feeling of the residence who are impacted directly or indirectly. For me it is a big decision and I need to take time to think, sit with my decision and consider all the possibilities for the residents and it will give the residents time to think of the possibilities for this site.

The Planning Commission began to review Section 2.50(C) due to the proposed request for a change in a mapped zoning district. These are guidelines to help the Planning Commission with their decision.

For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:

1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district. ***The board was not sure if the words “more appropriate” were fitting as the adjacent area is TRD on three sides; however, there are already two other buildings on adjacent property under the same ownership.***
2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property. ***This property could be used as traditional single residential however; there have been multifamily requests because the need of additional housing is great.***
3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered. ***It is consistent with our current goals of increasing affordable housing diversity and is consistent with the adopted Future Land Use Map.***
4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community. ***By building on this campus it is creating its own neighborhood and would not adversely impact the surrounding neighborhood property values.***
5. All the potential uses allowed in the proposed zoning district are compatible with the site’s physical, geological, hydrological and other environmental features. ***It must meet all applicable codes and adhere to all zoning features and requirements.***
6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, population density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning. – ***Note: a review of the proposed uses and the existing allowed uses shows that the number of trips generated by the proposed uses do not exceed the majority of existing allowed uses by more than 100 directional trips per peak hour or 1,000 trips per day.***
7. The rezoning would constitute and create an isolated and unplanned “spot zone” granting a special privilege to one landowner not available to others. ***No spot zoning would be created as it is contiguous with the other properties with the same owner and MFRD is indicated on the approved Future Land Use Map***
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations. ***Appears it will meet & fit all dimensional regulations.***
9. There has been a change of conditions in the area supporting the proposed rezoning. ***There is a need for affordable housing as stated by recent goal setting sessions and economic conditions have changed.***
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. ***There could possibly be other sites available; however, the Boyne City Housing Commission already***

*owns this piece of property which could be used for the purpose of creating additional housing.*

11. There was a mistake in the original zoning classification. **No**
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided. **No**

With additional discussion from the board, and their concerns about the lack of time to consider not only the packet information, but the opinions from attendees at tonight' meeting and were uneasy about possible impacts they would like additional time to consider all of the opinions and the agenda packet information.

**\*\*Motion**

**Motion by Neidhamer** to recommend approving the proposed conditional rezone as submitted; with the houses not accessed from Earl Street, and submit an amended site plan written offer. *This motion failed for a lack of support.*

**\*\*Motion**

**Motion by Neidhamer, seconded by Ellwanger** to postpone this item until the February 20, 2017 Planning Commission meeting for further review and study.

**2017-01-16-7A**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, Kozlowski, Neidhamer, and St. Dennis

Nay: None

Absent: MacKenzie and Place

*Motion Carries*

**Public Hearing Group  
Day Care Ordinance  
Review**

Planning Director McPherson reviewed his staff report that was included in the agenda packet. Staff was tasked with drafting amendment ordinance language based on earlier recommendations by the Planning Commission. Make group day care home a use by right in the residential and central business zoning districts as opposed to a special use, eliminate minimum lot size, and reduce minimum size area for a fenced in play area. Articles 3, 4, 5, 6, 10 & 11 will be impacted and will need to be amended with additional language:

*Group Day Care Home.*

1. *Shall have a fenced outdoor play area of at least 1,200 sq ft located behind the front building line of the home.*

and Article 25.10 Conditional Use requirements would need to be amended with the deletion of language:

- |                              |  |
|------------------------------|--|
| <i>Group day care homes.</i> | <ol style="list-style-type: none"><li>1. <i>Sites shall have a minimum lot area of 20,000 square feet.</i></li><li>2. <i>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.</i></li><li>3. <i>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.</i></li></ol> |
|------------------------------|--|

Public Hearing was opened at 8:28 pm; with no comments it was closed at 8:28 pm

**Board Discussion**

These requirements would exceed what is already required by the State for licensed day care facilities.

**St. Dennis** - I can't think of a home occupation that offends the neighbors more than a group day care. We don't allow for a whole lot of noise or traffic with pick up and drop offs or deliveries in any of the other home occupations in the city.

The board then went through Section 2.50(B) Amendment Criteria:

- B. For amendment requests to change or to add additional regulations or standards to a district or a use, the Planning Commission and City Commission shall use the following as a guide:
1. The proposed rule, change or addition helps to reinforce the Comprehensive Plan. *N/A*
  2. The proposed rule, change or addition is in keeping within the spirit and intent of the Ordinance, and with the objectives of the zoning district.
  3. The problem or issue which the change is intended to address cannot be accomplished in another, more appropriate fashion. *This is relaxing the rules for this use*
  4. The proposed amendment would correct an error in the Ordinance. *N/A*
  5. The proposed amendment would clarify the intent of the Ordinance. *N/A*
  6. Documentation has been provided indicating problems and conflicts in implementation or interpretation of specific sections of this Ordinance. **Yes**
  7. The proposed amendment would address changes to county, state or federal legislation. *N/A*
  8. The proposed amendment would address potential legal issues or administrative problems with this Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan. **No**
  9. The proposed amendment would promote compliance with changes in other city ordinances and/or county, state, or federal regulations. *N/A*
  10. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. *N/A*
  11. Other criteria as determined by the Planning Commission or City Commission which would protect the health, safety, and welfare of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Comprehensive Plan, and enhance the overall quality of life in the City. *N/A*

After board discussion, **motion by Allen seconded by Ellwanger**, to recommend approval of the proposed ordinance amendments as presented.

**\*\*Motion**

**2017-01-16-7B**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, Kozlowski and Neidhamer

Nay: St. Dennis

Absent: MacKenzie and Place

*Motion Carries*

**Recreation Plan  
Amendment – Marina  
Plan Amendment**

Harbormaster Barb Brooks reviewed her memo included in the agenda packet. To remain competitive and meet certain requirements for continued DNR and Waterways Commission funding, certain elements must be included in the City's 5 year Recreation Plan so a Harbor/Marina Facilities Recreation Plan will be created based on staff and public input to be included in the City's current Recreation Plan. It has already gone before the Parks and Recreation Commission and public input will be taken for the next couple of weeks before it goes to the City Commission for approval.

**Staff Report**

- Joint Boards and Commission meeting is scheduled for tomorrow January 17, 2017 at 6:00 pm; encourage everyone to attend.

- A training pamphlet has been included in your agenda packet. A couple of local municipalities are working on getting additional training options for Site Plan Review closer. Coordinate with Pat if you would like to attend.

**Good of the Order**

---

The Housing Task Force Committee is still being assembled.

**Adjournment**

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The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, February 20, 2017 at 5:00 pm in the Honeywell Meeting Room.

**\*\*Motion**

**2017-01-16-10**

**Kozlowski moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to adjourn the January 16, 2017 meeting at 8:58 p.m.

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Vice Chair Chris Frasz

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Recording Secretary Pat Haver

**Meeting of  
February 20, 2017**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday February 20, 2017 at 5:00 pm.

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**Call to Order**

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

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**Roll Call**

Present: Ken Allen, Jason Biskner, George Ellwanger, Chris Frasz, James Kozlowski, Tom Neidhamer, Aaron Place and Joe St. Dennis  
Absent: None  
Vacancy: One

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**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, Executive Assistant/Harbor Master Barb Brooks and Recording Secretary Pat Haver  
Public Present: 9

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**Consent Agenda**

Clarification was asked for one portion of the January 21, 2017 meeting minutes, page 8 under item number 4; once a review has been done the minutes will be re-submitted for board review and approval.

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**Citizen comments on  
Non-Agenda Items**

**Ted Macksey, 44 N. Lake St. and the developer of Jefferson St.** - wanted to let the board know that he will be in front of them next month with a set of revised plans for his development. He will proceed with a conditional re-zoning request for the property. He indicated that his plans have morphed since this board initially saw them last fall. He understands that he needs to make the Planning and City Commissioners comfortable with his project design and wanted to know what the boards were going to do to entice him to progress with his project. He has been thrown together with subsidize housing and feels that he should have the respect from both commissions and make him feel comfortable enough to move forward with his project.

**Robin Burke 611 Earl St.** – the 2015 Master Plan and specifically the Adopted Land Use Map, who was involved in this process? Jane MacKenzie was the Planning Commission Chair at the time of the adoption, the Director of the Boyne City Housing Commission and the director of this new development, is there a conflict of interest? We keep hearing that a Housing Task Force will be created, and have not seen anything yet; is there one and what groups of people are involved? All of the information given out by the housing commission shows that subsidized housing is not needed for young adults, that the census shows that retirees are the population that is growing within the City. It has been stated in different meetings that the wording affordable/low income maybe changed, is that so and if it does, it will seem like you are trying to hide something from the public.

**McPherson** – The planning process for the Adopted Master Plan was a public process that took over a year and a half and was open to anyone who wished to attend any of the meetings. It was noticed in the paper, had 90 day review periods, it was recommended for adoption by this commission, and ultimately was adopted by the City Commission. There was not a conflict of interest with the adoption of any of the plans with Jane MacKenzie serving on this commission. Effective in January of this year she resigned from the commission. The Housing Task Force is a priority and City Manager Cain is trying to get one established. I have not heard of any suggested language changes to the words affordable/low income housing. If

anyone is interested, we have an opening on the Planning Commission, and there are numerous other boards that are always looking for volunteers.

---

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

None

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**Unfinished Business**

**Boyne City Housing Commission Rezoning - Applicant request to postpone Planning Commission recommendation**

Included in the agenda packet was an email from the Boyne City Housing Commission asking to postpone the review and recommendation for their rezoning request until a future meeting. Because this item was voted on by this commission to postpone for further review and study until the February 20, 2017 meeting, **motion by Allen, seconded by St. Dennis** to table until a request has been made by the Housing Commission to come back before this board.

