



City of Boyne City  
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
www.boynecity.com



**AGENDA**  
**BOYNE CITY PLANNING COMMISSION**  
**Monday, April 15, 2013, 5:00 p.m.**  
Boyne City Hall

Scan QR code or go to  
[www.cityofboynecity.com](http://www.cityofboynecity.com)  
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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 March 18, 2013 Boyne City Planning Commission meetings.
4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
  - A. Classic Instruments Final Site Plan Review
  - B. Review and Recommendation on proposed Sidewalk Café Ordinance to allow alcohol for outdoor café on public sidewalks.
  - C. Review proposed striping and intersection reconfiguration for Boyne Ave
  - D. Recommendation for Planning Commission reappointment of Lori Meeder, Aaron Place and Joe St. Dennis.
  - E. Schedule special meeting for Redevelopment Ready Community presentation for May 28, 2103, at 6pm.
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting, May 20, 2013

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer,  
319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334  
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**Hometown Feel, Small Town Appeal**

**Meeting of  
March 18, 2013**

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

**Call to Order**

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

**Roll Call**

Present: Gretchen Crum, George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Lori Meeder, Tom Neidhamer, Aaron Place and Joe St. Dennis  
Absent: None

**Meeting Attendance**

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

**Consent Agenda**

**2013-03-18-3**

**Ellwanger moved, Meeder seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda. Approval of the February 18, 2013 Planning Commission minutes as presented.

**Comments on  
Non-Agenda Items**

Hugh Conklin: Main Street Manager – Extended an invitation to the Planning Commission members to attend an Informational meeting on March 25, 2013 at 6:00 pm at city hall, to listen to a presentation from Magnum Hospitality regarding alcohol service for sidewalk cafes. The Cities of Grand Haven, Traverse City and Big Rapids have also been invited to speak and answer questions, as they all have establishments that serve alcohol at some of their outdoor cafes.

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

None

**Unfinished Business**

None

**New Business**

Planning Director McPherson reviewed the staff report included in the agenda packet. Boyne Irrigation submitted an application to allow a change of a non-conforming use in the old Chipman building on State St. This vacant building is located in the Traditional Residential District, and is proposed to be used as an office and storage in the warehouse for irrigation supplies with the possibility of limited retail sales.

**Consideration of Boyne  
Irrigations' request for  
change of non-conforming  
use at 664 State St.**

**Board Questions**

**Kozlowski** – Landscaping none is planned, what about weed control or grass control.

**Boyne Irrigation** – Regular maintenance will be done.

**Kozlowski** – Signage will you re-use what is there?

**Boyne Irrigation** – Will re-use the existing bracket.

**Kozlowski** – Do you plan on parking equipment or vehicles outside?

**Boyne Irrigation** – Vehicles and our trailer will be parked outside, all other equipment will be inside the buildings, or working out at the jobsite.

**Place** – Will you have late hours?

**Boyne Irrigation** – Never after dark, start at 7:30 am usually home by 6:30 pm or 7:00 pm. Only have (2) employees, rare late nights or extra noises.

**Neidhamer** – Loading docks, are they a part of this purchase?

**Mark Kowalski: Real Estate Agent** – Chipman's could not be here, so I am

representing them. The two commercial buildings on the three lots are being sold, not the loading dock. They do own the part where the loading dock is and the residential house.

**Ellwanger** – Will there be any outside storage racks with irrigation stuff?

**Boyne Irrigation** – No. The lots behind the building drop off severely, so nothing will be stored outside.

**St. Dennis** – Non-conforming lots, we are attempting to slowly eliminate and try to bring them into conformance. Maybe you can show your wares, and do a landscaping buffer perhaps.

**Boyne Irrigation** – We would like to improve the area, but have no immediate plans.

**McPherson** – It appears as if all of the grass in front is in the road right of way, which could be a problem with the state trunk line.

**Kozlowski** – Is there an electrical feed from the main building to the loading dock?

**Kowalski** – Not that I am aware, there is no value to Lot #16 with the residential house, the loading dock should be taken out of there, if there is a power connection, it should be taken care of, I will make sure that it is addressed.

**Frasz** – We have talked about improving our corridors into the city. A lot of work needs to be done coming in from Boyne Falls. It is an opportunity to bring non-conforming structures back into conformance. It is across from a beautiful park. Concerns about trucks and a large trailer as a sitting “bill board” as you come into the city.

**Boyne Irrigation** – There is space between the two buildings that has a trailer on it now, that we could park our trailer there.

**Frasz** – Would like to make use of the structure, but thinking about the corridor as residential and being presentable. There is an inability for a good buffer between the business and residence.

**Meeder** – I agree, but the reality is that it will not turn into a residential structure anytime soon. Would rather have an occupied building. Would like to know if there are ways to make it look better, that are not cost prohibitive.

