City of Boyne City
Founded 1856

319 N. Lake Street | Boyne City, Michigan 49712 | Phone 231-582-6597
www.cityofboynecity.com | Fax 231-582-6506

AGENDA
BOYNE CITY PLANNING COMMISSION
Monday May 15, 2017, 5:00 p.m.
Boyne City Hall

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

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

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

Approval of minutes from the March 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. Recommendation for vacancy appointment to Planning Commission

7. New Business

   A. Election of Officers
   B. Development Plan Amendment Request for Boyne City Preschool
   C. Review-Update Planning Commission Bylaws
   D. Recommendation for Planning Commission reappointments for Jason Biskner and James Kozlowski.

8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting June 19, 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

Approved: _____

Meeting of March 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 March 20, 2017 at 5:00 pm.
Call to Order	Vice Chair Frasz called the meeting to order at 5:00 p.m.
Roll Call	Present: Ken Allen, Jason Biskner, George Ellwanger, Chris Frasz, James Kozlowski, Tom Neidhamer, Aaron Place and Joe St. Dennis Absent: None Vacancy: One
Meeting Attendance	City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Manager Michael Cain, Executive Assistant/Harbor Master Barb Brooks and Recording Secretary Pat Haver Public Present: 98
Consent Agenda **Motion	**2017-03-20-03** **Ellwanger moved, Neidhamer seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda; approval of the Planning Commission minutes from January 16, 2017 and February 20, 2017 as presented.
Citizen comments on Non-Agenda Items	The people in attendance felt that the use of a microphone in any large meeting was appropriate.
Reports of Officers, Boards and Standing Committees	None
Unfinished Business **600 Jefferson Rezoning Request – referral back from City Commission**	Planning Director McPherson reviewed his staff report that was included in the agenda packet. Back in September of 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 to Multiple Family Residential District. After this public hearing the Planning Commission passed a motion to recommend to the City Commission that the requested zoning change be approved. The City Commission had a first reading in November 2016. After their review and discussion they passed a motion to schedule a second reading for the application in January 2017. At the second reading questions and concerns were raised by the public about the purpose of the proposed change and all of the possible uses permitted in the MFRD district, and that a more focused application would be a better option; the developer requested the City Commission refer this matter back to the Planning Commission for re-consideration and the City Commission concurred with those thoughts and referred the zoning change back to the Planning Commission which allowed the applicant to amend the original request to conditionally change the zoning of the property. The written conditional offer and conceptual site plan to amend the original request to conditionally change the zoning to MFRD has been submitted by the applicant for review. The conditional offer is self-imposed restrictions that were voluntarily offered by the applicant. You can either accept or reject the conditions; you cannot add/delete or modify the offer in anyway. The conditional rezoning offer and conceptual site plan was provided to the city's department heads and comments have been received from the Water/Wastewater, Streets, Ambulance and Police Departments, which were included in the agenda packet for review. A traffic analysis was also submitted as a requirement of the review. 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.

Aaron Place – After the presentation is this for approval or denial, or is there an opportunity for negotiations?

McPherson – It is a recommendation only, you can either recommend or not the conditional offer that was provided by the developer.

Ted Macksey – Property Developer: Gave a review of his credentials and a power point presentation for the project overview including aspects of public utilities, a traffic and soil study, proposed storm water management, housing trends and the need for housing, research and analysis for multifamily housing, existing neighborhood housing photos and conceptual housing styles. He indicated that there is a great need for affordable housing and this proposal reduces the maximum allowable houses from 300 to 212 with a reduction of 10 residences per acre down to 6.8. McPherson read the written offer to the board and audience. The developer must adhere to all of the required zoning district regulations, streets with curb and gutter along with sidewalks to be constructed to city standards, storm water retention to be contained to the site with minimal overflow going into the city's storm water system. Section A will consist of 18.09 acres with a total maximum density of 108 total dwelling units; Section B will consist of the remaining 13.03 acres with a total density of 104 total dwelling units. A 30 ft natural buffer barrier will be maintained around the perimeter of the property. His proposed timeline was reviewed and his intentions are to get it done and producing for the city, residents and community. The infrastructure would be completed; if another recession occurs within the time frame prior to completion, would like to speak to the city about extension to make sure the project was complete. Even with the time frame offered, the City Commission can establish their own time limits, can concur with his offer of time, or can set their own.

Board Discussion

Concerns that sidewalks have not been included in Section A of the conceptual plan provided for tonight's meeting. Macksey indicated the final site plan will have sidewalks for pedestrian foot travel and biking. Due to the amount of discussion for ground water, the board was concerned about retention ponds. McPherson advised that at the time of the site plan review is when DPW Superintendent Kovolski's concerns and suggestions for on-site overflow storm water system retention be looked at. The developers' goal for rental units will ultimately be based on final construction costs, however is looking at rental prices in the range of $800 to $850 for 1 bedroom units and upwards to $1,200 for 3 bedroom units. The projected market value of $150,000 is for a house that is for sale. Part of this development will be condominiumized with a separate management company handling the apartments. There will be a homeowners association and board. The site plan review is also when the remaining issues and concerns are addressed with ordinance standards to be reviewed along with a detailed proposed development layout complete with infrastructure, storm water retention, landscaping, lighting, street ingress and egress and sidewalks.

Public Comments opened at 6:04 pm

Don Lockman: 226 North St. - Storm water runoff should be a part of the preliminary engineering plan. The proposed price range, can our service employees afford this?

Rod Cortright: property owner - I commend the board and developer for going the conditional rezoning route. Concerns for seasonal high water which can be low at

times, today is above the water table with 100% runoff in some areas, plans are pretty sparse in regards to water retention and even communal open space.

Marilyn Wakefield: 436 North St.- Water is my big issue, every spring I have water that comes into my basement, and I have gone through 15 sump pumps. The proposed rental costs of $800.00 is more than most mortgage payments, is this affordable, no it is more than most employees make.

Charlie Johnson: 410 Jefferson – You bought the property as is, you could put 120 homes at $150,000 each is over 18 million dollars, what do you expect to get from us, this is your problem not ours.

Jim Leismer: 406 Vogel St. – There is this type of development just outside of Petoskey, most communities are building outside city limits, not inside the city.

Chris Leismer: 406 Vogel St. – We just bought our place, there is standing water all the time, this is wet lands. We bought because we felt like we were in the country and still in a small town. Traffic study has been done, and it shows that a lot more cars will be going by. Is this the right thing to do here, the market is starting to peak?

Penny Hardy: 437 North St. – We have lived here and paid taxes for 40 years; my concerns are for the roads, Collings is half paved without sidewalks ditches or culverts, Jefferson Street is crumbling and without sidewalks, there is going to be more traffic, concerns for the kids and elderly. The retention pond for Rotary Park is wet until July, we need better control for water runoff. How much green space will be provided for kids to play in? I feel that he should have to pay for a storm system to get rid of all of the water up in the area.

Phil Kessler: 938 Jefferson St. – I attended the recent housing development workshop, the engineering study is just an opinion that was submitted; not a study. Plans should be very specific, if he submits them can he change them? **McPherson** – Absolutely not from the conditional rezoning offer, on the site plan he must indicate type and style of units, if he submits something radically different from his written offer that would not be consistent with what was originally offered.

Mark Fruge': Maddy Lane builder - There are 3 houses on Maddy Lane that are dry due to planning and diversion of water, it needs to be controlled. The city needs to also be responsible, not just the developer to control the water to decide where all of the water will go.

Kyle Marshall: 1214 Nordic Dr. – I am a resident and also representing Magnum Hospitality; Boyne City has a severe lack of affordable homes, the town has grown. Several of my key employees who have very good wages have left because of the lack of housing. We employee upwards to 200 employees with not a lot of places for them to rent, so they are either not applying or leaving, we need this opportunity to grow.

Jay Higgins: 600 East St. – There is a lack of starter homes, maybe people will purchase in this development to open up some of the starter homes.