**2017-02-20-6A**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, Kozlowski, Neidhamer, Place and St. Dennis

Nay: None

Absent: None

Vacancy: One

*Motion Carries*

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**\*\*Motion**

**New Business**

**Review of the 2017 - 2022 Capital Improvement Plan  
\*\*Motion**

Planning Director McPherson reviewed the 2017 - 2022 CIP Plan that was included in the agenda packet. The 6 year layout is being shown as projections for 2017 through 2022 with 2016 information included for comparison. The board reviewed this plan and indicated that it was well put together.

---

**Resolution of Support for the Recreation Plan Amendment**

**\*\*Motion**

Planning Director McPherson reviewed the memo included in the agenda packet. To implement the amendment to the City's Recreation Plan, resolutions of support have to be passed by the Parks and Recreation Commission and Planning Commission. It has already gone before the Parks and Recreation Commission and is before you tonight for your resolution of support. **Motion by Ellwanger, seconded by Place** to support a resolution for the recommendation of adoption of the City of Boyne City Recreation Plan Amendment.

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**2017-02-20-7B**

**Roll Call:**

Aye: Allen, Biskner, Ellwanger, Frasz, Kozlowski, Neidhamer, Place and St. Dennis

Nay: None

Absent: None

Vacancy: One

*Motion Carries*

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**Staff Report**

- With the resignation of Jane MacKenzie, we have an opening on the Planning Commission. We hope to review current applications that are on file, and to make a recommendation for appointment at the next meeting. As the current open term expires in May of 2017, it would be for a full 3 year term.
- Election of officers should be done at the next meeting.
- The Conditional re-zoning training/workshop was well attended and had a lot of good discussion. If you were unable to attend, the audio of the training is available along with a copy of the PowerPoint presentation on our website.

- Kozlowski had questions about what would happen if a developer violated the conditions of a conditional re-zoning request; could you reverse the decision. McPherson advised that it is a contract between the City and the developer and if conditions were not met or adhered to, they would be in violation of the contract and the process of reverting back to the previous zoning of the district would begin.
- 

### **Good of the Order**

- Is the City pursuing an investor for a Laundromat? With growth in town and the location of the State Park and other vacation homes in the area, what do people do that need this service? Team Boyne, is actively pursuing this topic and have reached out to some interested investors without any success; they will continue to look into this venture.
  - It has been stated in past meetings that MSHDA regulations are stricter than others for low income housing and if they are not followed, renters must leave. Where do we find a copy of these restrictions/rules? The Boyne City Housing Commission is where you can get a copy.
  - Jason Biskner and Ken Allen attended a recent training session on Site Plan Review and found it very informative and useful. Biskner had a copy of the PowerPoint presentation if anyone was interested. Allen agreed that the recent training sessions he has attended were very helpful to him as a Planning Commissioner.
- 

### **Adjournment**

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, March 20, 2017 at 5:00 pm in the Honeywell Meeting Room.

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

**2017-02-20-10**

**St. Dennis moved, Place seconded, PASSED UNANIMOUSLY** a motion to adjourn the February 20, 2017 meeting at 5:48 p.m.

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Vice Chair Chris Frasz

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Recording Secretary Pat Haver

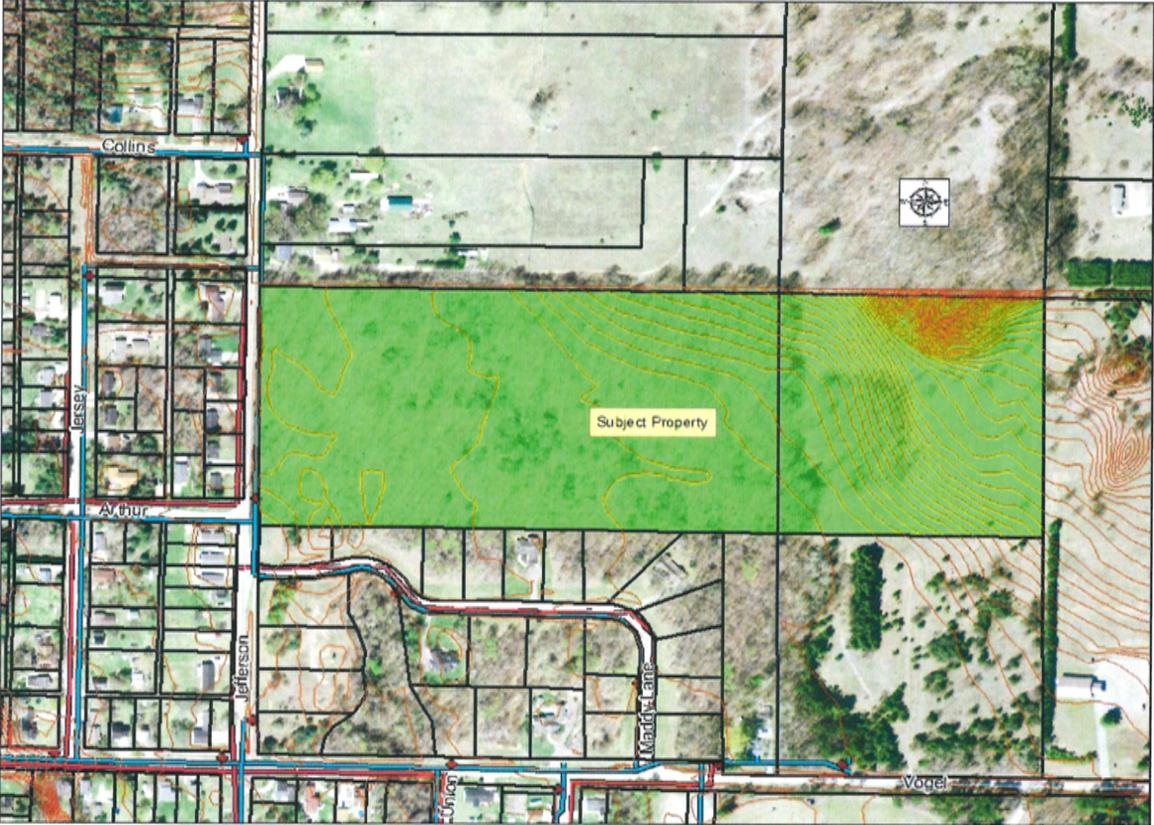
**CITY OF BOYNE CITY**

**To:** Vice Chair Chris Frasz and fellow Planning Commissioners  
**From:** Scott McPherson, Planning Director  
**Date:** March 20, 2017  
**Subject:** Macksey Rezoning Application Public Hearing



**Background**

On September 19, 2016 the Planning Commission held a public hearing on a rezoning application submitted by Ted Macksey to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). The parcels are located at 600 Jefferson Street. Parcel 026-005-00 is approximately 20 acres with 660' of frontage on Jefferson Street and measures 1,300 feet deep. Parcel 026-004-15 which is adjacent to the east of 026-005-00 is approximately 10 acres and measure 660ft x 660ft.



The properties to the north are in Evangeline Township and are zoned Rural Residential and being used for single family dwellings. The property to the east is in the City of Boyne City and zoned RED and being used for a church. To the south of the property properties are zoned RED being used for single family dwellings and conditionally zoned MFRD being used for group senior and assisted living. The properties to the west are zoned Traditional Residential District

(TRD) and is being used for single family dwellings. Public sewer and water are located adjacent to the subject property on Jefferson Street. The subject parcel is currently vacant, with majority of the parcel covered with mature forest. On the eastern quarter of the property there is a significant slope and an elevation change of over 40 feet.

## **Discussion**

After the public hearing the Planning Commission reviewed the amendment criteria of the Boyne City Zoning Ordinance section 2.50 and passed a motion to recommend to the City Commission that the requested zoning change be approved. The application was submitted to the City Commission for a first reading on November 15, 2016. After review and discussion of the application the City Commission passed a motion to schedule second reading for the application on January 10, 2017. Minutes of both meetings have been attached for your reference.

Prior to the second reading it became apparent that there were a variety of questions and concerns being raised by the public about the purpose of the proposed change and all the possible uses that are permitted in the MFRD district. To try and address these concerns the applicant consulted with staff and indicated that a more focused application would be a better option moving forward. Given the fact that a wide variety of uses that could be permitted under the MFRD are not being considered by the developer, a conditional rezoning application appeared to be a more appropriate application in this case. The City Commission concurred with the request and referred the zoning change back to the Planning Commission to allow the applicant to amend the original request to conditionally change the zoning of the property to MFRD. The written offer and conceptual site plan to amend the original request to conditionally change the zoning to MFRD has been submitted by the applicant and has been provided for your review.

As per ordinance requirements the Planning Commission considered the criteria of Boyne City Zoning Ordinance section 2.50 in reviewing the request. One of the criteria of the Section is the requirement of traffic impact analysis. As the proposed change could permit a use that generates more than 100 directional trips per peak hour or more than 1,000 trips per day than the majority of uses that could be developed under the current zoning a traffic impact study was required. At the time of the public hearing data was not available for review by the planning commission but was required to be submitted prior to first reading by the City Commission. The developer contracted with Progressive AE and a trip generation comparison was prepared by Peter LaMourie PE, PTOE was submitted and has been attached for your reference. It should be noted that the trip generation calculation prepared by Mr. LaMourie used the assumption of 300 units being constructed on the site. The submitted conditional rezoning offer stipulates a maximum of 212 units would be constructed.

To provide a baseline of existing conditions traffic counts on Jefferson and Vogel streets were completed in September and October. On Jefferson Street traffic counts were collected near the Collins Street intersection for eleven 24 hour periods from September 14-24. During this time the 24 hour traffic counts ranged from 84 to 125 trips heading south with the Average Daily Trips (ADT) of 109 and from 83 to 141 heading north with the ADT of 115. The ADT in both directions over the 11 day period was 224 which represents between 1.87% and 2.24% of the daily carrying capacity of the street. The peak-hour trips for Jefferson Street during this period was at 3pm on September 19<sup>th</sup> with 39 trips (14 north, 25 south) which is between 3.54% and 4.33% of the peak hour capacity.