**Frasz** – Is there a way to buffer, shield and protect the corridor?

**MacKenzie** – There are other businesses in the corridor that do not detract from the residences in the area.

**St. Dennis** – Maybe a buffer of some sort. Another business has signage on their trucks, parked outside, and the back side of the building is not as nice looking as the front.

**Neidhamer** – I agree with what has been said, there must be a solution. I don't think that it will ever be a residential structure, not on a major highway. There must be a compromise to enhance by painting, upkeep maintenance, cutting weeds.

**Ellwanger** – It is what it is. How can you make more appealing?

**Boyne Irrigation** – Irrigation will be done.

**McPherson** – Having the building occupied, will facilitate upkeep and enhance it, rather than have it vacant.

**Neidhamer** – Good points have been brought up about the corridor, we have had long discussions on it.

**Crum** – I was one of the most vocal about the corridor and the dentist office sign. But looking at other non conforming uses, I think there is a history of good community leaders with discussing improvements, can we make conditions?

**St. Dennis** – We are looking for maintenance in the buffer strip of some kind in front.

**Kozlowski** – This Board may have concerns about the size of the trailer, and it being a “billboard” for the business, and more than acceptable for sign size. If you did something with the building to make it better looking, is definitely better than

what is there now. Having proposals of what you may want to do, or are going to do is important for us to understand.

**Frasz** – Can we put conditions on where commercial trailers and vehicles can park?

**McPherson** – That condition would be difficult to enforce with a business that owns the property.

**Boyne Irrigation** – We could park the trailer, when not in use, perpendicular to the road, the trailer will be moved all the way as far back as possible between the buildings. We will maintain all the green space around the buildings along with the green space between the loading dock and the main building.

**\*\*MOTION**

**Motion by Meeder, seconded by Crum** the board finds that the proposed use presented is similar; so authorize the change of use, based on being compatible with the previous non-conforming use.

**2013-03-18-7A.1**

**Roll Call:**

Aye: Crum, Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, Place and St. Dennis

Nay: None

**Motion Carries**

The board then went through the Development Plan Review Findings of Fact, which are attached and have been labeled as *Appendix A*.

**\*\*MOTION**

With no further board discussion, **motion by Place seconded by Ellwanger** to approve the Development Plan Review Finding of Fact with the conditions noted.

**2013-03-18-7A.2**

**Roll Call:**

Aye: Crum, Ellwanger, Frasz, Kozlowski, MacKenzie, Meeder, Neidhamer, Place and St. Dennis

Nay: None

**Motion Carries**

**Review proposed grant proposal for Boyne River parcel**

Planning Director McPherson reviewed the staff report included in the agenda packet. The Moody family has approached the city with a piece of property they thought the city would be interested in acquiring. It is between 6 and 8 acres on Boyne River at the end of Spring St. To acquire the property a grant request to the Michigan Natural Resources Trust Fund (MNDRTF) is being proposed. Prior to acquiring this property, it has been requested by the family to be reconfigured, with a portion of the property being enlarged where the house is at, and a portion to be set aside for potential development with access off of Adam St at the North end. It has gone to the City Commission for initial consideration. There is no specific plan for this parcel, but it has been the past practice of the city to acquire this type of property. There are wetlands in the area; it is coming for your recommendation to the City Commission if you desire to move forward. Within parameters of the trust fund guidelines a passive recreational use is the most impact that might be allowed. Potential creative things can be done with boardwalks. Access to the parcel is from Spring St. and a small portion off of Adams will be maintained. With the grant funding, it must be maintained for public purposes. Staff time to produce the grant application is all that is needed at this

time, and 25% funding from the City if approved.

**Kowalski** - Friends of the Boyne River are very much behind this project.

**\*\*MOTION**

With no further discussion, **motion by Frasz, seconded by Crum, PASSED UNANIMOUSLY**, to recommend to the City Commission to have staff proceed with the grant application to the Michigan Natural Resources Trust Fund (MNDRTF) for purchase of the Moody property on Spring St.

**Review of the Capital Improvement Plan**

Nothing has been updated, so no review at this meeting.

**Review of the Boyne City Master Plan Draft - Social Economic Conditions Staff Report**

Planning Director McPherson reviewed the report included in the agenda packet. This is the beginning of many drafts of the Master Plan Chapters to be reviewed. The economic information comes from the 2010 Census update, and the American Community Survey, as apart of the RRC program. A new Master Plan will be required, so beginning of the plan review. More components will be coming and developed at future meetings.

**Staff Report**

The City was successful and selected as one of eight communities as a "Re-development Ready" Community designation. On May 28<sup>th</sup>, there will be a presentation by the MEDC, at the evening City Commission meeting. Possibly have a joint meeting between the Planning Commission and City Commission, at 6:00 pm for evaluation and review.

**Good of the Order**

**Kozlowski** - Airport Advisory Board has an Aviation Day scheduled for July 13<sup>th</sup> of this year. It will be in conjunction with the Boyne Thunder event, something to do while the boats are gone. Plans are to have all kinds of air traffic controllers, pilots, airplanes, mechanics and Coast Guard helicopters available. There will be Young Eagle rides available for individuals under 16 years old. Hope to have historical pictures available. Try to make it an aviation oriented day for the family.