April Colston: 1123 Jefferson St. – I agree that we need some type of housing, there is nothing in the "middle range". On Jefferson Street there is no regular police patrol and because of this the teens use this as a short cut to Wildwood Harbor Road, they go really fast and slam on their brakes, there are no curbs or sidewalks in my area, and I am the one that cleans out the storm drains every spring.

Greta Zumbaugh: 526 N. Lake St. – I know how difficult it is to find housing, there is nothing available in the middle price range. There is a need for housing for everyone.

Bonnie Kuhn: Jersey St. – Our area is flooded already 3 times; we need a place for more homes, but not in this place due to all the water problems.

Gail Stanley: Hannah St. – Concerned also about ground water, has the problems been looked into that would occur to the current water and wastewater infrastructure system and can it handle this development's increase?

Ashley Cousens: Boyne Area Chamber Director – Chamber members are telling me that they have available jobs with good wages, however there is no affordable housing, so they are losing employees. There are available jobs in Boyne City in the health care,

manufacturing, service, and professional fields. We need options and we all need to be heard.

Andy Smith: 6 W. Main – I felt like I hit the lottery when my offer was accepted, I tried for 3 years to find affordable rental units and houses to buy, and there is a need for places to live. I understand the water concerns, it can be figured out, and we need to be open to the solutions to solve this problem.

Mike Weeks: lives at the north end of Jefferson Street – Are we small town USA or Chicago or Flint were the studies done for us? In his proposal he indicated "about" 212, I'm uncomfortable with that. **Frasz** – In his proposal he indicated 212 units and he would not be able to go above that.

Frank Minier: 514 W. Michigan St. – The newly created bike path causes more water to flow into my yard, and I pump it into the neighbor's field. Where does all of the water go once it sits alongside the road in the ditches, we do need housing; maybe not this large. Need to look into the possibility of this development being wetlands.

Kevin Cooper: 336 Vogel St – Concern about the project not being completed due to failure, as he admitted he bailed on other developments.

Dennis Erfourth: 201 Vogel St. – 212 units proposed, why not just build 120 units?

Vi Riley: 625 Jefferson – There is a large ditch across from this development that the ducks like to live in. I also use a sump pump, and the water is why Jefferson is falling apart. Cars are speeding up and down, and there is and will be increased traffic, I agree that we need affordable homes, but this is too many houses, I was prepared for nice 1 family houses, not this.

Bev Stanley: 520 Jefferson – What is affordable for this community?

Bill Sommerfelt: 1145 Jefferson – We do need housing, is this price going to work for our area? A few words make me nervous like density, traffic and speed on Jefferson. What is the current sewer size and can it handle the increase? Rural Estate and 120 units seem like enough; Jefferson street does need to be redone.

Tammy Siwarga: 351 Collings – I have an engineered septic/sewer system in my backyard because sewer was not available at that time, traffic on Collings is dusty now and there will be a lot more traffic making it worse.

Jerry Douglas: 130 Cherry St. – These obstacles can become opportunities. Existing problems may be an opportunity for the city to do something about the water concerns and address housing needs.

Don Lockman: North St. – The County wide storm water ordinance, did the city opt out of it? Do we have protection? **McPherson** – The Charlevoix County Storm Water Ordinance was repealed as the county couldn't adopt the county wide ordinance. Each municipality had to adopt their own; the city did not adopt their own. Ted Macksey offered to abide by the Charlevoix County Storm Water Ordinance.

Chris Colston: 1123 Jefferson St. – If this moves forward what happens if the units don't sell, what is the plan do they change or just stop?

Charles Nemec: 538 Jersey St. – Consider how Jefferson and Vogel streets will be torn up further with additional traffic and the heavy haulers. Who will pay to fix the roads? They just are not good enough to handle the extra weight.

Kelly Kruxmeyer: 609 Jefferson St. – Logging trucks are tearing up my driveway and yard. I have concerns for the safety of kids with all of the construction traffic.

Charlie Johnson – Is this a conflict of interest? The city owns land that can have affordable housing on it, spend time and money there and not here.

Marilyn Wakefield – The peewee ball fields are just below my house, who is going to watch out for the children? On the 4th of July the back streets and side streets are so congested, how are the builders going to get around?

Woody Hardy: 437 North St. – Are there any single level dwellings planned? I don't see them in the drawings.

Andrea Turkovics Jersey St. – Has a wetland study been done and what about preservation if this is a wetland?

McPherson – As part of the site plan review wetland delineation is a requirement and whatever the results are will impact the extent of the development.
Turkovics – Why are the trees coming down now? **McPherson** – It is private property that he owns.
Chris McKay: 404 Vogel St. – Concerned about the amount of traffic, is there anyway that a 4 way stop sign be placed at Jefferson and Vogel Streets? People speed up and down Vogel Street and the police are not doing anything about it. I feel that it is not safe for my new daughter to play in our front yard.
Aleta Runey: 314 N. East St. - I am a renter because I couldn't find housing deemed acceptable to build that didn't need a lot of money to rehab. Everyone knows that we need affordable housing, but do not "want it in my backyard". This proposal will be for the young professionals.
Mike Weeks – Who will be doing the wetland study, will it be an engineering firm outside the city?
John Stevens: Vogel St. - What happened to the Maddy Lane storm drain? Will this remain an easement or road? **Mackey** – Off of Vogel Street, that will be a private road for ingress and egress to the development. Where will the snow go that is plowed? A long time ago, the easement was supposed to be rerouted to the drive when the Brook went in, what happened to that?

Closed public comment at 7:14 pm and the board took a short recess
Board reconvened at 7:20 pm with Board discussion and deliberation

Penny Hardy asked the board to consider the public comments that have been raised in various meetings and give answers to those questions before the decision is made.

Chris Frasz – Asked if additional environmental/soil studies relating to water were going to be done?
McPherson – At the site plan review all of the issues raised including infrastructure and water will be addressed. Water is a concern to me and this commission. The applicant must get a determination if this is a wetland, get documentation and act accordingly. The Tip of the Mitt Watershed Council indicated they don't believe that there are any regulated wetlands on this property. There are hydric soils and issues that need to be addressed. Mark Fowler, the Superintendent of the Water/Wastewater department has reviewed the plans and indicated that there is sufficient capacity in the existing system for water and wastewater disposal. The Police, EMS and DPW department heads have looked at the plans and have given their reviews and opinions. Mr. Macksey indicated that all of the roads would be private, but will meet all of the municipal standards. The excess water overflow can go into the system; however recommended retention must be on site, exact design to be engineered and shown to the city. The traffic analysis that has been done does indicate traffic would increase with the existing zoning; the police would handle any issues that may arise.
Neidhamer – The new road construction in the development will have curb and gutters, sidewalk, treescapes and infrastructure that goes under the roads (water and sewer) the developer will have to pay for and not the city. We have approximately 23 blocks of unpaved streets in town that would cost us in the area of 3 million dollars to bring up to standards that the city just can't afford.
Macksey – This will be a private development and everything will be maintained by the developer and not the city, however, the roads will be open to the public.
The board had questions about the request for a 4 way stop at Vogel and Jefferson Streets how does that occur, what about the capacity and excess water going into the storm water system and those issues and open space?
McPherson – All of the specific standards of the ordinance criteria must be met. 40% of the net site is to be open space with active recreational areas for multifamily

developments, which will not include off street parking. A 25 ft setback is required along with the 66 ft wide municipal standards for the interior streets. The conditional rezoning is attached to the land, so if this development is sold, that approval holds true, no one can come in and do something different. The timeline the City Commission can set the limits, can put in benchmarks to be met. In the building process, there is an opportunity for the developer to request an amendment; but it must come back before the Planning Commission and a public hearing, there is no obligation to change. Is the entire infrastructure going to be built all at once? Not sure what the developers' plans are, but that is something that the City Commission can stipulate. Under the current RED zoning, there is not an opportunity for multifamily housing. In the current district there is a minimum dwelling size, with multifamily residential district, the minimum size can be reduced.

