

**Meeting of  
March 18, 2019**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday March 18, 2019 at 5:00 pm.

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**Call to Order**

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

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**Roll Call**

Present: Ken Allen, Jason Biskner, Tom Neidhamer, Aaron Place and Jeff Ross  
Absent: George Ellwanger, Jim Kozlowski and Joe St. Dennis  
Vacancy: One

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**Excused Absences**

**\*\*Motion**

**2019-3-18-02**

**Neidhamer moved, Ross seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence of Ellwanger, Kozlowski and St. Dennis.

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**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Manager Michael Cain, Assistant Police Chief Kevin Spate and Recording Secretary Pat Haver  
Public Present: Twenty four

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**Consent Agenda**

**\*\*Motion**

**2019-3-18-03**

**Ross moved, Allen seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda, the Planning Commission minutes from February 18, 2019 as presented.

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**Citizen comments on  
Non-Agenda Items**

**Lesley Pritchard: Walloon Lake** - Regarding the comments from the previous meeting, I did not get an answer about the possible error of the date for the second reading of the height amendment that was a part of your minutes, the date given was February 19, 2018, was this an error? Staff will investigate and get back with her.

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

The Boyne Housing Solutions group will hold its next meeting on Wednesday, March 20, 2019 at 1:00 pm at City Hall; all are encouraged to attend as Sarah Lucas will be the presenter.

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**Unfinished Business  
Development Plan  
Review at 216 N. Lake  
St.**

Planning Director McPherson gave a brief review of last month's meeting in which this plan was brought before the board for review and consideration and began working through the checklist for the TRD development requirements and stopped at the parking requirements as a motion was placed on the floor to reduce the requirements by 20% and was defeated and then a motion was made to waive the additional parking requirements of 10 spaces and failed for a lack of a second. A motion was then made to postpone further review of the site plan to give the applicant an opportunity to review their decision. Since that time, 2 site plans have been submitted; the first showing a 1 story structure for a dental office with 21 parking spots, and the second they have resubmitted the 3 story option with the addition of the dumpster and 21 spaces. The applicant and consultants are requesting a consideration of both plans so it would give them options of which plan to pursue. As there was a lot of discussion on parking, and staff was asked to check into and review our requirements, a review of other municipalities was done and found that their requirements were much lower than our standards for parking for this type of use. The 10 other municipalities required between 7 and 9 spaces, and used a variety of formulas to come up with those numbers. Given the numbers that were provided from other municipalities, it gives this board information for reconsideration of the number of adequate parking for this particular use as a dental office. As proposed the one story plan meets all of the zoning ordinance

standards and no discretionary approval is needed, however, there maybe a couple of architectural details to be looked at.

**Jim Malewitz: engineer for applicant** – My client prefers and wants to pursue the 1 story dental office at this time, however, would like to keep options open for the 3 story development after additional internal discussion and consideration. This 1 story plan has 21 parking spots without any car ports, and there is now green space, which has been added. A pedestrian entrance needs to be on a major street, so we will be putting in a sidewalk on the Lake Street side; we will also have false windows to meet the requirements of windows on the north side. A dumpster with enclosure at the SE corner with access off of the alley has been added. We have met the landscaping requirements and the lighting, when it is submitted, can be approved administratively.