**Adjournment**

The next meeting of the Boyne City Planning Commission is scheduled for April 15, 2013 at 5:00 pm in the Auditorium.

**\*\*MOTION**

**2013-03-18-10**

**St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY** a motion to adjourn the meeting at 6:35 p.m.

\_\_\_\_\_  
Jane MacKenzie, Chair

\_\_\_\_\_  
Pat Haver, Recording Secretary

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

**Section 19.40 Development Plan Approval Criteria.**

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

ORDINANCE REQUIREMENT	STATUS	FINDINGS
<p><u>A. General.</u> All elements of the development plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The development plan shall conform with all requirements of this Ordinance, including those of the applicable zoning district(s).</p>	Met	The proposed use will have the same basic layout and access as the previous use.
<p><u>B. Building Design.</u> The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the architectural and building material requirements of this Ordinance.</p>	Met with conditions	No change to existing buildings is proposed. Future painting must be consistent with the TRD district criteria of Section 22.4
<p><u>C. Preservation of Significant Natural Features.</u> Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Ordinance, in particular wetlands designated /regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, wetlands which are not regulated by the Department.</p>	Met	The site has no significant natural features
<p><u>D. Streets.</u> All streets shall be developed in accordance with the City of Boyne City Subdivision Control Ordinance and City Municipal Standards, unless developed as a private road in accordance with the requirements of the City.</p>	Met	No streets are building developed with this proposal

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

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

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

<p><u>I. Parking.</u> The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Ordinance.</p>	<p>Met with conditions</p>	<ul style="list-style-type: none"> <li>• The lot does not have striped parking spaces. Existing paved parking lot is approximately 4,000 square feet. Ordinance requirements for minimum parking spaces is 300 square feet per car, parking lot can accommodate approximately 13 cars. Required parking spaces for proposed use per ordinance standards would be no greater than 5.</li> <li>• The seasonal storage of the trailer must be behind the front façade' line between the buildings.</li> </ul>
<p><u>J. Loading.</u> All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Ordinance.</p>	<p>Met</p>	<p>Existing loading areas will remain unchanged</p>
<p><u>K. Landscaping, Screening, and Open Space.</u> The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the landscaping provisions of this Ordinance. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.</p>	<p>Met with conditions</p>	<ul style="list-style-type: none"> <li>• No additional landscaping is being proposed,</li> <li>• Routine maintenance will be done,</li> <li>• Work with staff to develop a landscape buffer strip to meet the requirements of section 23.20 on lot #15</li> </ul>
<p><u>L. Soil Erosion Control.</u> The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Planning Director or City Engineer, and have a valid Charlevoix County Soil Erosion permit</p>	<p>Met</p>	<p>Soil erosion permit required to be obtained from Charlevoix County.</p>

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

<p><u>M. Stormwater Management.</u> Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. All such measures shall comply with the Charlevoix County Stormwater Ordinance.</p>	Met	Existing. No changes proposed
<p><u>Q. Lighting.</u> Exterior lighting shall be arranged so that it is directed preferably downward onto the subject site and deflected away from adjacent properties. Lighting shall not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.</p>	Met with Conditions	No parking lot lighting, there are two lights existing on the buildings. Must meet ordinance standards, and staff to review lighting prior to and after installation
<p><u>P. Noise.</u> The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.</p>	Met	It is not anticipated noise levels from proposed use will not exceed current use.
<p><u>Q. Mechanical Equipment.</u> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	Met	No mechanical equipment has been proposed to be added
<p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p>	Met	One sign on the building utilizing existing brackets. Must meet the sign ordinance standards.

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

<p><u>S Hazardous Materials or Waste.</u> For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.</p>	<p>Met</p>	<p>N/A. – Hazardous Materials</p> <ul style="list-style-type: none"> <li>• Proposed to have no larger than a 2 yard dumpster. If located outside, must be on a concrete housekeeping pad, dumpster to be fenced or screened with landscaping, location to be determined with staff on lot #15, adjacent to the building.</li> <li>• Or the dumpster can be placed inside the pole building</li> </ul>
<p><u>T. Other Agency Reviews.</u> The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Charlevoix County Drain Commissioner, Northwest Michigan Community Health Agency, Charlevoix County Building Department, and other federal and state agencies, as applicable.</p>	<p>Met</p>	<p>None.</p>
<p><u>U. Approval Process.</u> The development plan shall be reviewed by the Planning Commission. If disapproval is recommended, the Planning Commission shall cite reasons for such disapproval. If the Planning Commission finds a development plan not in conformity with this section, it may, at its discretion, return the development plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified development plan, the Planning Commission shall review the plan. The Commission may approve, disapprove or approve subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this Ordinance and other ordinances and resolutions of the City. If disapproved, the Planning Commission shall cite reasons for such disapproval.</p>	<p>With no further board discussion, motion by Place, seconded by Ellwanger to approve the Development Plan Review Findings of Fact with the conditions noted.</p>	<p>Conditions:</p> <ol style="list-style-type: none"> <li>1. Lighting to be reviewed by staff prior and after installation,</li> <li>2. Seasonal storage of the work trailer must be behind the front façade' line, and between the buildings,</li> <li>3. Future painting must be consistent with the TRD district criteria of Section 22.4</li> <li>4. Sign to be placed on the building utilizing existing brackets, and must meet ordinance standards,</li> <li>5. If a dumpster is obtained, work with staff for landscaping and placement on lot #15,</li> <li>6. Routine maintenance will be done, work with staff to identify landscaping buffer to meet section 23.20 on lot #15</li> </ol>