At this point in the meeting, Vice Chair Frasz read through the requirements of **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. ***Yes, to the West is TRD (Traditional Residential District), to the South is RED (Rural Estate District and Conditional Rezoning to multifamily for the Brook), to the East it is RED and to the North it is Rural Residential in Evangeline Township.***
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. ***Yes it can be; however the market has changed for rural estate lot sizes, there is a larger market for affordable working housing; larger lots are just not moving.***
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. ***Yes, goals of additional housing needs are noted in the Master Plan.***
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. ***The site plan is mandated by the zoning district standards which will handle all management/water/infrastructure issues. The traffic study that was done and provided is well below the industry standards. Environmental and water issues have been expressed, should have our own engineering consultant look at the plans. If a developer wants to put water into the storm system, they should pay an impact fee. Soil erosion will be maintained so that the adjacent property owners will not be negatively impacted.***
5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other

environmental features. ***The water concerns will be taken care of at the cost of the development, and again will be addressed at the site plan review. Suggested that our own independent review be done.***

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. ***The traffic impact study has already been completed, and it shows that the increase in traffic is significantly below industry standards for the current and proposed zoning districts, it was not available at this last meeting, however, has been made available for the City Commission's review. The current water and sewer facilities have enough capacity to handle this development, the developer will be responsible solely for the utilities.***
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***
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. ***Yes, all standards must be met prior to plan approval.***
9. There has been a change of conditions in the area supporting the proposed rezoning. ***Yes, there is a need for additional housing.***
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 multifamily residential district sites.***
11. There was a mistake in the original zoning classification. ***N/A***
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided. ***N/A***

The Planning Commission does have the ability to establish a performance bond (surety) as a part of the site plan review in order to have access to funds available to complete the project if it should stall/fail or not be accomplished in the stated time frame. The board hopes the developer has been listening to all of the public and board concerns and comments, and it is this board's position to hold the developer to the strict requirements during the site plan review.

****Motion**

With no further board discussion, **motion by Ellwanger, seconded by Allen** the recommendation to the City Commission to approve the conditional rezoning request by Macksey Built Properties, Inc. within the conditional rezoning written offer.

2017-03-20-6

Roll Call:
Aye: Allen, Ellwanger, Frasz, Neidhamer and St. Dennis
Nay: Biskner, Kozlowski and Place
Absent: None
Vacancy: One
Motion Carries

New Business

Planning Commission board vacancy

There is a need to fill a vacancy when Jane MacKenzie resigned from the board in January. In the agenda packets were 3 applications from interested residents: Jerry Douglas, Michael Lemay and Lynn Murray. Vice Chair Frasz called upon the applicants to give the board a brief introduction. Jerry Douglas left earlier in the meeting due to a recent hand injury and discomfort he was experiencing, Michael Lemay was not in attendance and Lynn Murray reviewed his qualifications and stated his desire to serve has not changed from the 2015 meeting he attended.

****Motion**

Motion by Place to recommend to the City Commission the appointment of Lynn Murray to fill the vacancy on the Planning Commission. This motion failed for the lack of support.

The board would like to speak with all of the applicants prior to making a decision to fill the available position as some of the board members were familiar with Jerry and none of them knew Michael. They felt bad that this item was placed at the end of the agenda with one applicant leaving due to health reasons and one stayed the entire meeting, and have asked staff to create some type of protocol for review in the future if the need arises again to fill a vacancy. They will place this matter on unfinished business for next month and reach out to the applicants to attend if still interested.

Staff Report

There are some upcoming training opportunities:

- March 30th from 6 to 9 pm – Webinar on Medical Marijuana Law
- March 22nd Planning & Zoning Essentials in Traverse City
- April 2nd Networks Northwest Local Government Summit in Traverse City
- May and June RAC Best Practice training all day classes

Good of the Order

Ken Allen attended the Medical Marijuana work session in St. Ignace recently and indicated it was a very informative class, and was glad he went.

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, April 17, 2017 at 5:00 pm in the Honeywell Meeting Room.

****Motion**

2017-03-20-10
Kozlowski moved, St. Dennis seconded, PASSED UNANIMOUSLY a motion to adjourn the March 20, 2017 meeting at 8:47 p.m.

Vice Chair Chris Frasz

Recording Secretary Pat Haver

CITY OF BOYNE CITY

To: Vice Chair Chris Frasz and fellow Planning Commissioners

From: Scott McPherson Planning Director

Date: April 17, 2017

Subject: Policy for Planning Commission Appointment Recommendation

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Background

Staff has been requested by the Planning Commission to prepare written policy on the procedure for appointment recommendations made to the City Commission. Currently there is no requirement or formal process in regards to the Planning Commission making a recommendation to the City Commission for appointments to the Planning Commission. The requirements for membership to the Planning Commission and procedure for appointment are established by the Section 2-257 of the Boyne City Planning Commission Ordinance which is as follows:

2-257. Membership

A. The Planning Commission shall consist of nine (9) members appointed by the Mayor subject to approval by a majority vote of the City Commission. One of the members may be a member of the City Commission and serve as an ex-officio with full voting rights. To be qualified to be a member and remain a member of the Commission, the following qualifications must be met:

1. Shall be a qualified elector of the City of Boyne City, as defined in Section 2-266 of this Ordinance.

2 Shall be a resident of the City of Boyne City, as defined in Section 2-266 of this Ordinance.

B. Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that the terms of, of all commission members continue to expire each year. A member shall hold office until his or her successor is appointed. The term of ex-officio member's appointed from the City Commission shall be concurrent with their elected term of office.

C. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of Boyne City, in accordance with the major interests as they exist in the City, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, commerce, healthcare, building trades, hospitality, retail, finance, insurance, real estate, cultural, historic, and recreational resources.

D. The membership shall also be representative of the entire geography of the City of Boyne City to the extent practicable.

E. The City Commission shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

F. *The transition from the previous City of Boyne City Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The City Commission shall continue to make annual appointments, appointing approximately 1/3 the membership of the Commission as specified in this Ordinance, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance. All other aspects of this ordinance shall have immediate effect.*

Section 2 of the Planning Commission Bylaws references the ordinance in the in the appointment process expands on the qualifications considered for membership. For your reference a copy the bylaws have been attached.

Neither the ordinance nor bylaws establish any provisions or requirements for the Planning Commission to make a recommendation on prospective appointees. The practice of the Boards and Commissions of Boyne City making recommendations on appointees to their respective boards or commissions is an informal policy done as a courtesy to the City Commission. A recommendation does not have any enforceability and the City Commission is not bound in any way by an appointment recommendation made by the Planning Commission. The Planning Commission is not bound in any way by any past recommendation. With that understanding the following policy is being provided for the Planning Commission review and consideration:

Expiration of Term
Upon the expiration of a term of a sitting planning commission member, and the member wishes to continue membership on the Commission, the sitting member will automatically be considered for reappointment at the meeting prior to the expiration of their term to refill the position. At their discretion, the Planning Commission may consider and recommend any other eligible candidates to fill the vacancy

Vacancy of Term
Upon a vacancy by any means other than the expiration of the term, the recommendation of appointment to the planning commission shall be included as new business item on the next available agenda. The Planning Commission shall be presented with all the candidates that have completed a Boyne City Board Application and have indicated the Planning Commission as an area of interest on the form. The Planning Commission may only consider applicants that meet the eligibility requirements as stipulated in section 2-257(A)(1) & (2). All potential candidates will be contacted prior to the meeting to confirm continued interest in the appointment and invited to the meeting in which they may considered for recommendation for appointment. At the meeting all applicants in attendance will be provided an opportunity to make presentation to the Planning Commission.

Recommendation
In the consideration of a recommendation to fill a vacancy of term the planning commission shall use the membership criteria as listed in Section 2(A)1&2 of the Planning Commission Bylaws as a guide. A motion to recommend appointment to fill only the currently vacant position should be made. A recommendation by the Planning Commission is advisory only and has no legal force or effect. Neither the City Commission nor the Planning Commission is bound in any way by any current or previous recommendations for appointments. The recommendation for the appointment made by the planning commission and the applications of all other eligible

applicants considered by the Planning Commission will be submitted to the next available City Commission agenda for their review and consideration.

Process

A free standing policy can be approved by the Planning Commission or the Planning Commission has the option of amending the By-Laws to incorporate the Planning Commission Appointment recommendation policy. Amendment of the By-laws at any regular or special meeting with a 2/3rds vote of the Planning Commission.