On Vogel Street traffic counts were collected near the Maddy Lane intersection for eight 24 hour periods from October 2-9. During this time the 24 hour traffic counts ranged from 145 to 191 trips heading east with the Average Daily Trips (ADT) of 168 and from 88 to 126 heading north with the ADT of 107. The ADT in both directions over the 8 day period was 275 which represents between 2.29% and 2.75% of the daily carrying capacity of the street. The peak-hour for Vogel Street during this period was at 5pm on October 5th with 47 trips (17 east, 30 west) which is between 4.27% and 5.22% of the peak hour capacity.

The conditional rezoning offer and conceptual site plan have been provided to the City department heads and comments have been received from the Water and Sewer Department and the Police Department and have attached for your reference.

## **Process**

The submitted conditional rezoning offer is an amendment to the original request and continuation of that process as the offer specifically identifies and further restricts uses that were possible when the Planning Commission previously considered and recommended approval of this application. While the Planning Commission did review and make a findings for the amendment criteria as listed in section 2.50(C) for the initial request, it may be helpful for the Planning Commission in making a recommendation to the City Commission to make a findings on the criteria of 2.50(C) for the amended request as well.

## **Section 2.50 Amendment Criteria.**

- C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:
1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.
  2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.<sup>3</sup> The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
  4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.
  5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.

6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.
  7. The rezoning would constitute and create an isolated and unplanned spot zone granting a special privilege to one landowner not available to others.
  8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations.
  9. There has been a change of conditions in the area supporting the proposed rezoning.
  10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
  11. There was a mistake in the original zoning classification.
  12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- D. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Commission and published, without necessity of a public hearing or referral thereof to any other board or agency.

### **Recommendation**

Review the requirements of section 2.50(C) and determine if the proposed conditional rezoning request meets any of the criteria for an amendment to the Ordinance and make a recommendation to the City Commission.

## CONDITIONAL REZONING OFFER

Property Owner: Macksey-Built Properties, Inc.

City Of Boyne City, Conditional Rezoning Request from Residential Estate District (RED) to Multifamily Residential District (MFRD) for Property commonly known as; 600 Jefferson Street Boyne City, MI 49712, ID Number(s) 051-026-005-00 & 051-026-004-15 legally described as; See attached Exhibit A.

Written Offer:

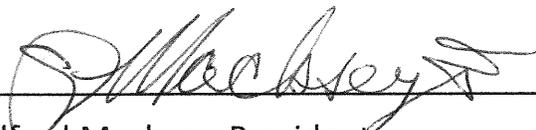
Macksey-Built Properties is applying for Conditional Rezoning as stated above for the 31.12 acres as shown on the attached drawings by Progressive Associated, Inc. dated 02/15/17. The property and the proposed development will strictly be limited to market rate non-subsidized residential housing use only. Residential housing use is described as, single and two family dwellings and multifamily dwellings, including, but not limited to, apartments, apartment housing, townhouses, terraces, efficiency units and right-of-way houses. All other uses provided in the Multifamily Residential District (MFRD) shall be prohibited.

The property will be split into two sections, hereafter being referred to as "Section A" and "Section B". "Section A" will consist of 18.09 acres. Total density for "Section A" will be no more than 6 dwelling units per gross acre for a total maximum density of 108 total dwelling units. Maximum dwelling units per building in "Section A" will be no more than 8 dwelling units per building. "Section B" will consist of 13.03 gross acres. Total density for "Section B" will be no more than 8 dwelling units per acre for a total maximum density of 104 total dwelling units. Maximum dwelling units per building in "Section B" will be 16 dwelling units per building. Total dwelling units for "Section A" and "Section B" 31.12 acres will be no more than 212 dwelling units or 6.8 units per gross acre. A 30' natural buffer barrier shall be maintained whenever possible around the perimeter of the property, excluding road right of ways, storm drainage detention/retention areas and utility easements.

As described in Article VI Multifamily Residential District (MFRD) of the Boyne City Zoning Ordinance. All Development Requirements described in Section 6.4: A, B, C, D, E, F, G, H2, H3, H4 shall apply. Section 6.4 H1 is excluded and shall be replaced with; the maximum number of dwelling units per acre shall not exceed (6.8). Further, as described in Section 6.4 H2 the development is to be constructed with private streets and shall meet all municipality minimum requirements and standards including but not limited to a minimum right-of-way of sixty six (66) feet. Pedestrian sidewalks shall meet all municipalities' requirements as specified in Article XIX Development Requirements Section 19.40 G. Buildings shall be constructed to meet all municipality standards as specified in Article XXII Design Standards.

The property shall be developed in multiple phases. Within two (2) years of the Signature Date of the Conditional Rezoning Agreement, the First Phase Development Plan shall be submitted to the City Planning Commission. Within six (6) months of approval of the Final Development Plan for the first phase, Developer shall obtain all necessary permits from all City, County and State agencies for site work, extension of all utilities and road construction of the project's first phase. The Developer shall commence construction of the project within six (6) months from obtaining City, County and State permits. The Developer shall have ten (10) years from the date of the First Phase Development Plan final approval to complete the final phase of the development.

Developer: Macksey-Built Properties, Inc.

By   
Alfred Macksey, President

**Exhibit "A"**

**Land situated in the State of Michigan, County of Charlevoix, City of Boyne City.**

Commencing at a T-iron stake at the South 1/4 corner of Section 26, Township 33 North, Range 6 West; thence along the North and South 1/4 line of said Section on a bearing of North 659.34 feet to a 1/2 inch rod in the centerline of Jefferson Street, being the Point of Beginning of this description; thence continuing along said 1/4 line and along the centerline of Jefferson Street on a bearing of North 659.34 feet to a 1/2 inch rod on the South 1/8 line of said Section; thence along said 1/8 line North 89 degrees 59'29" East 33.00 feet to a 1/2 inch rod on the East line of said street; thence continuing along said 1/8 line North 89 degrees 59'29" East 1294.42 feet to a 1/2 inch rod on the East 1/8 line of said Section; thence continuing along said South 1/8 line, as monumented, South 89 degrees 52'22" East 661.95 feet to a 1/2 inch pipe; thence South 00 degrees 00'56" East 1287.38 feet to a 1/2 inch rod on the North line of Vogel Street; thence continuing South 00 degrees 00'56" East 33.00 feet to the South line of said Section; thence along said Section line and along the centerline of Vogel Street, North 89 degrees 54'52" West 663.24 feet to a 1/2 inch rod on said East 1/8 line; thence along said 1/8 line North 00 degrees 02'27" East 627.43 feet to a 1/2 inch rod; thence North 89 degrees 57'41" West 1293.95 feet to a 1/2 inch rod on the East line of Jefferson Street; thence continuing North 89 degrees 57'41" West 33.00 feet to the Point of Beginning; being a part of the South 1/2 of the Southeast 1/4 of said Section 26. EXCEPTING THEREFROM: Beginning North 89 deg. 13'59" West, along the South section line, 662.97 feet from the Southeast corner of said Section 26; thence continuing North 89 deg. 13'59" West along said South section line, 662.97 feet to the East 1/8 line; thence North 00 deg. 43'02" East, along said East 1/8 line, 656.89 feet; thence South 89 deg. 13'59" East parallel with said South section line, 663.28 feet; thence South 00 deg. 44'40" West along the East line of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 656.89 feet back to the point of beginning.

**ALSO HAVING BEEN DESCRIBED AS:**

Parcel 1:

The North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 26, Township 33 North, Range 6 West.

AND

Parcel 2:

The North 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 26, Town 33 North, Range 6 West.