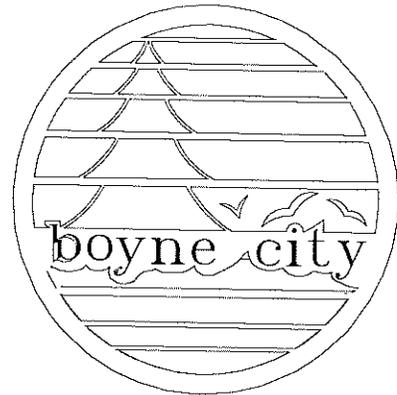
## CITY OF BOYNE CITY

**To:** Chair Jane MacKenzie and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** April 15, 2013

**Subject:** Classic Instruments Building Elevation Review



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### Background Information

In September 2011 Classic Instruments submitted a request to amend the previously approved development plan for Points North Printing. The proposed plan would add a 3,600 sqft addition to the existing building, develop a 22 space parking area and remediate existing drainage issues with the current truck dock area. At that time the Planning Commission approved the proposed amendments to the site plan with the requirements that the proposed building elevations be brought back to the Commission prior to construction. (See attached PC minutes September 19, 2011)

### Discussion

Classic instruments is now in a position to begin the construction of their proposed expansion. The building layout square footage has been slightly modified but is still consistent with the proposal previously reviewed by the planning commission, see attached site plan. The elevations provided need to meet the requirements of section 22.20 which is as follows:

#### *Section 22.30 Architecture in the PID.*

- A. Building Materials. *Building materials for an attached office/main entrance portion of a building within an Planned Industrial District (PID) must be primarily of natural materials conveying permanence, as determined by the Planning Commission, such as: brick masonry; stone; concrete slab (poured-in-place, tilt-up construction); split face, scored, or ground face block; or clear or reflective glass. Exterior insulation finish systems (EIFS) may also be a primary façade material provided it is placed at a height of twelve (12) feet or greater. If a building within an PID does not have an attached office/main entrance portion, the above standards should apply to the front façade of the building to a height of twelve (12) feet.*

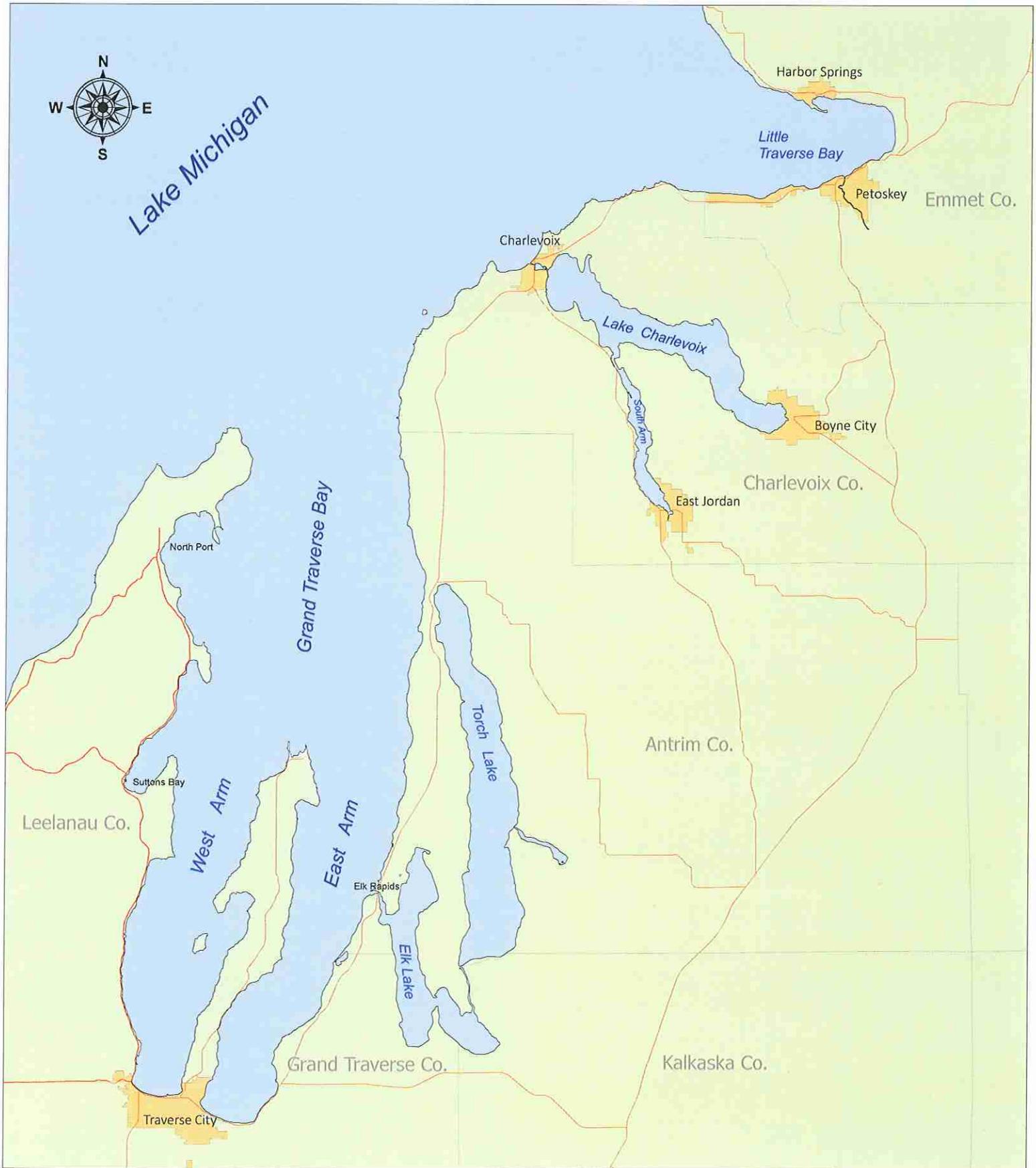
*The following materials, along with those listed above, may be used for all other façades of a building within an PID: smooth face block; and metal siding (standing seam panels, aluminum siding). The following materials should not be used: beveled wood siding (lap, board and batter, shake); vinyl siding; and T-111 and other wood panel siding.*