CITY OF BOYNE CITY

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

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boyne city

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: Lynn G. Murray

Address: 632 Jersey Street Boyne City

Telephone: 582-4144 (daytime) 231-330-5215 (~~evening~~) cell

Email: lgmurray2008@aol.com

Occupation: Custodian

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

- ☐ Airport Advisory Board
- ☐ Historical Commission
- ☒ Planning Commission
- ☐ Board of Review
- ☐ Local Development Finance Authority
- ☐ Historic District Commission
- ☐ Economic Development Corporation
- ☐ Main Street / DDA Program
- ☐ Parks and Recreation Commission
- ☐ Housing Commission
- ☐ Zoning Board of Appeals
- ☐ District Library Board

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

CITY OF BOYNE CITY

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

MAR 07 2017
BY:

boyne city

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.

- ☐ Airport Advisory Board
- ☐ Historical Commission
- ☒ Planning Commission
- ☐ Board of Review
- ☐ Local Development Finance Authority
- ☐ Historic District Commission
- ☐ Economic Development Corporation
- ☐ Main Street / DDA Program
- ☒ Parks and Recreation Commission
- ☐ Housing Commission
- ☐ Zoning Board of Appeals
- ☐ District Library Board

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 [signature] **Date** 3/7/17

CITY OF BOYNE CITY

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

RECEIVED APR 05 2017 BY

boyne city

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: Jeffory Ross

Address: 718 South Park Street, Boyne City, MI 49712

Telephone: 231-459-6153 **(daytime)** 231-459-6153 **(evening)**

Email: jefforyross@hotmail.com

Occupation: Sales, Service, & Installation: Sunrise Security & Electronics (Petoskey)

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

- ☐ Airport Advisory Board
- ☐ Historical Commission
- ☒ Planning Commission
- ☐ Board of Review
- ☐ Local Development Finance Authority
- ☐ Historic District Commission
- ☐ Economic Development Corporation
- ☐ Main Street / DDA Program
- ☐ Parks and Recreation Commission
- ☐ Housing Commission
- ☒ Zoning Board of Appeals
- ☐ District Library Board

Reason(s) you wish to serve:

Please see attached.

Other community or civic service activities:

No community or civic service to note.

Signature _____ **Date** 04/05/2017

Jeffory Ross
718 South Park Street
Boyne City, MI 49712
231-459-6153
jefforyross@hotmail.com

April 5, 2017

City of Boyne City
319 North Lake Street
Boyne City, MI 49712

Dear City of Boyne City:

I would very much like to offer myself to serve on the city Planning Commission and Zoning Board of Appeals. I moved to Boyne City in November of 2008, after a brief visit in which I fell in love with our small home town. Having grown up the country in Southern Texas, no other place has ever felt like home as much as Boyne City does. Since that day, I have met my amazing wife and added three beautiful young people to our community. We have chosen to always make Boyne City our home, and plan to raise our family here. Thus, as the place where I plan to place my roots and my legacy, I would like to give back. I feel that participating in civic service is a way in which I can. Furthermore, the opportunity to serve on the Planning Commission would be an honor, and it is an important role to help advise the City Commission. I believe that it is important that the community be involved to insure our city will continue to develop into the home I want for my children. I would be glad to take the time to introduce myself and answer any questions you all may have. To reach me, please call me at 231-459-6153. The best time to reach me is between 5:00 pm and 8:00 pm, but you can leave a voice message at any time, and I will return your call. Also feel free to email me at any time.

Thank you for consideration and I look forward to opportunity to work with you.

Sincerely,

Jeffory Ross

CITY OF BOYNE CITY

To: Vice Chair Chris Frasz and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 15, 2017

Subject: Development Plan Amendment for Boyne City Preschool

Background

The Boyne City Preschool located at 1030 Roosevelt Street has submitted an application for sketch plan review for a development plan amendment for a 56 x 26 addition to their existing structure for additional classroom space, kitchen, office space and entry. The property is located in the Traditional Residential District and the existing a proposed use is a principle permitted use in the district. The proposed addition would be located on the north side of the building, a site plan and elevations of the proposal have been provided. The proposed addition is located within the setback.

Discussion

Development plan approval for the Preschool was received in 1988. A copy of approved plan has been included for your reference. The original approved plan provided for a 7 space parking area located in front of the building with a one way circular drive entering on the west and exiting on the east. The current parking and entrance to the site consist of a gravel area north of the existing building to the road with no defined entrance drive. While the proposed plan meets zoning ordinance requirements for building size, setbacks and lot coverage, the proposal would eliminate a large portion of the parking area identified on the original approved plan. The proposed plan shows no proposed parking on the site. Section 24.10 Parking Loading and Access Requirement stipulates minimum parking for Nursery Schools, Day Nurseries, or Child Day Care Center of 2 spaces for each employee plus 1 space for each 8 children of licensed authorized capacity. The number of employees and the licensed authorized capacity have not been provided with the application.

Process

The proposed request would be an amendment to an approved development plan. The City of Boyne City Zoning ordinance provisions for requesting and approving amendments to an approved development plan are contained in section 19.65 Amendments to Approved Development Plans which is as follows:

Section 19.65 Amendments to Approved Development Plans.
The development plan, if approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved development plan unless a change or addition conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. Incidental and minor variations of the approved development plan, with written approval of the Administrator, shall not invalidate prior development plan approval. Amendments to the approved final development plan may occur only under the following circumstances:

A. An applicant or property owner who has been granted final development plan approval shall notify the Planning Director of any proposed amendment to such approved development plan.

B. Minor changes may be approved by the Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of this Ordinance, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Administrator shall consider the following to be a minor change:

1. For residential buildings, the size of structures may be reduced, or increased by up to five percent (5%), provided that the overall density of units does not increase.

2. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%) or one-thousand (1,000) square feet, whichever is smaller.

3. Horizontal and/or vertical elevations may be altered by up to five percent (5%).

4. Movement of a building or buildings by no more than ten (10) feet.

5. Designated Aareas not to be disturbed may be increased.

6. Plantings approved in the final development plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis, provided they comply with the landscaping standards of this Ordinance, with approval of the Planning Director.

7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc., which conform to the requirements of this Ordinance.

8. Changes of building materials to another of higher quality, as determined by the Planning Director.

9. Changes in floor plans which do not alter the character of the use.

10. Slight modification of sign placement or reduction of size.

11. Relocation of sidewalks and/or waste receptacles.

12. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.

13. Changes required or requested by the City for safety reasons shall be considered a minor change.

C. Should the Planning Director determine that the requested modification to the approved final development plan is not minor; the Planning Commission shall be notified in writing that the development plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the development plan and submit to the Administrator for resubmission to the Planning Commission.

D. Should the Planning Commission determine that the modifications to the final development plan significantly alter the intent of the preliminary development plan, a new submittal shall be required.

E. Any deviation from the approved final development plan, except as authorized in this section, shall be considered a violation of this Ordinance and treated as such.