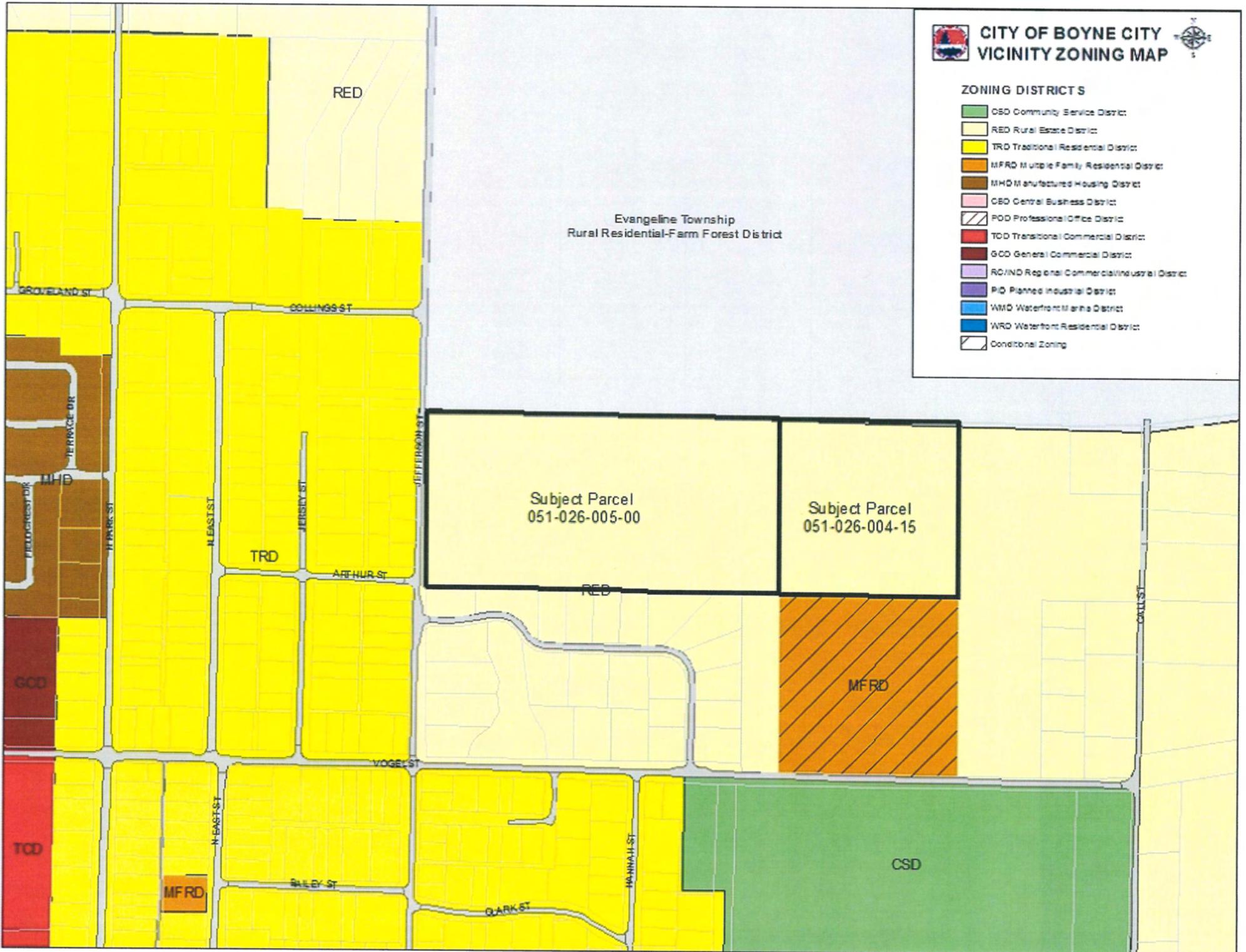


**CITY OF BOYNE CITY  
VICINITY ZONING MAP**



**ZONING DISTRICTS**

-  CSD Community Service District
-  RED Rural Estate District
-  TRD Traditional Residential District
-  MFRD Multiple Family Residential District
-  MHD Manufactured Housing District
-  CBD Central Business District
-  POD Professional Office District
-  TOD Transitional Commercial District
-  GCD General Commercial District
-  RC/IND Regional Commercial/Industrial District
-  PID Planned Industrial District
-  WMD Waterfront Marina District
-  WRD Waterfront Residential District
-  Conditional Zoning





1811 4 Mile Road NE  
Grand Rapids, MI 49525  
phone 616.361.2664  
fax 616.361.1493  
progressiveae.com



October 26, 2016

Ted Macksey  
Northern Michigan Premier Properties  
44 N. Lake Street  
Boyne City, MI 49712

Re: Jefferson Street Residential Development  
Rezoning Trip Generation Comparison

Dear Mr. Macksey:

Progressive AE has completed the requested traffic analysis regarding the proposed residential development in Boyne City, Michigan. The following sections outline the tasks and resulting findings drawn from the analysis.

#### INTRODUCTION

The site in question is 30 acres in size and is located on the east side of Jefferson Street just north of Vogel Street in the northeast portion of the city. It is our understanding that the site is currently zoned as rural estate district which would essentially call for the development of single family homes. The proposed development is requesting rezoning to multi-family residential district for the purposes of developing alternative forms of housing allowed under the ordinance.



As part of a typical rezoning review process, the city has requested information be provided that compares the amount of potential traffic that could be generated by development under current zoning versus what could be generated under the requested zoning.

#### ANALYSES

The information you provided included educated assumptions regarding the maximum number of units of each type that could be developed under both zoning scenarios versus a more realistic number of units. For this study, it was assumed that under current zoning up to 120 single-family units could be developed within the site. Under the rezoned scenario, it was assumed that at the high end up to a maximum of 300 units could be developed.

#### Trip Generation

Trip Generation, Ninth Edition, by the Institute of Transportation Engineers (ITE) was used to calculate the projected traffic that may be generated by the maximum levels of development in each zoning scenario. Trips are measured individually for inbound and outbound movements. Therefore, an outing

from the development by a resident or visitor generates two trips, one outbound and one inbound. Trip generation analyses typically focus on morning and afternoon peak hours as those periods are often the most impactful to the adjacent street system when it is often experiencing its heaviest traffic volumes. In this case projected daily trips were also included for comparison.

As shown in Table 1, under existing zoning the site could generate as much as 94 morning trips and 124 afternoon trips during peak hours. Under the proposed rezoning, the site could generate as much as 151 morning and 183 afternoon peak-hour trips.

**Table 1 - Projected Peak-Hour and Daily Trip Generation Comparison**

Projected Land Use	ITE Code	Size	AM		PM		Daily
			In	Out	In	Out	
<b>Existing Zoning (single-family)</b>							
Maximum	210	120 units	24	70	78	46	1,241
<b>Proposed Zoning (multi-family)</b>							
Maximum	220	300 units	30	121	119	64	1,941

#### Related Discussion Items

First, we should note that the trip generation projections noted in Table 1 are based upon hundreds of surveys of like developments, most of which are taken in typical suburban and urban areas of various community sizes around the nation. What they don't reflect much is the type of housing use that is more prevalent in recreational areas such as Boyne City, where it is our understanding that there are an increasing number of homes/residential units that are being used as seasonal or second homes. As such, the projections noted above are likely significantly higher than what actual conditions will be in two ways;

- Seasonal use means that a number of the homes/units will not be used for significant portions of the year; and
- Seasonal users do not typically follow standard weekday morning (between 7 am–9 am) or afternoon (between 4 pm–6 pm) peak-hour patterns as they are not completing daily work-based trips.

Second, a typical paved two-lane roadway has a carrying capacity of between 10,000 to 12,000 vehicles a day before it starts to degrade in efficiency. In terms of a normal peak hour, such non-urban streets like Jefferson Street and Vogel Street could efficiently carry 900 to 1,100 vehicles during any one peak hour. That means that even if the projected maximum 183 afternoon peak-hour trips noted in Table 1 were all using Jefferson Street for example, the development's traffic would only utilize approximately 16% to 20% of that street's peak-hour capacity. Further, since site traffic will likely be dispersed between two or more streets fairly quickly (Jefferson, Vogel, and subsequently others), the actual percent of any one street's capacity that will be used will be significantly lower than the percentage noted above. Therefore, although a specific impact study has not been completed, based upon expected current use of these two streets, it is highly likely that such streets will still be well under capacity regardless of how the 30-acre site in question is developed.

Please let me know if you or others have any questions or comments regarding the information summarized in this trip generation comparison letter.

Sincerely,

Progressive AE



Peter C. LaMourie, PE, PTOE  
Lead Transportation Engineer

PCL:smg

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**PROPOSED TOTAL AREA "A" & "B" SITE DATA:**

TOTAL SITE AREA: 31.12 GROSS ACRES (1,355,587.2 GROSS SQ.FT.)  
 PROPOSED ZONING: MFRD - MULTI-FAMILY RESIDENTIAL CONDITIONAL ZONING DISTRICT  
 ALLOWED DENSITY UNDER MFRD ZONING: (10) UNITS PER GROSS ACRE / (310) TOTAL UNITS ALLOWED  
 PROPOSED TOTAL AREA "A" & "B" DENSITY: (6.8) UNITS PER GROSS ACRE / (212) TOTAL UNITS PROPOSED  
 MIN. DWELLING UNIT SIZE: = 500 SQ.FT. MIN. PER DWELLING UNIT

**PROPOSED AREA "A" CONDITIONAL ZONED SITE DATA:**

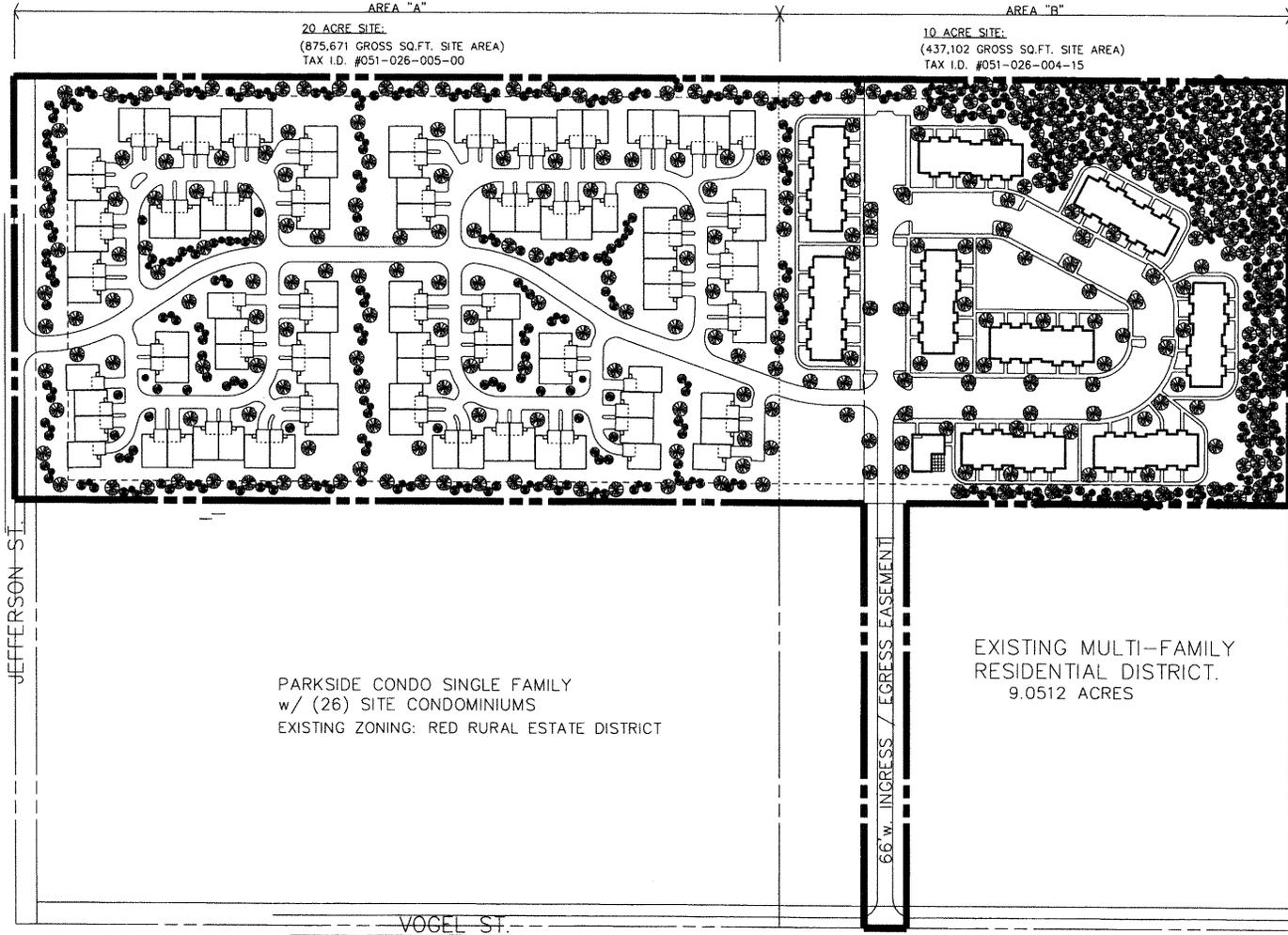
AREA "A" SITE AREA: 18.09 GROSS ACRES (788,000.4 GROSS SQ.FT.)  
 PROPOSED - TOTAL AREA "A" DENSITY: (6) UNITS PER GROSS ACRE / (108) TOTAL UNITS PROPOSED  
 - NO MORE THAN (8) DWELLING UNITS PER BUILDING MAX.