- B. Colors. *Buildings within an PID should comply with the standards of Section 22.20 (B) (4) regarding color.*

*22.20 (B)(4) Colors. The following natural colors should be used for the main portions of building façades and roof forms: neutral earth tones (sand to brown); shades of gray; traditional colors (e.g., brick red, forest green, navy blue); light, subdued hues (e.g., salmon); or white. Contrasting, accent colors which are compatible with the primary colors listed above are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g., purple, orange, pink, lime, yellow) is discouraged. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.*

### Process

Determine if proposed elevations are in compliance with the design requirements of section 22.20.



## Planning Commission Meeting

4/15/13 5:00 PM

### Classic Instruments Updated Site Plan Approval

#### Scope of the Project:

As previously discussed, Classic Instruments is planning to add to the back of the existing building at 826 Moll Drive due to space needs from an increase in business. A concrete parking lot will be added to the back side of the new addition that will be permeable construction. The courtyard area on the west side of the building to be improved for hosting events and car shows.

#### I. Site Plan and Building Elevation

- a. Building to extend 80' out from rear of existing building by 100' long. East wall of addition will be flush with existing building. Rough renderings provided'
- b. Building Elevation – Floor of addition will be at the same elevation as the floor of the existing building
- c. Parking lot
  - i. Back side of the building addition and will have space for approximately 22 cars (Dimensions approximately 60' x 120')
  - ii. Will be northern Michigan's first permeable concrete parking lot!
    1. Reduce runoff to the river and eliminate the need for retention pond
- d. Dumpster Location – See site plan.
  - i. Screened with trees and bushes
- e. Sign
  - i. Rendering of sign attached. Sign will be painted metal with stainless steel lettering set on existing wood posts, no lights.

#### II. Building Materials and Construction

- a. Steel construction
- b. East wall constant height – cannot see the roof slope on Moll Drive Side
- c. Moll Drive side to be sided with Hardie Plank Siding, Doors and Windows to be trimmed in white PVC board (CI will bring material samples to meeting)
  - i. Similar material and color to existing siding
  - ii. White trim – same color scheme as existing building
  - iii. White steel top trim on building
- d. Remaining 3 walls to be steel sided with closest stock color (CI will bring color chart to meeting)
- e. West wall of existing building and south west wall of new addition to have a covered porch similar to existing that will extend to the intersection of the buildings and then westward along the south wall of the new building
- f. Recommending local subcontractors for all phases of the project

### III. Landscaping Plan

- a. Topp of the Mitt Watershed Council recommendations
  - i. Plants to surround parking lot in place of curbs, TOMWC will help choose the plant varieties
  - ii. Taller natural grasses on the back side of parking lot to reduce wind and water erosion
  - iii. Additional landscaping recommendations as needed
- b. Add trees along M-75 to screen end of new building
- c. Maintain natural cat tails in Moll Drive Retention Pond
- d. Maintain as much green space as possible around parking lot area and building with recommendation of varieties by TOMWC