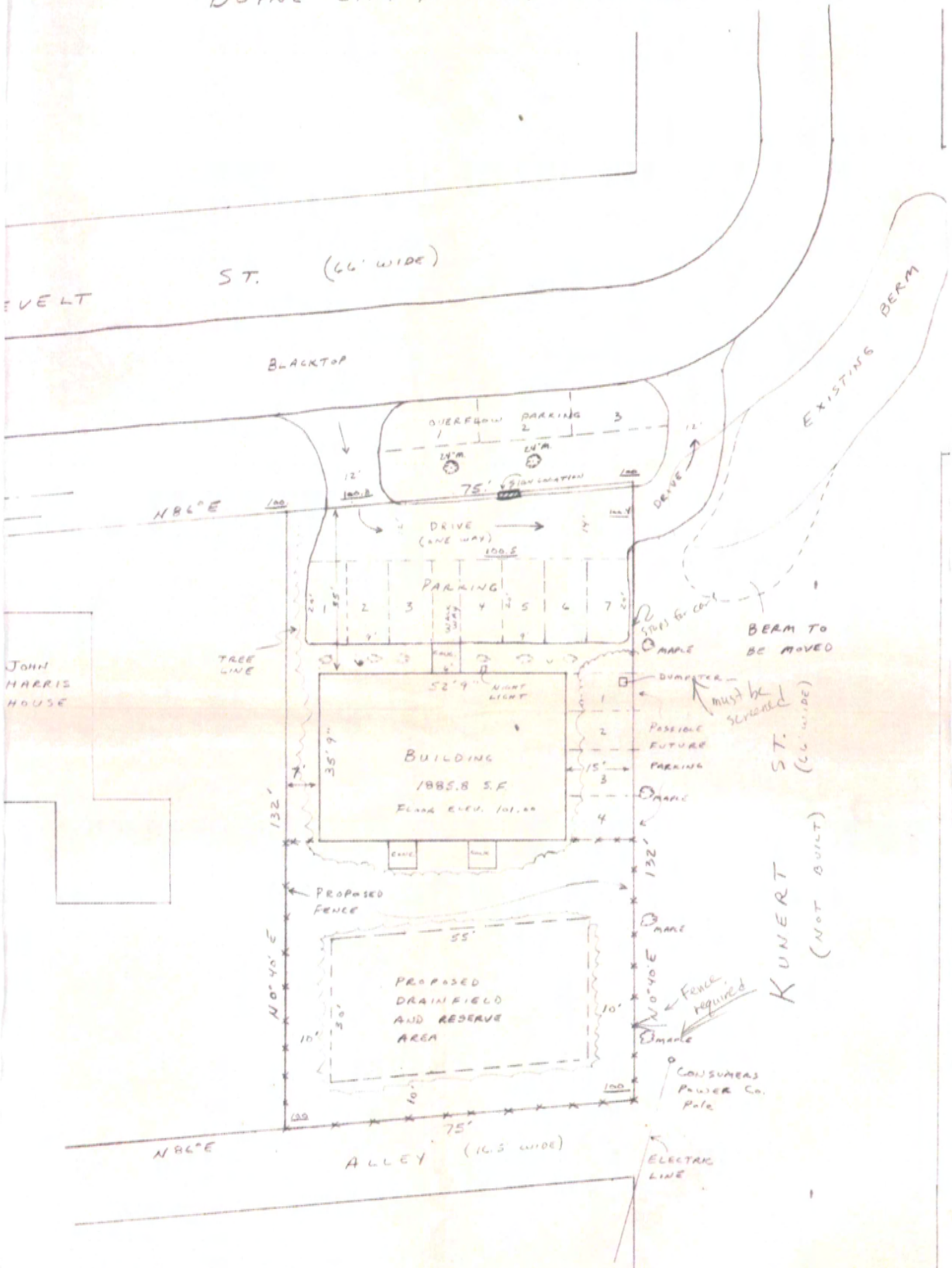
If the Planning Commission determines that the proposed amendment does not significantly alter the intent of the approved plan, and is in conformance with the Ordinance standards the requested amendment may be approved through the mutual agreement of the landowner and the Planning Commission.

Options

The plan as presented cannot be approved as it is not in conformance with Ordinance parking standards as the proposal would eliminate to zero all the previously approved onsite parking. Section 19.70 of the Ordinance does provide a process for reviewing plans that are not in conformance with ordinance criteria and is as follows:

In instances where specific requirements of this Ordinance are not satisfied on the development plan, a request for a variance to such specific requirement(s) may be initiated by the petitioner to the Zoning Board of Appeals, subject to Planning Commission recommendation on the proposed variance and prior to formal development plan approval. An appeal of a Commission decision concerning a development plan shall be made to the Circuit Court of Charlevoix County.

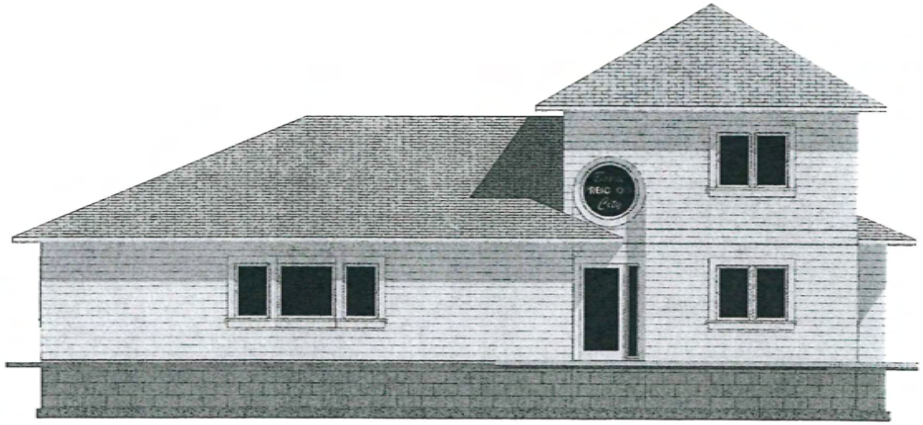
PROPOSED SITE PLAN
FOR
BOYNE CITY NURSERY CENTER



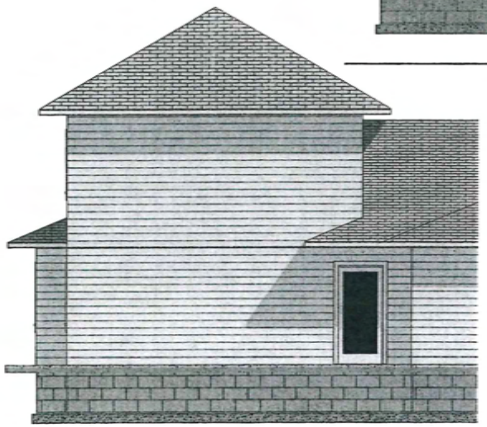
NOTE: SOILS ARE SANDY AND DRY.
LOT IS LEVEL AND WOODED.
TREES TO BE CLEARED FOR BUILDING, DRIVE, AND DRAINFIELD ONLY - REMAINING AREAS TO BE CLEANED OF BRUSH.
[illegible] PROPOSED ELEVATION

reviewed by Pl
8-15-88

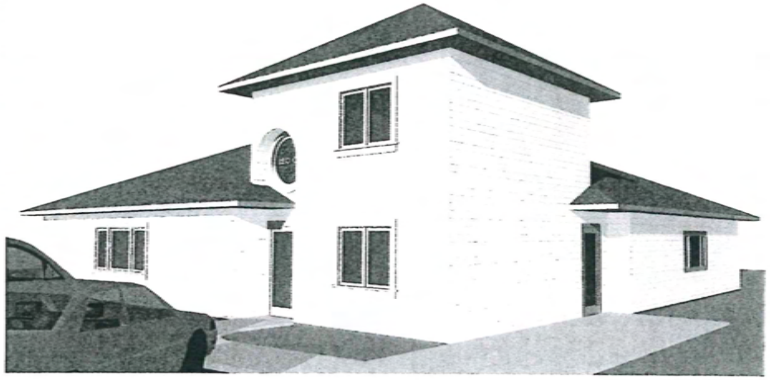
Kunert
Roosevelt
Proposed Addition
1
Existing Building
2

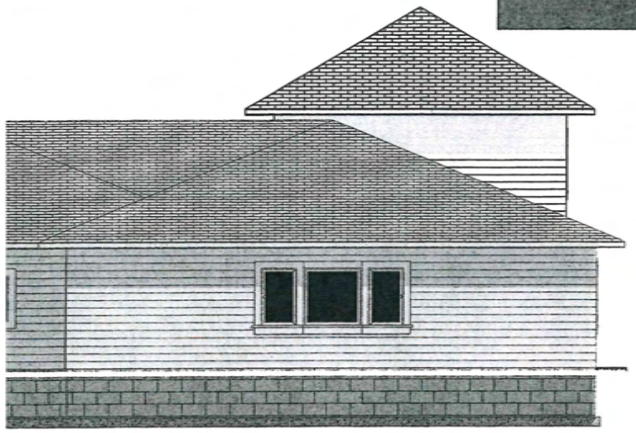


NORTH EXTERIOR ELEVATION 1/4" = 1'-0"