**PROPOSED AREA "B" CONDITIONAL ZONED SITE DATA:**

AREA "B" SITE AREA: 13.03 GROSS ACRES (567,586.8 GROSS SQ.FT.)  
 PROPOSED - TOTAL AREA "B" DENSITY: (8) UNITS PER GROSS ACRE / (104) TOTAL UNITS PROPOSED  
 - NO MORE THAN (16) DWELLING UNITS PER BUILDING MAX.

Issued For  
 REVIEW  
 03.13.17

EXISTING ZONING: TRD TRADITIONAL RESIDENTIAL DISTRICT



**CONDITIONAL REZONING CONCEPT PLAN**

SCALE: 1" = 80'-0"



Project:

Proposed Residential  
 Development

BOYNE CITY, MICHIGAN

Sheet Title:

CONCEPT  
 PLAN

Project Number: 17-009

Drawn: CJ

Checked: PN/PA

Date: 10.04.16

Sheet Number:

**SK1**

**To:** Scott McPherson, Planning&Zoning  
**From:** Mark Fowler, W/WW Superintendent  
**Date:** 3/8/17  
**Subject:** Jefferson St. Development Capacity memo

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The water and wastewater systems can handle the capacity of the proposed Jefferson St. Development. There is a 6 inch water and a 6 inch sewer line on Jefferson St.

The proposed development of 212 units would use approximately 63,600 gpd of water with an equal amount entering the wastewater system. That number is based on estimating 3 people per household and the industry standard of 100 gpd of water and wastewater per person.

## Scott McPherson

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**From:** Mark Fowler  
**Sent:** Wednesday, March 08, 2017 1:36 PM  
**To:** Scott McPherson  
**Subject:** RE: Capacity memo

Scott

The water system is at about 25% of its capacity Ted's project would only add about 1.5% to the water capacity. The WWTP plant is at about 55% capacity and Ted's project would add about 6% to the WWTP capacity. The water pipe material is PVC. Not sure about the sewer line I will see what I can find out. The sewer and water in Maddy lane were ran in 2001. I think they went up Jefferson at that time to connect it in.

Mark



# BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax: (231) 582-3670

To: Scott McPherson, Planning Director  
From: Jeff Gaither, Police Chief *Jeff*  
Date: March 14, 2017  
RE: Potential Increased Activity for Police Department

I have looked at the complaint volume for the Police Department during the period of 20012 through 2016. Further, I looked specifically at the complaint volume for several multi-family housing areas in the city.

First, I would like to identify the terminology. In our budget information, we report the number of "Complaints" that we handle. We use the term Complaint, to describe any interaction that has been requested by the public. It may be to report a crime, request information, assist other agencies as well as other calls such as barking dog complaints, parking violations, vehicle unlocks and other services. We record the number of these interactions with the public. This is so we can accurately track our activity levels, and staffing and scheduling needs.

The following is a breakdown by area of the complaints that we handled in the last several years.

## Number of complaints at Multi Unit Dwellings by Year

	2016	2015	2014	2013	2012
Parkview Apartments	127	143	112	261	188
Lakeview Apartments	11	10	17	46	26
Litzenberger Place	27	29	34	30	23
Deer Meadows	23	32	27	38	33
Lakeview Village Mobile Home Park	70	69	71	72	63
Spring Harbor Apartments	61	36	53	83	51
Wenonah St	35	17	21	35	19
E Main St (2 BC Housing units)	3	7	12	6	0
The Harborage	11	17	13	24	7
Landings	8	4	8	2	2
Water Street Inn	4	9	6	4	6
Total Complaints for these units	380	373	374	601	418
Total Complaints for Year(all of Boyne City)	4461	4160	4140	4367	4191

*Jeff Gaither, Chief of Police*

As you can see by the chart, the Police Department handled 4461 complaints in the year 2016. The chart outlines several multi-family housing areas and the number of complaints handled for each one. The total number of complaints handled for the listed properties is 380. This number represents 8% of the total complaints handled for the entire city.

Another way to look at this is, the proposed development will have approximately 211 units. If we just use the 2 properties where we have handled the most complaints, that would total just under 200 complaints for 2016. The total number of units on those two properties is about 248, which is a little more than the new proposed development.

The total number of complaints in 2016 was 4461 and with the population of Boyne City at 3735, that's 1.2 complaints for every person in the City. Using this figure, if the population were to increase by 527 (211 units with 2.5 persons per unit), it would be logical to think our complaints would go up in a similar fashion. That would be about 633 additional complaints. But as shown above, the multi-family developments tend to not generate as many complaints as other areas of the city. This is due in part to many complaints being produced in non-residential areas such as business districts, parks, roads and schools. Predicting complaint numbers is obviously not an exact science, this is just being used for an example.

In 2016, the Police Department handled 301 more complaints than in 2015. The complaint numbers fluctuate somewhat from year to year and you will notice that in 2013, the numbers were higher than the previous and following year. These reasonable increases and decreases have not affected the operations of the Police Department. Again, these are certainly not all crimes. In fact, most are just routine calls for service.

We do not have a backlog of uninvestigated complaints and very infrequently do we stack calls (Have people wait for service while we are on other calls). We have time to assist the public on non-enforcement services like vehicle unlocks, private property vehicle crashes, EMS assists, school visits and other calls that serve our community.

Any additional multi-family developments that would increase the population in the city would certainly increase the volume of calls that the Police Department would be called on to handle. At this time, I believe the potential increase based on the examples stated above would be well within the Police Department's ability to properly handle. Of course at some point, if the crime numbers for the City sharply increase or there is a much larger influx of population or businesses that create a demand for significantly more services, there exists the possibility that staffing levels would have to increase.

March 16, 2017

Scott McPherson  
Planning Commission  
Boyne City

John M Lamont, Director  
Boyne City EMS

RE: Response capabilities in lieu of proposed new development

Currently the Boyne City EMS system licenses 2 Advanced Life Support (ALS) transport vehicles, 2 Basic Life Support (BLS) vehicles, and a rapid response non-transporting ALS vehicle (ECHO). 24/7 two of these vehicles have a scheduled dedicated staff with the other 2 if needed are covered by our community licensed staff. Because of our volunteer nature the vehicles are not always staffed at the station, we then provide immediate response utilizing the ECHO vehicle which is staffed by a paramedic.

Our system responds on an average to 960 requests for assistance annually, transporting approximately 720 of these requests for aid. For the City of Boyne City the requests are approximately 455 annually or approximately 12% of the population accesses the service annually.

The proposed development is slated for 220 to 240 units, anticipating 2.5 residents per unit that would equate to approximately 600 new residents (at maximum capacity). Anticipating the same utilization of service (12%) would approximately add 72 responses annually and or 6 responses per month. The systems total responses would increase to 2.89 requests per day from 2.63, it would not equate to a whole run in a 24 hour shift

Another way to clarify is to consider time on call, average length of call is less than 2 hours. Even if all requests were for transports, the system would increase vehicle utilization from 5.26hrs per 24 hours to 6.18hrs per 24 hours of coverage. This is also not for a single vehicle, as stated at the top of the letter, 24/7 there are 2 ALS trucks staffed with a dedicated crew.

Being an unpredictable service for utilization Boyne City EMS maintains mutual aid agreements with all surrounding ALS systems.

Thank You for taking the time to inquire, I hope this answers your concerns, if I can be of any further assistance please call

# MEMORANDUM

**TO: SCOTT MCPHERSON; PLANNING DIRECTOR**

**FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT**

**DATE: 3/17/2017**

**RE: MACKSEY DEVELOPMENT PLAN**

Per our conversation during my review of the above mentioned development plan; I would recommend the following items be considered as required for site storm water:

- Retain as much storm water on site and allow it to percolate in to the ground.
- Pipe any storm water overflow to nearest City Storm Water system.
- Connections to the City Storm Water system shall be reviewed by the Boyne City Public Works Department before construction.

If you have any questions or concerns please contact me at your earliest convenience.

**Meeting of  
September 19, 2016**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday September 19, 2016 at 5:00 pm.

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**Call to Order**

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

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**Roll Call**

Present: Ken Allen, George Ellwanger, Jane MacKenzie, Tom Neidhamer and Joe St. Dennis  
Absent: Jason Biskner, Chris Frasz, Jim Kozlowski and Aaron Place

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**Excused Absence(s)  
\*\*MOTION**

**2016-09-19-02**

**Neidhamer moved, Ellwanger seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence(s) of Jason Biskner, Jim Kozlowski and Aaron Place.