Public Hearing opened at 5:15 pm

**Michael Cain: City Manager, 852 Deer Run Dr.** – (Received and filed a hand out given to each Commissioner with excerpts from the 2006 Waterfront Master Plan and the 2016 Boyne On the Water Plan to look at during his time before the board). Gave a brief history of how the development went initially from a 1 story dental office, to a 3 story mixed use structure. Both the Main Street Design Committee and the Planning Commission considered initially the 1 story site plan at previous meetings, and made a suggestion to the architect and engineers retained by the owner to see if they would consider putting in additional floors for housing options. The 2006 Waterfront Master Plan and the 2016 Boyne on the Water Plan promotes the mixed uses for facilities on the east side of Lake Street between the Boyne River and Vogel Street, in order to create density, in those areas best suited in the city, to expand the walkability of the community, and expand more commercial and residential spaces while minimizing the impacts on the Lake Charlevoix views. This last year we requested and had a parking study conducted and had discussion in public meetings from the public, businesses and outside consultants. This study shows that there is a surplus of parking spaces, we just need to manage them better. The findings encourages shared uses of existing spots which coincides with the findings of the 2015 Master Plan update and the 2018-2019 city-wide goals. There were multiple meetings held asking for suggestions and recommendations for the goals of the city, and had over 500 people respond to the request with their top priorities and the goals that were most important to them, such as increased housing availability, keeping Boyne City's economy strong and resilient and protecting Lake Charlevoix and the Boyne River were among the top goals. Before you today are two different plans, and city staff believes that both are viable, and would like to see the Planning Commission approve both plans, and staff fully support the 3 story plan as presented.

**Skylar MacNaughton: 112 W. Division St.** – We need to give both plans a chance.

**Scott MacKenzie: 847 W. Division St.** – Apologized to both the engineer/architect and owners as we encouraged them to look at the possibility of additional floors above for housing, at an additional expense to them. I strongly encourage the board to look at and approve both options. Boyne has always been progressive in the ways to solve a lot of different kinds of problems, both real and perceived, as in the current parking issues.

**Ward Collins: 1209 Wildwood Heights Rd.** - I have been involved in the various housing meetings, and there is a dire shortage of housing in town, which necessitates multiple uses. The recent parking study shows that there is plenty of parking, so urge you to take into consideration the public parking available and the requirements for the buildings.

**Lesley Pritchard: 361 Wildwood Ridge Trail** - I think parking is an issue, if we continue to encourage shared parking and reallocate the excess how long will that excess exist? The 504 people who participated isn't representative of the community's vision. In 2006 we had different visions for developments, especially the height. I love

the greenspace in this plan, exterior designs in question hopefully will be resolved. I feel that the passion in the room that was expressed at the last meeting was in no way intended to offend the owner or architects.

**Joel Schraw: 116 Water St.** – I represent Parkview Dentistry in the acquisition of this property and transition of their thriving business to a larger building. The direction from various sources to consider residential space above the office was helpful, however, not sure the proposed spaces would necessarily fill the need for affordable housing, but it will fill a niche for housing. Right now, we are looking at expanding the facilities for the growth of the dental practice. Ask that this commission approve the plan before you tonight, and see fit to approve the other proposed plan, as well.

**Adam Graef: 1296 Marshall Rd.** – Dr. Larsen did not have to come before the Main Street Design Committee, she did and as she is a part of the community, she listened to our suggestions. Height wasn't an issue, as I thought it would be, it was all about the parking. You are never going to fill all of the parking spots that we have at the same time during the day. I do believe we do need affordable housing, but don't feel like we should hold investors/developers to our mercy when they are buying premium property.

**Kim Akin: Chamber Executive Director 5778 W. Emery Road in Prudenville** – I have worked here since December, and we are going to have to build, as attainable housing is not available. Affordable housing is important, but so is attainable housing. I think both plans should be considered. I just hope that we are not discouraging other developers from looking at our town.

**Rose Newton: 214 State St.** – I am a local relator and have heard the needs from full time residents, those in the middle class and extravagant 2<sup>nd</sup> homes with water views. This project is a great opportunity for the previously presented 3 story plan, which is perfectly in line with the 2006 Master Plan and goals.

Public Hearing closed at 5:38 pm

Board Discussion on the one story plan as presented

**Place** – I feel that the single story plan fits all the criteria of the zoning ordinance requirements

**Neidhamer** – With the findings that are already in writing from staff. **Place** – Yes.

**Neidhamer** – If it meets all criteria, we are obligated to pass it? **Place** – Absolutely

**McPherson** – There were a couple of items that were noted by Mr. Malewitz, the window glazing that would be corrected and entry way would be taken care of.