### IV. Timing

- a. Initial Site Survey and Soil Boring/Geotech 4/15/13.
- b. Contractor and Subcontractor bids due 4/19/13
- c. Approval and Financing Complete 4/26/13
- d. Transformer Move by Consumers Energy 5/3/13
- e. Start of Construction 5/8/13
- f. Completion Estimate mid August 2013



Sign Option 1  
- complete arched top



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UNLESS OTHERWISE SPECIFIED:	NAME	DATE	TITLE:			
	DRAWN BY: D. BUTTERBRODT	11/28/2012	Outdoor Sign			
DIMENSIONS ARE IN INCHES	CHECKED BY:	COMMENTS:		SIZE	DWG. NO.	REV
TOLERANCES:				<b>A</b>	001	
FRACTIONAL ± 0.01		DO NOT SCALE DRAWING		SHEET 1 OF 1		
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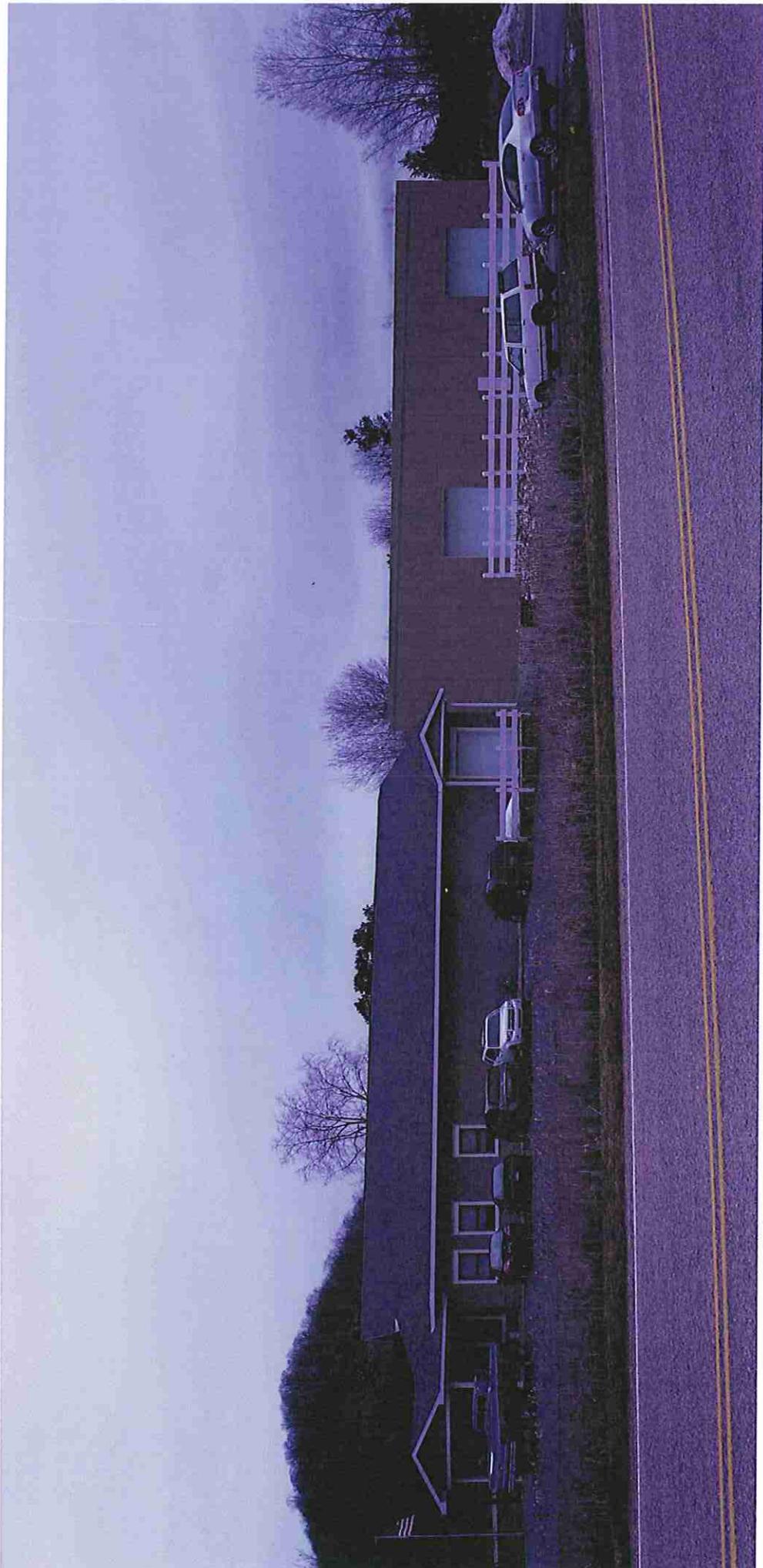
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**Meeting of September 19, 2011**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, September 19, 2011 at 5:00 P.M.