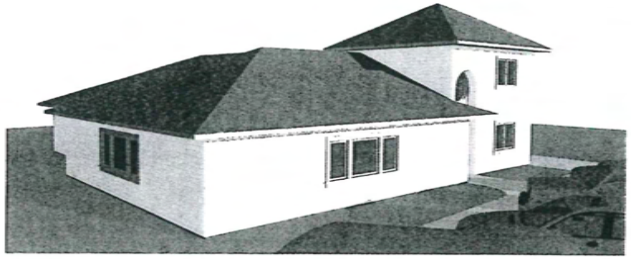


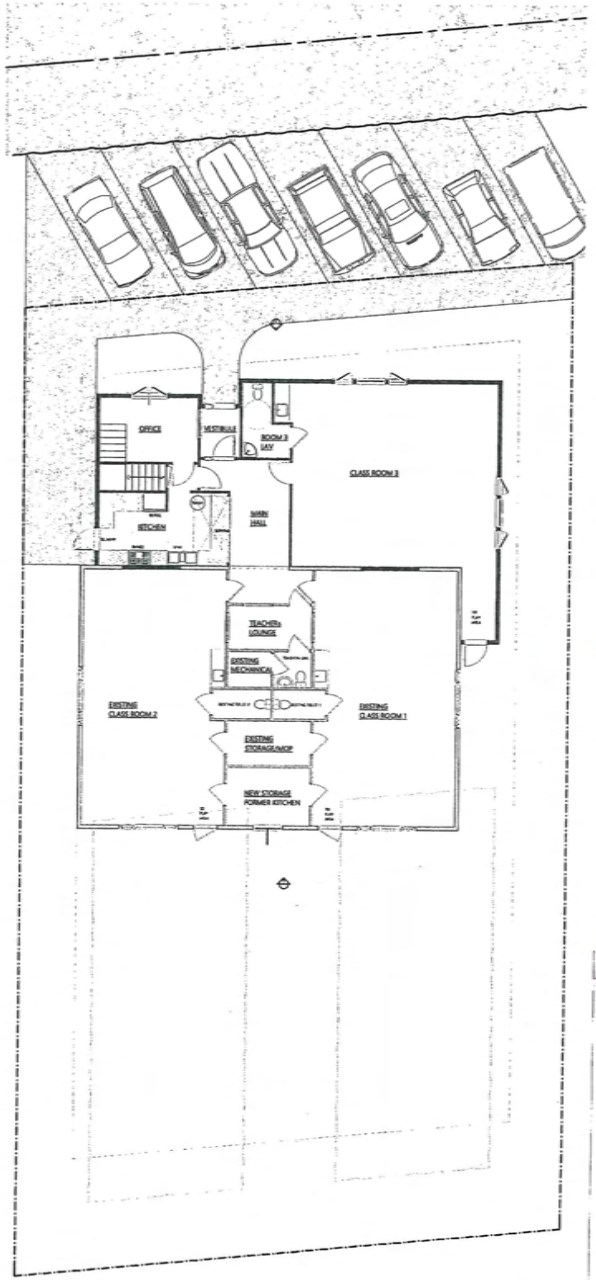
WEST EXTERIOR ELEVATION 1/4" = 1'-0"





EAST EXTERIOR ELEVATION





SITE PLAN

DATE
5/5/2017
DATE ISSUED

DATE REVISED
XX/XX/XX

BOYNE CITY • PRESCHOOL • ADDITION

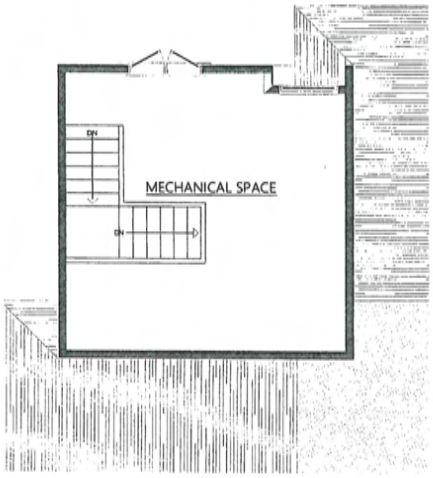
1030 ROOSEVELT STREET • BOYNE CITY, MICHIGAN 49712

SHEET TITLE

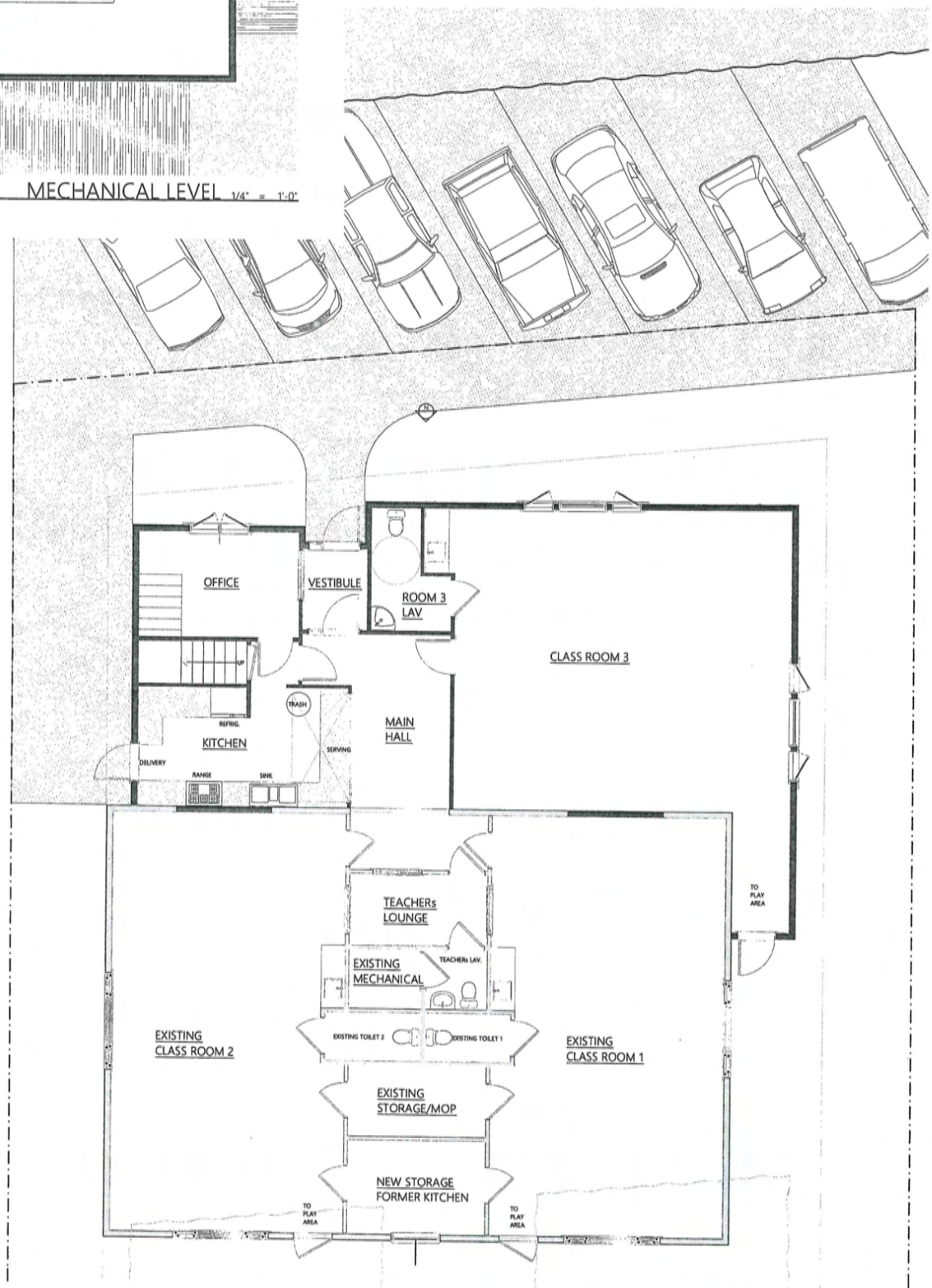
TITLE SHEET @ 1/4" = 1'-0"