**Place** – It would be accepting with the findings and the changes that we made that are approved by staff.

With no further board discussion, **motion by Ross, seconded by Allen** to approve the single story plan as presented in accordance with the findings of fact and with amendments approved by staff.

**\*\*Motion**

Roll Call:

2019-3-18 6.1

Ayes: Allen, Biskner, Neidhamer, Place and Ross

Nays: None

Absent: Ellwanger, Kozlowski and St. Dennis

Abstain: None

Vacancy: One

Motion Carries

The board now moved onto the consideration of the 3 story mixed use development that was presented last month. Overall the location is the same as presented in February and there is not much that has changed in the plans. The carport size has decreased, green

space has been added, and a dumpster with an enclosure has been added to the SE corner of the property with access from the alleyway, providing 21 parking spaces available for the development. Looking at the required number of parking spots of 10 surrounding municipalities, our requirements are almost double of those, so in retrospect having 8 spaces allotted for a dental office would not be unreasonable, while continuing to require 12 spaces for the residential units and 4 spots for the commercial space, for a total of 24 spots. The proposed plan includes 21 spaces, recognizing the 4 available spots across Lake Street, that have historically been utilized when the property was a restaurant, and the available spots in the city hall parking lot, also across the street.

Public Hearing opened at 5:45 pm

**Skylar MacNaughton: 112 W. Morgan St.** – With this layout, snow will have to be removed from the compound? **Malewitz** – yes

**Monica Kroondyk: 513 Groveland St.** – Encourage you to review the parking study, which does a fabulous job of addressing the parking needs, this is from a 3<sup>rd</sup> party consulting firm and it is a very valuable tool to use.

**Scott MacKenzie: 847 W. Division St.** – I believe this 3 story mixed use plan is an appropriate use; it will increase tax revenues, look at the other communities and take the reduced parking into consideration, it fits in with neighboring designs and meets our criteria of our various Waterfront and Master Plans.

**Lesley Pritchard: 361 Wildwood Ridge Trail** – The parking concerns haven't changed since last month, are they faulty parking issues, do not reduce our requirements based on other communities. I don't see where the numbers add up, are you considering using this private parking for off hours? I don't believe the owner would want that. This will not be affordable housing, be mindful you are not solving the affordable housing issues with this development.

**Ward Collins: 1209 Wildwood Heights Rd.** – This location is way too valuable for a single story building, multiple mixed use is appropriate, the parking concerns have been addressed, as there is a lot of available public parking.

**Michael Cain: City Manager, 852 Deer Run Dr.** – The handout from earlier applies to the 3 story development as well. We have housing shortages of all varieties, affordable and attainable housing is not available, and we need housing at all levels. This will help address one of the housing issues we have. We have, for a long time, encouraged shared parking, no one is being asked to give up their private parking for anyone else's use. As the independent study shows, we have a surplus of parking not only in the core downtown area but the outlying areas as well, there is public parking available directly across the street from this location, that has historically been used by the old restaurant, and at city hall. You are not setting any precedents, you are doing your job by looking at the presented facts and analyzing them on a case by case basis, verified by a third party consultant who came in and determined we do not have a shortage, maybe if we have additional developments, we will need to look at it in the future. Take a look based on the provided information, our community wide studies, and outside experts in these areas, look at what they say and use these tools to determine the outcome of this plan.

With no further comments, public hearing was closed at 5:54 pm

Board Discussion on the 3 story multi use development

**Place** – We have talked in the past about the parking regulations within Boyne City being somewhat skewed in a strange way. Any existing business would need more parking based on our current requirements if they were to build today.