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**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver  
Public Present: Thirty two

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**Consent Agenda  
\*\*MOTION**

**2016-09-19-03**

**Allen moved, Ellwanger seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda; approval of the Planning Commission minutes from August 15, 2016 as presented.

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**Citizen comments on  
Non-Agenda Items**

Chamber Director Jim Baumann wanted to introduce 5 Leadership Charlevoix members that were in attendance as a requirement of attending a Governmental meeting. Kathleen Adkison, Savannah Cool, Ashley Cousens, Mark Druesne and Erica Tosch.

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

None

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**New Business**

**600 Jefferson Street Ted  
Macksey Rezoning Request  
Application Public Hearing**

Planning Director McPherson reviewed the staff report that was included in the agenda packet. Ted Macksey submitted an application to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). Public sewer and water are located adjacent to the subject property on Jefferson Street. The property is currently vacant, with the majority covered in mature trees with an elevation change of approximately 40 feet front to back of the property with significant slopes. The topic of housing has been discussed over the past months and was identified and adopted as a goal of the City Commission. This piece of property presents a unique situation for the city and developer. There is not another large tract of land available for development for working family and work force housing. The applicant previously discussed potential future uses of the property with this board and indicated his intention to provide a mix of multi-family dwellings. This board needs to consider all of the potential uses that could occur in the proposed zoning district other than housing, if the request is granted. Using amendment criteria under section 2.5(c) the board can make a recommendation to the City Commission, who will schedule a first reading public hearing, and then schedule a 2<sup>nd</sup> reading public hearing to hear the proposal and make a determination.

**Ted Macksey – applicant:** Spoke about his qualifications and past projects. He sees a need for alternative affordable housing for the working family/work force, and feels that this project will fill that need.

Public hearing opened at 5:10 pm

**Mark Fruge’ – 560 Maddy Lane:** Expressed his concerns that the board has no idea what type of project will be going in there, so how can you make the decision to rezone the property? Has anything been proposed for single family townhouses or apartments? Concerned about declining property values in the area if the project were built with increased traffic, noise, lights, etc.

**Cathy Birmingham – 611 Maddy Lane:** Shares concerns expressed already. There has been some logging activity taking place already without any markings. How do the loggers know where to stop? Trees have been falling quite close to the property lines. She has concerns about increased traffic, lights and multi-story structures.

**John Birmingham – 611 Maddy Lane:** Cited a letter that was received by the board from Dave Swanson, he shares his options. Unnerving to consider that this development could produce 300 units; can the city infrastructure handle the increase? Rumors are running rampant because no one has been forthcoming with what is being proposed. I believe that starter homes are necessary, maybe scale back the project.

**Jim Walker – 720 Jefferson St:** As currently zoned RED, you could have a development with 120 units on 30 acres, with multi-family zoning could have up to 300 units, which will impact the requirements for services. You could have up to 400 + cars all trying to get to work or school at the same time, so congestion will increase. Have you contemplated very dense zoning? Smaller starter homes and apartment housing units have very different requirements.

**Macksey –** Currently there is a 12,000 sq ft lot requirement, which will give you up to 3 lots per acre for a min of 70 and a max of 90 units. Due to infrastructure, roads, topography and a buffer zone; these will dictate exactly what can be built.

**Vi Riley – 625 Jefferson St:** My concerns are with the increase in traffic and what is going to happen with the wetlands and the water in the area. How will they control water run off once you begin to build. I have runoff onto my property now.

**Jeff Porter – 620 Jefferson St:** My concern is for the property values in the area along with the increased traffic. They don’t do the posted speed limit of 25 mph now.

**Julie Moskal – 523 Vogel St:** In agreement with what has been said, we looked for a quiet area when we bought our house. Increased traffic could be detrimental; our long term financial investment could be negatively impacted. We felt the struggle of trying to find affordable housing when we moved here, but this development will not be a good one for the city.

**Mark Druesne – 927 Wilson St:** Is the rezoning of these parcels being done to the betterment of the community as a whole and were other areas looked at for a more appropriate location for such a development, or is it being done strictly at this request?

**McPherson -** Application submitted by Mr. Macksey, that is why we are looking at this particular property.

**Druesne –** As a Planning Commission, do you look at other areas of the city in its entirety for such a development?

**MacKenzie -** The board does look at the Master Plan overall, it is being proposed for this area, so that is where we are looking only.

**Ruth Ann Porter – 620 Jefferson St:** Is there a vote among the area of people who live there, or only made by you and the commission.

**MacKenzie** – We make a recommendation to the City Commission and they will hold a couple of meetings/public hearings to allow comments, and the ultimate decision will be made by them. They will have a first reading to review and a second reading can happen no less than 30 days after with the final decision then.

**Porter** – There is not a community vote? **MacKenzie** – No.

**Frank Minier – 514 W. Michigan Av:** Water issue in our neighborhood, flooding occurs in my area, if you put in any asphalt parking on the project, you will directly impact where the water will go. Will you do any studies on the impact of increased traffic, density studies, water and sewer impact, storm water runoff and flooding?

**McPherson** – As a part of this review process, the only study that is required is a traffic impact study; however, the Planning Commission has the ability to request other impact studies. Those requests can be made as the process moves forward with the site plan review as appropriate studies can be requested at that time.

**Minier** – The developer has a long period of time to decide what type of development to put in if the rezoning request is granted, then it goes to the City Commission for review, is there any time for public comments?

**McPherson** – I would suggest anyone who is interested in this project attend every meeting. The City Commission will only review the rezoning request and if the request is granted, the developer will bring back his site plan to the Planning Commission for approval.

Public Hearing closed at 5:35 pm  
Board Discussion/deliberation

**Allen** – When was the zoning in this area implemented?

**McPherson** – Adopted as part of the zoning in 2001; Master Plan was last updated in 2015.

**Allen** – Any other proposals for the use of this property

**McPherson** – One other person requested a variance on the amount of the driveway to be paved, as he was going to build a single family home, ultimately that fell through and the property came back on the market.

**Neidhamer** – That land has been vacant for a long time; in the last 15 years zoned as Rural Estate has it ever been bought?

**McPherson** – Ten acres were split off of one of the parcels for the development of the Brook which was conditionally rezoned; which is the only possible use as a part of that rezoning.

**Macksey** – There is a 66 foot easement that runs along the west side of the Brook property down to Vogel Street, so can be used as a second entry onto the property.

Chair MacKenzie read a letter from David Swanson and Haggard Plumbing & Heating that were submitted to the Planning Director as a part of the public hearing.

At this point, the board went through Section 2.50 (C) Amendment Criteria and discussed each of the points **Section 2.50 Amendment Criteria.**

C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:

1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district. *The board felt that there was no other area left within the city for a possible development of this size to provide working family/work force housing.*

2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property. *Board members agreed with this statement, as it is not economically feasible to build 75-125 housing units that are affordable.*
3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered. *The adopted city goals and other meetings have shown that there is a shortage of affordable housing from both the employee and employer recent statements.*
4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community. *At the time of the site plan review, all of these impacts will be addressed with the Planning Commission, and various impact studies can be requested.*
5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features. *At the time of the site plan review, these issues will be looked into.*
6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, population density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning. *Because these 30 acre properties have been vacant, no matter what type of development gets built there will be an impact on the area.*
7. The rezoning would constitute and create an isolated and unplanned spot zone granting a special privilege to one landowner not available to others. *Portions of this property will be adjacent to other multi-family zoned areas.*
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations. *Due to the total size of the parcels, dimensional requirements and zoning requirements will be able to be met.*
9. There has been a change of conditions in the area supporting the proposed rezoning. *Yes, city goals and economic goals have changed through the years.*
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *There are no other undeveloped multi-family properties within the city limits.*
11. There was a mistake in the original zoning classification. *No/NA*
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided. *No*

**Neidhamer** – As the board has gone through the amendment criteria, and it meets

some of the requirements, we must move forward. I would encourage everyone to stay involved through the process and attend meetings to voice your opinions. Planning Director McPherson again laid out the proposed time frame for the hearings and then submission of the site plan. The developer will be responsible to bear the costs of the requested impact studies, starting with the required traffic impact study.

The board will wait to see exactly what type of site plan will be submitted and development will take place, and acknowledged the concerns of the surrounding property owner's that were expressed at the meeting tonight, and again encouraged interested individuals to stay involved in the entire process.

After board discussion, **motion by Ellwanger, seconded by Neidhamer** to recommend to the City Commission the change in zoning from Rural Estate District (RED) to Multi-family Residential District (MFRD) for parcels 15-051-026-005-00 and 15-051-026-004-15 as requested by developer Ted Macksey.

**2016-9-19-7A**

**Roll Call:**

Aye: Allen, Ellwanger, MacKenzie, Neidhamer and St. Dennis

Nay: None

Absent: Biskner, Frasz, Kozlowski and Place

**Motion Carries**

**Boyne District Library  
Development Plan  
Amendment for Building  
Addition**

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Planning Director McPherson reviewed his staff report that was included in the agenda packet. An application for an amendment has been submitted as the library is proposing a 2400 sq. foot 2 story addition that will match the existing building. The proposed addition will supply additional space for computer labs, staff offices, re-locate some existing storage and community resource makers' space. No set backs are required within the (CBD) Central Business District. The library must coordinate with the street department as a part of the new impervious surfaces will be within city property.

**Cliff Cary – District Library Director:** We were given a gift to enhance the library. The addition will match what we currently have, and allow us to relocate some offices, storage and create smaller conference rooms. It will give us the ability to move the computer lab away from the quiet areas. The east side will have an ingress/egress exit only and no windows. The main entrance will remain, there will be a larger "garage" door type window structure in order to bring in larger items for the new community makers space. As the mechanical system is getting older and louder, we are looking at relocating that a bit to the south, and replacing with a much quieter more efficient unit.