SHEET A0.1

DOUGLAS WRIGHT ARCHITECT · 699 SOUTHBAY LANE BOYNE CITY, MICHIGAN 49712 · 231-347-1030 · dwa@freeway.net



MECHANICAL LEVEL 1/4" = 1'-0"



MAIN LEVEL FLOOR PLAN 1/4" = 1'-0"

SHEET A1.3

SHEET TITLE MAIN LEVEL FLOOR PLAN @ 1/4" = 1'-0"

BOYNE CITY • PRESCHOOL • ADDITION

1030 ROOSEVELT STREET • BOYNE CITY, MICHIGAN 49712

DATE 5-5-2020

DATE ISSUED

DATE REVISED XXXXXXXX

DOUGLAS WRIGHT ARCHITECT · 699 SOUTHBAY LANE BOYNE CITY, MICHIGAN 49712 · 231-347-1030 · dwa@freeway.net

PLANNING COMMISSION BYLAWS
of City of Boyne City Planning Commission

Adopted, effective immediately, February 16, 2009

1. **Name Purpose**
   A. The name shall be the City of Boyne City Planning Commission, hereafter known as the "Planning Commission".
   B. These Bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
   C. These Bylaws are also adopted to facilitate the duties of the Planning Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2. **Membership**
   A. Members. Members of the Planning Commission are appointed by the City Commission pursuant to the City of Boyne City Planning Commission Ordinance, as amended.
      1. First priority, each member shall represent and advocate what is best for the City of Boyne City as a whole, putting aside personal or special interests.
      2. Second priority, each member shall represent a separate important segment of the community, as appointed by the City Commission:
         a. One citizen at-large member.
         b. One citizen member representing environmental interests: Attend and/or be familiar with the desires and needs of the environmental organizations in City of Boyne City (including but not limited to conservation clubs, garden clubs, lake and river landowner associations and the Michigan Department of Environmental Quality land and water programs).
         c. One citizen member representing agriculture, forestry, and land use interests: Attend and/or be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning boards.
         d. One citizen member representing education interests: Attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.
         e. One member representing recreation and tourism interests: Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.
         f. One citizen member representing industrial and economic interests: Attend and/or be familiar with the desires and needs of industrial

associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.

g. One member representing transportation and communication interests: Attend and/or be familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.

h. One member representing sanitation, environmental health, housing, and human services interests. Attend and/or be familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.

i. One member shall be a member of the City Commission: Attend and/or be familiar with the desires and needs of the City Commission and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency.

B. Liaisons. The purpose of liaisons is to provide certain City of Boyne City officials and quasi-officials the ability to participate in discussions with the Planning Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Planning Commission members, are:

1. Planning Department staff, and their agents and consultants.
2. The Planning Commission's consultants.
3. City of Boyne City Attorney.
4. City of Boyne City engineering, water, sewer, DPW, or similar department heads.
5. City of Boyne City attorney and corporate council.
6. City of Boyne City Administrator.
7. Chairman of the City Commission.
8. Manager of the County Road Commission and village or city road agency.
9. The county Emergency Management Coordinator.
10. The county Soil Erosion and Sedimentation Control Officer.
11. District Health Department senior or supervisory Registered Sanitarian.
12. The County Surveyor, except when the issue before the Planning Commission is to review his, or his client's work.
13. The County Register of Deeds.
14. The County Extension Director.
15. The County Soil Conservation Service Soil Conservationist.
16. Regional (multi-county) Planning Staff.

C. Attendance. If any member of the Planning Commission has unexcused absences from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a member from the Planning Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Planning Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Commission whenever any member of the Planning Commission has unexcused absences from three consecutive regularly scheduled meetings, so the City Commission can consider further action allowed under law or excuse the absences.

D. Incompatibility of Office.

1. Each member of the Planning Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.

c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.

f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

(1) an applicant or agent for an applicant, or

(2) has a direct interest in the outcome.

2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Planning Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Planning Commission.

3. When a conflict of interest exists, the member of the Planning Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

a. declare a conflict exists at the next meeting of the Planning Commission or committee:

b. cease to participate at the Planning Commission or committee meetings, or in any other manner, or represent one's self before the Planning Commission, its staff, or others, and

c. during deliberation of the agenda item before the Planning Commission or committee, leave the meeting or remove one's self from the front table where members of the Planning Commission sit, until that agenda item is concluded.

4. If a member of the Planning Commission is appointed to another office, which is an incompatible office with his or her membership on the Planning Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Planning Commission. If a member of another office is appointed to the Planning Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Planning Commission, that shall result in an automatic resignation from the other office.

3. **Duties of all members.**

A. *Ex Parte* contact

1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Planning Commission whenever possible.

2. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Planning Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

B. Site Inspections

1. Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Planning Commission at a public meeting or hearing on the site.
2. If desired, no more than one member of the Planning Commission may accompany the zoning administrator or staff on a site inspection.

C. Not Voting On the Same Issue Twice.
1. Any member of the Planning Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
   a. When the appeal is of an administrative or other decision by Planning Commission and the member of the Planning Commission sits both on the Commission and Zoning Board of Appeals.
   b. When the appeal is of an administrative or other decision by any committee of the Planning Commission, City Commission, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Planning Commission and Zoning Board of Appeals.
   c. When the case is an administrative decision which was decided by the Planning Commission and sent to the City Commission for further action, and the member of the Planning Commission sits both on the Commission and City Commission.

D. Accepting gifts.
1. Gifts shall not be accepted by a member of the Planning Commission or liaisons from anyone connected with an agenda item before the Planning Commission.
2. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over $10.
3. This section does not apply to the Planning Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

E. Spokesperson for the Planning Commission.
1. Free and open debate should take place on issues before the Planning Commission. Such debate shall only occur at meetings of the Planning Commission.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Planning Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Planning Commission.
3. From time-to-time, or on a specific issue the Planning Commission may appoint a spokesperson for the Planning Commission for all matters which occur outside of the meetings of the Planning Commission.

4. **Officers**

A. Selection. At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair and Vice-Chair. Officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of Vice-Chair for the unexpired term.

B. Tenure. The Chair and Vice-Chair shall take office following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

C. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Planning Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure;
2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Planning Commission;
3. Restate all motions as pursuant to Section 5.E of these Bylaws;
4. Appoint committees;
5. Appoint officers of committees or choose to let the committees select their own officers.
6. May call special meetings pursuant to Section 5.B of these Bylaws;
7. Act as member and Chair of the Executive Committee pursuant to Section 7.A of these Bylaws;
8. Act as an Ex-Officio member of all committees of the Planning Commission;
9. Review with the planning staff, prior to a Planning Commission meeting, the items to be on the agenda if he or she so chooses;
10. Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
11. Act as, or delegate someone to act as, the Planning Director in the absence of a Planning Director;
12. Act as the Planning Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
13. Represent the Planning Commission, along with the City Commission Planning Commission member, before the City Commission; and
14. Perform such other duties as may be ordered by the Planning Commission.

D. Vice-Chair's Duties. The Vice-Chair shall:
1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence.

E. Recording Secretary's Duties. The Recording Secretary shall not be a member of the Planning Commission or any of its committees, and shall:
1. At each meeting take notes for minutes and prepare a draft of minutes pursuant to section 6.A of these Bylaws for review and adoption by the Planning Commission and;
2. Perform such other duties as requested by the Planning Commission.