**McPherson** – The zoning ordinance recognizes that parking downtown there are other factors to consider such as availability, compatibility and shared uses. The ordinance

has a tool allowing the planning commission the discretion to consider those factors and give relief if merited. This is one of those cases. Given our analysis of what our requirements are and those based on a lot of other municipalities, a strong argument can be made that our requirements for a dental office exceed almost double of what we should require. The ordinance also has a section that you can't create too much parking. You are not allowed to create 20% more parking than you are required to have. There is a very valid case to be made to grant relief, with consideration of nearby public parking they could use.

**Place** – The formula of other communities is very interesting on how it is determined.

**Ross** – We are remiss if our ordinance is this flawed and we don't do something about it. I made my decision based on the zoning ordinance the way it is written, as I did not feel that it was enough of a mixed use property, and it called for 16 spaces for the office. I agree with the assessment that we maybe way over, but it is our responsibility to fix the ordinance if it is flawed. I'm willing to reconsider my position based on the information provided, as long as we make the commitment to revisit the ordinance and try to fix it. There may be some potential of additional parking on North Street, which would be a huge asset if the community is willing to go forward with that, and if the city takes a look at this possibility.

**Neidhamer** – I am in full support of doing the math to make the parking work.

**McPherson** – The ordinance stipulates the commission can reduce or waive as much parking as you see fit, and approve the 21 spaces as adequate for this project as proposed.

**Place** – The 21 spaces does include the 2 spaces for each living unit and one for the commercial space recognizing the availability of public parking close by?

**Biskner** - Is there anything in the parking ordinance sections, that as the years pass and properties change from one use to another, how is the parking allotted?

**McPherson** – It is determined on a case by case basis depending on the use. For example, when Stiggs bought the railroad building, the new use had different needs and intensity, and the commission determined the available public parking in the area was sufficient, so they were not required to provide additional parking. This case, and any other development is determined this way.

**Biskner** - My position is if we change things for this property, why wouldn't we change for someone else? We can't continue to do that.

**McPherson** – There are tools in the ordinance for exactly these types of considerations. It gives you parameters to make your decisions. It is not a decision without rationale. Each case you have the ability to consider the individual factors and make your decision. Each are on their own merits and its own facts, and does not influence any future developments.

**Allen** – Given the additional information from other communities, I feel those numbers are more realistic for this office use.

**\*\*Motion**

With no further board discussion, **motion by Allen, seconded by Neidhamer** to reconsider the parking requirements for this development and to proceed as presented with 21 parking spots.

Roll Call:

2019-3-18 6.2

Ayes: Allen, Neidhamer, Place and Ross

Nays: Biskner

Absent: Ellwanger, Kozlowski and St. Dennis

Abstain: None

Vacancy: One

Motion Carries

The board now finished reviewing the remainder of the site plan requirements. Coordination will be need to be done with the DPW and the Water/Wastewater departments if the sewer and sanitary line is relocated, so it can be done when Lake Street is being upgraded, so as not to have to cut into a new street.

**\*\*Motion**

With no further board discussion, **motion by Neidhamer, seconded by Allen** to approve the 3 story mixed use site plan as presented based on the findings of fact with support of the motion for the parking along with the previously discussed changes, coordination with city staff if the utilities are to be relocated, and accept the dumpster and enclosure as presented.

Roll Call:

2019-3-18 6.3

Ayes: Allen, Neidhamer, Place and Ross

Nays: Biskner

Absent: Ellwanger, Kozlowski and St. Dennis

Abstain: None

Vacancy: One

Motion Carries

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Because Commissioner Ross left the meeting at 6:13 pm, the remaining items on the agenda will be moved to the next Planning Commission meeting.

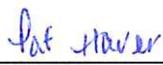
The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, April 16, 2019 at 5:00 p.m.

**Adjournment**

**2019-3-18-10**

With Ross leaving the Planning Commission is now without a quorum, so the March 18, 2019 meeting was adjourned at 6:13 pm

  
Chair Aaron Place

  
Recording Secretary Pat Haver