**McPherson** – I did have the department heads review the plan, and the Fire Chief saw no issues. The new structure will have a sprinkler system. As a condition of being within the Central Business District, the Main Street Design committee will need to take a look at the plans still, as they have not had an opportunity to do so. There is a public parking lot adjacent to the library, however, is not dedicated specifically to the library; there is also on street parking on two sides of the building; so parking does not seem to be an issue with the new addition. Coordination with the DPW Superintendent needs to be made to determine the extent of the improvements within the public property for modifications.

Public Comment

Public member had the following questions: When would the project start? Spring

City Commission

11/15/2016

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

### Ted Macksey Rezoning Request First Reading

Consideration of a first reading for a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District and authorize staff to schedule the second reading for January 10, 2017 at 7:00 p.m.

Planning Director Scott McPherson discussed the application from Ted Macksey to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). The parcels are located at 600 Jefferson Street. Parcel 026-005-00 is approximately 20 acres with 660' of frontage on Jefferson Street and measures 1,300 feet deep. Parcel 026-004-15 which is adjacent to the east of 026-005-00 is approximately 10 acres and measure 660ft x 660ft. The properties to the north are in Evangeline Township and are zoned Rural Residential and being used for single family dwellings. The property to the East is in the City of Boyne City and zoned RED and being used for a church. To the South there are properties zoned RED and conditionally zoned MFRD. The properties in the Parkside subdivision are zoned RED and being used for single family dwellings and the Brook is conditionally zoned MFRD and is being used for group senior and assisted living. The properties to the West are zoned Traditional Residential District (TRD) and are being used for single family dwellings, (vicinity zoning map attached). Public sewer and water are located adjacent to the subject property on Jefferson Street. The subject parcel is currently vacant, with majority of the parcel covered with mature forest. On the eastern quarter of the property there is a significant slope and an elevation change of over 40 feet.

Given the size and location of the subject parcels the rezoning requests presents a unique opportunity to the City. The 30 acre tract is one of the few undeveloped large pieces of land left if the City limits and its proximity to city water and sewer make it more cost effective for development. The master plan future land use map designates the property as Residential Open Space, however the plan does also provide for the consideration of parcels not specifically designated as multifamily on a case by case basis. The plan states the following in regards to reviewing these areas: *"The Multiple Family category includes the area owned by the Boyne City Housing Commission at Park Street and Division Street which provides a range of housing types and a senior center with associated senior services. Additional specific locations for future multiple family uses are not designated on the Future Land Use map, but will be considered on a case by case basis, so that the Planning Commission can have the flexibility to review the appropriateness of specific areas when the need arises."* The master plan is intended to serve as a guide that should be used to help determine land uses and development policies that affect the community's physical development. It defines general planning goals, policies and action plans that provide a philosophical base for use by the Planning Commission as it guides future growth and land use in Boyne City. Because it is a guide, the master plan is not intended to be rigidly administered. Changing conditions in the community may affect the goals and philosophy established when the plan was originally developed. Housing has been a topic of much discussion over the past months and has been identified and adopted as a goal of the City Commission and providing

housing opportunities for all is listed as a goal in the 2015 Boyne City Master Plan.

The recommendation is to direct staff to schedule a second reading for the next available City Commission agenda after December 27<sup>th</sup>, 2016. Historically the City Commission has not held a meeting during the fourth week of December due to its proximity to the holidays. Given the public interest in this application and to provide the maximum opportunity for public input it is recommended that the City Commission direct staff to schedule the second reading for January 10<sup>th</sup>, 2017 at 7pm which is the next available agenda after December 27, 2016.

Developer Ted Macksey provided his background and experience. He stated there is a need for affordable housing options in Boyne City. The current zoning is not economically feasible to develop the site. The building cost of large traditional size lots creating a large affordability gap in the market. He added that Boyne City's housing market is lagging behind other sectors of the real estate market and the increased density will allow for more affordable diverse housing options which will help meet the market demands of local families, empty nesters, seniors, single personal households and seasonal owners.

Staff Comments: None

Citizens Comments: Jeff Porter inquired what the development will do for property values in the surrounding neighborhood and was informed by Mr. Macksey that he thinks they will increase.

Ruth Ann Porter asked what exactly is the plan? If it is apartment buildings, their values will not go up in any way. There would be a less aggressive group here if they knew what will happen.

Jim Walker said there is now going to be a potential of 30 apartment buildings. His fear is that there is no oversight. Spread some of these apartment buildings somewhere else.

Rich Bergmann, BC Tap Room owner said is appreciative of the reception of the community for his business. Boyne City recently held a housing summit. There were many young people there interested in housing in this area. Many of his staff have a competitive wage but have to move because Boyne City does not have available housing. This is a critical situation across the entire region and he agrees with the right kind of development, but we have to look at the opportunity carefully. Look forward in a balanced way.

Joe Stanley said he agrees. There is a massive difference between a transient apartment or single family homes that would have pride of ownership. That doesn't happen with an apartment.

Frank Minier said he doesn't believe they came out of the Planning Commission with direction and asked the City Commission to please look at the guidelines.

Ashley Cousens said it is important to look at the housing issues. It's important to look at the property that has the features and a developer that is

willing to take a look at it. There is a stigma that needs to be addressed about apartment buildings and we need to look at the workforce needs.

Cathy Kessler said she understands the need for housing in this area and thinks we have to look at this, but it isn't the fair thing to do to people that purchased the property with the zoning as it is.

Mr. Macksey said the details would be putting the cart before the horse. To do an extensive study and then commit, is high risk business. It's not feasible and constrains him. He needs to get the zoning first and develop a plan and it gives the developer flexibility. Certain housing needs to be served in this area,

City Manager Cain stated that the issue tonight is the rezoning. The vision for the property is a fair question but has no legal basis.

Barb Brooks asked why Mr. Macksey couldn't consider conditional rezoning.

Board Discussion: Mayor Pro-Tem Towne said the issues is the rezoning. The property has a lot of opportunities for affordable housing and he doesn't know how many more we may have. Commissioner Sansom asked if it would be possible to rezone one of the parcels. Commissioner Conklin said he has tried to learn about the housing. He supports moving this forward to a second reading. Everyone is afraid of the unknown, but he thinks there needs to be a community discussion. Commissioner Grunch said its only fair to allow this to go to a second reading and likes the conditional rezoning idea. It needs to be looked at again and he would like to give everything a fair chance. Mayor Neidhamer said he wants to make this a win-win-win situation. A quality development, successful developer and allowing neighbors to have input in the process.

## **MOTION**

2016-11-128  
 Moved by Conklin  
 Second by Grunch

To approve the first reading for a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District direct staff to schedule the second reading for January 10, 2017 at 7:00 p.m.

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

**Good of the Order**

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None

## **CLOSED SESSION MOTION**

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2016-11-129  
 Moved by Neidhamer  
 Second by Towne

To approve the request of the City Manager to go into closed session to (1) consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976); and (2) consider a periodic

sidewalks. These are just some of the examples of how our staff makes a real and positive difference in other people's lives every single day of the year.

- The Boyne City Main Street program hired Kelsey Duff-King as their Executive Director. She starts Monday, January 30, 2017.
- The Joint Board & Commission meeting will be held on January 17<sup>th</sup> at 6:00 p.m. at City Hall.
- On January 18, the clock and bell towers for the new City Facilities project are scheduled to arrive and be set in place by a crane.
- The Chamber of Commerce will be holding their annual awards dinner on Thursday, January 19<sup>th</sup> at Boyne Mountain.
- MML has opened registration for their Capital Conference in Lansing. We usually go on the 2<sup>nd</sup> day of the event which is March 22<sup>nd</sup>. Please let us know if you are interested in attending.
- \$7,000 in grant funds from DTE for tree planting have been received.
- Barb Brooks has submitted two grants to the Grand Traverse Band of Ottawa Indians. One for EMS patient monitor telecommunication devices and the second for \$15,000 to assist with remodeling costs of the River Mouth restrooms.
- The first Michigan Mountain Biking Festival will be held at Boyne Mountain and here in Boyne City. This is expected to bring several hundred visitors to our areas to learn about the sport and what we have to offer in our region.
- By the end of this week, a proposal will have been submitted, in conjunction with Boyne Mountain to bring the annual City Manager's group back here in either 2018 or 2019, bringing another great opportunity to showcase the Boyne region to others from across the state and beyond.

## REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

### Ted Macksey Rezoning Request Second Reading

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Draft Minutes of the December 01, 2016 Parks & Recreation Board meeting; the December 19, 2016 Planning Commission meeting; of the December 19, 2016 Historical Commission meeting and the December 29, 2016 Main Street Board meeting minutes were received and filed.

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Consideration of a second reading and approval to refer back to the Planning Commission a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District to allow the applicant to provide a conditional rezoning application for their consideration and recommendation.

Planning Director Scott McPherson discussed the rezoning application that was submitted by Ted Macksey to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). The parcels are located at 600 Jefferson Street and total approximately 30 acres. The 30 acre tract is one of the few undeveloped large pieces of land left if the City limits and its proximity to City water and sewer make it more cost effective for development. The master plan future land use map designates the property as Residential Open Space, however, the plan does not provide for the consideration of parcels not specifically designated as multi-family on a case by case basis.

The Planning Commission conducted a Public Hearing and recommended approval that the proposed zoning amendment be submitted to the City Commission for a first reading on November 15, 2016. The proposed ordinances were reviewed and the Commission scheduled a second reading.

*City Commission  
January 10, 2017*

Given the variety of uses that could be permitted under the MFRD, many of which are not being considered by the developer, a conditional rezoning application appears to be a more appropriate application in this case. The applicant has consulted with staff and has indicated a more focused application would be a better option. Based on this understanding, it is being recommended that the application be referred back to the Planning Commission to allow the applicant to provide a conditional rezoning application for their consideration and recommendation.