5. **Meetings**

A. Regular meetings. Meetings of the Planning Commission will be held the third Monday of every month at 5 p.m. at City Hall Commission Chambers, 319 North Lake Street. An annual notice or regularly scheduled Planning Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

B. Special Meetings. Special meetings shall be called in the following manner:
1. By the Chair.
2. By any two members of the Planning Commission.
3. By the Chair at the request of any non member of the Planning Commission, upon payment of a non-refundable fee to cover costs of the special meeting.
4. Notice of special meetings shall be given by the Secretary to members of the Planning Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

C. Quorum. More than half the total number of seats for members of the Planning Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Planning Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

D. Motions.

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
   a. A finding of fact, listing what the Planning Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
   b. Conclusions to list reasons based on the facts for the Planning Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
   c. The Planning Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

E. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Planning Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Planning Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

F. Planning Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

G. Parliamentary Procedure. Parliamentary procedure in Planning Commission meetings shall be informal. However, if required to keep order, Planning Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised,* (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

1. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on non agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment on agenda items is as allowed by the Chair.
2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Planning Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Planning Commission meeting without time limit or an extended time limit

H. Consensus Business. Certain items of business before the Planning Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). Any Consent Item can be removed by request of a member. It is

automatically removed and placed as on the agenda as a new business item. A motion to adopt the Consent Items can be made, in effect adopting all agenda items included as Consent Items.

I. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
   - *(A) Call to order, and Pledge of Allegiance.*
   - *(B) Roll Call.*
   - *(C) Consent Agenda.*
   - (D) Hearing Citizens Present *(Non-Agenda Items).*
   - *(E) Reports of Officers, Boards and Committee's.*
   - *(F) Unfinished Business.*
   - *(G) New Business.*
   - *(H) Staff Report.*
   - *(I) Good of the Order.*
   - *(J) Adjournment.*

J. Delivery of Agenda. The agenda and accompanying materials shall be mailed to Planning Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting.

6. **Record.**

A. Minutes and Record. The Planning Commission Secretary shall keep, or cause to be kept, a record of Planning Commission meetings, which, shall at a minimum include an indication of the following:

1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
   - a. Time and place the meeting was called to order.
   - b. Attendance.
   - c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
   - d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
   - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alterative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
   - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
     - (1) Who testified and a summary of what was said..
     - (2) A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
     - (3) The location of the property involved (tax parcel number and description, legal description is best).
     - (4) What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
     - (5) What evidence was considered (summary of discussion by members at the meeting).

(6) The administrative body's findings of fact.

(7) Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)

(8) The decision (e.g. approve, deny, approve with modification).

(9) A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.

(10) List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)

(11) Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix `A', and made a part of these minutes...").

g. Who called the question.

h. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."

i. That a person making a motion withdrew it from consideration.

j. All the Chair's rulings.

k. All challenges, discussion and vote/outcome on a Chair's ruling.

l. All parliamentary inquiries or point of order.

m. When a voting member enters or leaves the meeting.

n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.

o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.

p. The start and end of each recess.

q. All Chair's rulings of discussion being out of order.

r. Full text of any resolutions offered.

s. Summary of announcements.

t. Summary of informal actions, or agreement on consensus.

u. Time of adjournment.

3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

7. **Committees**

A. The Planning Commission or Chair may establish and appoint committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

8. **Rules of Procedure for All Committees**

A. All committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action. The Planning Commission can overrule any action of any committee.

B. The same principals of these Bylaws for the Planning Commission also apply to all committees of the Planning Commission.

9. **Hearings**

A. Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the City Commission, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

B. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.

10. **Zoning Responsibilities**

A. Zoning adoption or amendment. The Planning Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
4. The manner of administering and enforcing the zoning ordinance.

B. Conditional Use Permit. The Commission shall review and act on all conditional use permits pursuant to the Zoning Act and zoning ordinance. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's action, pursuant to section 5.E.2 of these Bylaws.

C. Development Plan Review. The Planning Commission shall review and act on all development plans which the zoning ordinance requires Planning Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's action, pursuant to section 5.E.2 of these Bylaws.

11. **Plan Reviews.**

A. The Planning Commission shall review all adjacent, or contiguous, local government plans, and the county plans in which the Planning Commission's service area is located.

12. **Capital Improvements Review**

A. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained).

B. All preliminary plans and reports for the physical development of the City of Boyne City, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.

C. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Planning Commission's advisory action, pursuant to section 5.E.2 of these Bylaws.

D. When reviewing the proposed project the Planning Commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the Planning Commission's review of the project should not be favorable.

1. Is the proposed project consistent with adopted plans?
2. Is the project consistent with other governmental management plans?
3. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
4. Is the project consistent with adopted, if any, capital improvement plans?

13. **Capital Improvements Program**

A. Annually, a recommendation for a capital improvement program (CIP) of public structures and improvements shall be submitted to the City Commission.

B. The Planning Commission shall rely on the following individuals, and departments in preparing the CIP.

1. City Manager;
2. All department heads;
3. The Planning department staff .

C. The Planning Commission shall review the CIP:

1. The review shall determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
2. The review shall include an opportunity for departments to present their arguments for why any given project should be included in the program and at what order of priority.

D The planning commission shall hold a public hearing on the CIP.

E. After the hearing, the Planning Commission then:

1. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
2. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
3. Does not adopt the CIP, thus does not adopt the ranked listing/project priorities.

F. If the legislative body refers the CIP back to the Planning Commission, the Planning Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

14. **Commission staff**

A. Authorization. The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the City Commission

B. General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Planning Commission, appropriate for the City of Boyne City and its environs and are within the scope of the Planning Act and the Zoning Act.

1. Advocacy. The Planning Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

C. Conflict of Interest.

1. All members of the Planning Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
    c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
    e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
    f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
        (1) an applicant or agent for an applicant, or
        (2) has a direct interest in the outcome.
2. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
    a. declare a conflict exists,
    b. cease to process the case any further, and
    c. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
3. Other than as part of work for the Planning Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of City of Boyne City or for clients who are or may be applicants before the Planning Commission, Zoning Board of Appeals, or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.

D. Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. His or her work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Planning Commission and administrative policies of the County. In addition to any job description adopted from time to time by the Planning Commission, the basic fundamentals of the Planning Director's job shall include, but not be limited to:

1. Recommendations. The Planning Director shall take action or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or

established by the Commission, presentation of the matter shall be made at a Commission meeting.

2. Administrative Duties. The Planning Director shall:
    a. Supervise and review the work of the professional, technical, and nontechnical employees of the Planning Commission staff.
    b. Prepare a proposed annual budget for the Planning Commission and Department to submit to the Planning Commission.
3. Policy Formulation. The Planning Director shall:
    a. Be responsible for carrying out the directives of the Planning Commission.
    b. Advise and assist the Planning Commission in the establishment of general planning policy.
    c. Work with the Chair of the Planning Commission for formulation of staff policy, subject to approval by the Planning Commission.
    d. Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
    e. Administer zoning and subdivision ordinances.
    f. Prepare drafts of Capital Improvement Programs.
    g. Prepare long range comprehensive plans and other plans.
4. Public Relations. The Planning Director shall:
    a. Officially present the Planning Commission's recommendations to the governing body.
    b. Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the county government, and serve generally as a liaison between the Commission and the public.
    c. Encourage private development or investment in accord with comprehensive plans.
    d. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
    e. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
    f. Accept other responsibilities as may be directed by the Planning Commission, Governing Body, or Chief Executive.
5. Planning Commission duties delegated to the Planning Director:
    a. To oversee and coordinate Planning Commission staff teams, pursuant to section 9 of these rules as directed.

E. Other Staff Duties. The Planning Commission shall establish, with consultation with the Planning Director from time to time, updated job descriptions for each staff position in the Planning Department.

15. **Adoption, Repeal, Amendments**

A. Upon adoption of these Bylaws of February 16, 2009, they shall become effective and all previous Bylaws, shall be repealed.

B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.

C. These Bylaws may be amended at any regular or special meeting by a two-thirds (⅔) vote of the members present.

Pat Haver
319 N. Lake Street
Boyne City, MI 49712
(231) 582-6597
(231) 535-0003 fax
phaver@boynecity.com

City of
Boyne City

Memo

To: Vice Chair Chris Frasz and fellow Planning Commissioners

From: Pat Haver, Planning Administrative Assistant

Date: May 10, 2017

Re: Planning Commission Reappointment Recommendations

On May 31 of this year, the three year appointments of Jason Biskner, Jim Kozlowski and the current vacancy are due to expire. After the board receives affirmation from these two members that they wish to continue to serve, a motion to recommend their re-appointment to the Planning Commission will need to be made to the City Commission.