Developer Ted Macksey said he has met with Scott to further define the multi-family residential zoning and is asking the City Commission if they agree to refer this back to the Planning Commission for a conditional rezoning request.

Staff Comments: None

Citizens Comments: Jim Leismer inquired about the type of residents coming forward to rent the properties. Are they going to be asked to have a lease and security deposit so you don't have transit people that just come for the summer?

Jerry Leismer said Boyne City is the best community in the Country. People make good decisions. 30 acres is a huge chunk of land and he is concerned there is no plan. He is concerned with changing the zoning on a broad scale. He added that his preference is to see housing integrated throughout the community and that Boyne City be a community for all the citizen.

Don Lockman said he and his brother own twenty acres that look down on that parcel. The value of property for the people who live here seems less than important. Boyne City residents should not have to lose their way of life. There will be more traffic. Has the developer obtained a wetlands permit? Vegetation has already been moved.

Charley Johnson asked if this is his problem or someone else's problem. Boyne City needs housing for those who help this City run. Define what an affordable house is. The people that would need the housing are the workforce. It's not up to the elected people or the people of Boyne City to change the rules to ensure the profit for the developer. Whose problem is this?

Kevin Lockman said his property line is on the Boyne City limits border. He is in strong opposition of the rezoning request. The developer wouldn't make as much money if the property isn't rezoned. Why should the neighbors in that area be negatively impacted? He added that he hasn't seen any impact statements yet. Boyne City has adopted the Home Town Feel, Small Town Appeal motto and we could lose that. If you lived on that corner, you wouldn't want that in your back yard. He sees more negative than positives.

Penny Hardy said it's a quiet, residential neighborhood. She thinks rezoning this would be reckless. 200 units is way out of line and 300 units is worse. Consider very little change to the zoning. When the developer goes to the Planning Commission, he needs to be very specific with a plan and costs. She would set the limit at 150 units. Once you change it for one, anyone else will want their density changed, also. What we value are quiet neighborhoods, enjoying wildlife and not a lot of lights.

Alicia Williams said it seems to her the rezoning wouldn't do as much for the town as it seems. People like the rural feel and it seems the rezoning wants to fit more like Petoskey.

Rod Cortright said if the City is going to even consider this, he encourages the City Commission to look at conditional rezoning.

Aaron Theodore said he owns a lot in the Parkside association. If this is approved as is, his plans to develop his lot are hampered and changed. He knew that property was for sale, but also knew what the zoning was. If it's approved without details, his project would not be developed.

Barb Brooks said she appreciates the residents in this area. Mr. Macksey has said that he is interested in pursuing conditional rezoning and when we think of what workforce housing is, there is a market and this would serve that also.

Fawna Theodore said her concerns with the large amounts of housing are that there is already no parking in the summer. Bringing in this many more families would overcrowd the schools. She has already moved her kids to Concorde because there are already too many students in each class. This affects children in schools. It's a good thing that Boyne City brings in so many families. Does this fix a problem or create a problem? Do we need this on both sides of the City? How much is too much?

Leslie Neilsen said she has served on the Chamber Boards. She always says that we need affordable housing. The housing rentals are weekly rentals. Apartments are not the answer. Why aren't children being taught how to get into a house? Our young people need \$80,000 to \$100,000 houses. As far as our schools, we will add classrooms. The last thing we need are rental units.

Becky Harris said that we have the extra school already. Where are the jobs going to come from?

Jim Howard said he is not against reasonable development in Boyne City, but asking to take 120 units to 300 units is not responsible growth. It will turn a beautiful town into "what the heck is that". He accepts reasonable growth and added that he wants kids to go to college, come back and do great things.

Ashley Cousens said employers have listed housing as a barrier for employees.

Kyle Noble said he has a personal concern for those walking on that street. He also wants to make sure that his property values are ok.

Justin Weisler stated he understands that we do need housing. There is a need for 75 units based on the Northern Lakes Economic Alliance study. He doesn't think there's enough information before any rezoning happens. What do you consider affordable? We need to be clear what the direction is. Be clear on all aspects. Communication is really big.

Nelson Olstrom said the traffic alone would negatively impact him. There are already a lot of vacant lots in town.

Denny Jason said he is concerned about the traffic and is hoping the community looks at the overall development of the City. It's what is best for the community.

Ted Macksey said he did his own traffic study and so did the City. In terms of 300 sites, that concern was looked at. In order to develop that property to get 200 sites, you would have to build 500 square foot houses. Realistically they are talking about defining the density to be around 200 to 210 units. He understands the concerns. Our tax base is stagnant in the community. The community is growing but the housing base is falling apart. We are in a critical situation of quality, affordable housing.

Board Discussion: Commissioner Grunch said he supports the recommendation to refer this back to the Planning Commission to apply for conditional rezoning for clarity and further development. Is the best application for this case. Mayor Pro-Tem Towne thanked everyone for being here and understands the concerns. He is good with Scott McPherson's recommendation. Commissioner Sansom also thanked everyone for attending. There is some need for development, done properly. She is also in favor of conditional rezoning as well as understands the need for housing. Commissioner Conklin said we all have the same kind of interest. We need housing. It's our top goal. He did research on this developer and their project in Flint was a huge success and people are very complimentary about it. He paid all of his bills on the project. We as a community need to come together. We have a problem. Ted is your neighbor. Commissioner Conklin added that he really hopes we can reframe this and come up with a better project that works. We all need to work together. Mayor Neidhamer is in favor of moving forward in some way of rezoning this project. It's a City goal. By going thru a conditional rezoning, we can have the same goal of creating a quality neighborhood. Our goal is not to make Ted rich, but our community better. We can talk about buffers. We can make this goal by working together. We know what data makes for a good neighborhood.

## MOTION

2017-01-002  
 Moved by Grunch  
 Second by Towne

To approve to refer back to the Planning Commission a rezoning request from Ted Macksey for rezoning parcels located on Jefferson Street from Rural Estate District to Multiple Family Residential District to allow the applicant to provide a conditional rezoning application for their consideration and recommendation

Ayes: 5  
 Nays: 0  
 Absent: 0  
 Motion carried

## Alley Vacation

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Consideration to proceed with the Public Way Vacation request from Darrel and Marcella Hill to vacate the alley between two parcels at 419 E Lincoln Street

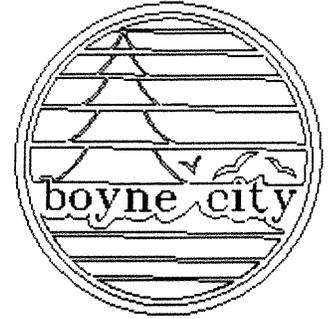
Planning Director Scott McPherson discussed the application of a public ways that was submitted by Darrel and Marcella Hill of 419 E Lincoln Street. They are requesting the alley located between their two parcels be vacated

# CITY OF BOYNE CITY

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

MAR 07 2017

BY: \_\_\_\_\_



## BOARD MEMBER APPLICATION

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

Name: Jerry Douglas

Address: 130 Cherry St. B.C.

Telephone: 330-6723 (daytime) \_\_\_\_\_ (evening) +

Email: bcjerry@yahoo.com

Occupation: Artist

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

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

Reason(s) you wish to serve:

I have experience serving on both of these boards and I'd be happy to fill the two vacancies.

Other community or civic service activities:

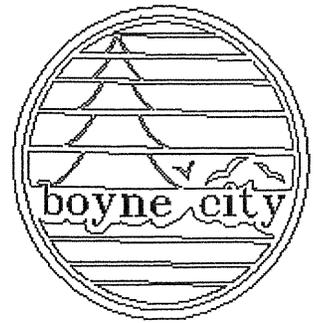
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Jerry Douglas

Date 3/7/17

# CITY OF BOYNE CITY

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



## BOARD MEMBER APPLICATION

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Name: MICHAEL F. LEMAY

Address: 1030 LAKE VIEW DR. BOYNE CITY

Telephone: 989-205 4315 (daytime) \_\_\_\_\_ (evening)

Email: LEMAY IMF @ CMICH. EDU

Occupation: FACILITIES MANAGER. @ CENTRAL MICHIGAN UNIVERSITY

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

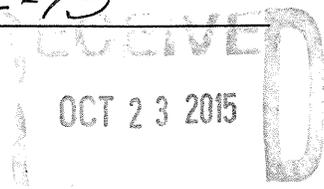
- |   |  |
|---|--|
| <input type="checkbox"/> Airport Advisory Board         | <input checked="" type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Historical Commission          | <input checked="" type="checkbox"/> Main Street / DDA Program        |
| <input checked=""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

Reason(s) you wish to serve:  
WANT TO GET MORE ACTIVELY INVOLVED  
IN THE BOYNE CITY COMMUNITY AND  
ITS DEVELOPMENT.

Other community or civic service activities:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Michael F. Lemay

Date: 10-22-15



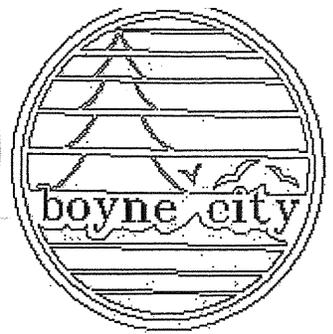
# CITY OF BOYNE CITY

319 North Lake Street

Boyne City, MI 49712

(231) 582-6597

RECEIVED  
DEC 04 2015



## BOARD MEMBER APPLICATION

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Name: Lynn G. Murray

Address: 632 JERSEY STREET Boyne City

Telephone: 582-4144 (daytime) 231-330-5215 <sup>cell</sup> (evening)

Email: lgmurray2008@aol.com

Occupation: CUSTODIAN

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

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

Reason(s) you wish to serve:

PLANNING AND ZONING STUDIES AND CREDITS TOWARD  
MASTER PLANNER CERTIFICATION.

Other community or civic service activities:

MEMBER ZBA SINCE Oct. 2009.

Signature L G Murray

Date 3 DEC 2015