**Call to Order**

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

**Roll Call**

Present: Gretchen Crum, George Ellwanger, Chris Frasz, John McCahan, Tom Neidhamer, Lori Meeder and Joe St. Dennis  
Absent: Jane MacKenzie  
Vacancy: One

**Meeting Attendance**

City Officials/Staff: Planning Director Scott McPherson, Recording Secretary Pat Haver  
Public Present: Six

**Consent Agenda  
\*\*MOTION**

**2011-9-19-2**  
**Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to approve the consent agenda.  
Approval of the August 15, 2011 Planning Commission minutes as presented.

**Comments on Non-Agenda Items**

None

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

None

**Unfinished Business**

None

**New Business  
Development Plan  
Amendment - Classic  
Instruments**

Planning Director Scott McPherson reviewed his staff report that was included in the agenda packet. Classic Instruments has purchased the Points North Building in the Industrial Park, and would like to rectify drainage issues on the site as an immediate concern, and down the road a couple of years, proposing to add on a 3600 sq ft addition and put in additional parking. At their recent meetings the EDC/LDFA boards have recommended approval of the proposed additions.

**Ron Hanna General Manager** and Devon Butterbroke have been working on the plans and with the designers. Immediate intent is excavating dirt from the back of the lot. The lot has been cleaned up along with removal of some trees that needed to come down. Drainage issues will need to be addressed. The SW corner needs to have fill brought in and landscaped where some of the trees came out, to create a nice entrance and courtyard. The knoll on the W/SW corner will remain, and will be tapered down to the retention pond. The lower part of the parking lot near the truck entrance/well will be cut out and filled to alleviate the water to continue draining into it and then compacted. Asphalt near the dumpster needs to be

cut out and compacted. Excavation of the gravel employee parking lot to start as soon as possible. All asphalt work will be replaced and/or done within one year; this is to allow compaction before making it permanent. Phase II will be the proposed addition for the machine shop. They are currently under lease for a couple of more years, and if the current building sells, they will have the ability to move the entire operation in their new building, but it would be tight. The additional 3600 sq ft addition will be for the manufacturing operation, which they are anticipating will add new employees.

**McPherson** - this is an amendment to an existing approved plan, so will be a mutual agreement between the planning commission and the property owner. With this phased approach, would recommend additional approval with the anticipated building to come back before the board with elevations prior to construction of that.

**Frasz** - How can we approve buildings without looking at plans? Do we also need to start thinking about landscaping and lighting?

**McPherson** - Conditional approval will allow them to begin the earthwork on the parking lots, and clear up the drainage issues.

**John McLeod, Owner of Classic Instruments** - We realize this is the first building coming into the Industrial Park, and are very aware of appearances. We have no problems doing what you need and require to have done. Employee parking excavation work to be done for the availability of employee parking for the manufacturing team.

**St. Dennis** - If you have a three year term left on the existing building, will the building and earthwork look like a pit for the next (3) years?

**McLeod** - Our sales and marketing team will move into the purchased building by the 1<sup>st</sup> quarter of next year. Manufacturing team will remain at the current location.

**McPherson** - You can make conditions that soils need to be stabilized.

With no further board discussion, **motion by Ellwanger seconded by Meeder** to approve this conditional proposal with drainage and excavating any disturbed soils to be stabilized and re-established, parking lot paved within one year of construction and proposed building elevations brought back to this commission prior to building construction.

**2011-9-19-7A**

**Roll Call:**

**Ayes: Crum, Ellwanger, McCahan, Meeder, Neidhamer, St. Dennis**

**Nays: Frasz**

**Absent: MacKenzie**

**Vacancy: One**

**Motion Carried**

**Development Plan  
Amendment Request -  
Harborage Heights**

Planning Director Scott McPherson reviewed his staff report that was included in the agenda packet. Harborage Heights is proposing an amendment to add a 26' ft by 28' ft storage building for maintenance equipment.

**Lou Cyrulik from Harborage Heights** - Will be used for snow removal and

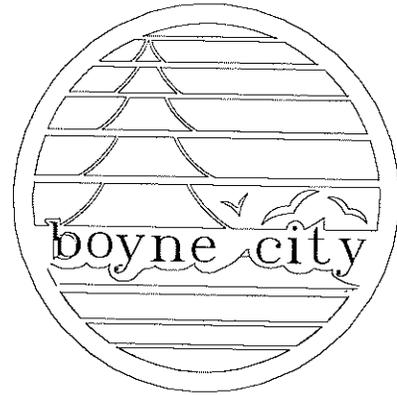
## CITY OF BOYNE CITY

**To:** Chair Jane MacKenzie and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** April 15, 2013

**Subject:** Proposed Outdoor Sidewalk Café Ordinance



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### Background

Magnum Hospitality has submitted to the City a request for the City to consider changing the existing ordinance to allow the serving of alcohol in outdoor eating areas which are located on the public sidewalk. Prior to this request Mary Palmer submitted an application to the City Planning Department for a permit to have an outdoor eating area with alcohol at Café' Santé. Outdoor eating areas, without alcoholic beverages, are allowed in the Central Business District as per the Boyne City Zoning Ordinance section 10.20(Q) which is follows:

- Q. Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, (without alcoholic beverages) subject to the following site design standards:*
- 1. Outdoor cafés may be permitted on a public right-of-way, on a building roof top, as part of a patio or deck, or within the boundaries of a parcel or lot. Those proposed for use of the public right-of-way must secure an annual permit from the City for temporary use of the right-of-way. However, no use of the right-of-way will be permitted on July 4th.*
  - 2. A minimum of four (4) feet of public sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants, and similar structure. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor café shall not be permitted on a public sidewalk.*
  - 3. Pedestrian circulation and access to building entrances shall not be impaired. A boundary (maximum encroachment width and length) into the public sidewalk shall be established with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of all state and federal regulations.*
  - 4. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the City staff.*
  - 5. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. When not in use, all tables, chairs, umbrellas, and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk.*
  - 6. Other additional signs are not permitted beyond those permitted for the existing restaurant.*
  - 7. Such areas are permitted seasonally between April 1 and October 31, except July 4th. The hours of operation for the outdoor café shall be established and noted with the application.*

8. *Preparation of food and beverages may be prohibited by the Planning Commission in the outdoor café.*
9. *The outdoor café or its operation shall not damage, stain, or discolor any part of the sidewalk or public right-of-way.*
10. *The outdoor café shall comply with any policies and/or regulations adopted by the City Commission for private use of public right-of-way. Liability issues for use of the public sidewalk may be addressed and reviewed by the City Attorney.*
11. *The outdoor café shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.*

## **Discussion**

The City ordinance that allows outdoor eating areas on the public sidewalk has been in place since the ordinance rewrite in 2001. An annual \$10 permit is required and in the spring of each year the Planning Department mails permit application forms that contain all of the ordinance requirements to the restaurants in the Central Business District. While I do recall previous informal inquiry's about the ordinance prohibition of alcohol, this is the first formal request that has been made asking the City to consider changing the Ordinance.

City staff has done some preliminary research on communities that do allow alcohol in the outdoor eating areas and found that there are several ways this can be regulated. The use can be regulated as a use under the zoning ordinance or it can be regulated by adopting a stand alone ordinance.

To change the zoning ordinance to allow alcohol could be done relatively simply by eliminating the provision that prohibits alcohol. Some additional language in regards to how a area is clearly defined and delineated to meet requirements of the Liquor Control Commission would probably also be needed. However, this is not the suggested course of action. If at some point the City would desire to reconsider the ordinance and rescind the provision allowing alcohol any use established under the zoning ordinance could continue indefinitely. Zoning ordinances confer grandfathering rights on uses that are established lawfully under the ordinance so the even if the zoning ordinance is changed at a later date the use can continue as a legal nonconforming use. This is not the case for a stand alone police power ordinance as these types of ordinances do not have grandfathering rights.

It is staff's opinion that the best course of action, if the City wishes to allow alcohol on sidewalks is to adopt a separate ordinance that regulates outdoor café' on public sidewalks and amend the existing zoning ordinance to no longer regulate café' uses on public property. Outdoor café's on private property would continue to be allowed by the zoning ordinance. A proposed ordinance for outdoor sidewalk café's and proposed amendments to the zoning ordinance have been provided for your review.

## **Recommendation**

Review the issue and proposed ordinances and make a recommendation to the City Commission.

## Outdoor Sidewalk Cafés

- (a) Purpose: The purpose of this ordinance is to regulate Outdoor Sidewalk Cafés in order to protect the public health and safety while promoting vitality in the city's commercial areas.
- (b) Definition: Outdoor Sidewalk Café – A type of outdoor café consisting of an area set aside for the customers of a restaurant, bar or similar establishment on a public sidewalk or other public property other than a public parking space.
- (c) Outdoor Sidewalk Café Licensing: No person or entity shall operate an Outdoor Sidewalk Café without an Outdoor Sidewalk Café license. This license shall be required in addition to any other license, permit or approval required by the city, county or state agencies for operation of a restaurant, bar or similar establishment. The license shall be valid for the calendar year of the date of issuance.
- (d) Outdoor Sidewalk Café license: An Outdoor Sidewalk Café license may be issued upon approval of the City Manager or designee with a finding that the applicant meets the requirements below:
- (1) Outdoor Sidewalk Café hours shall be between 9:00 a.m. and 11:00 p.m., from April 1 to November 1. No Outside Sidewalk Café shall be permitted on the 4<sup>th</sup> of July.
  - (2) A minimum of four (4) feet of public sidewalk shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants, and similar structure. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor sidewalk café shall not be permitted on a public sidewalk.
  - (3) Furnishings of an Outdoor Sidewalk Café shall all be readily removable, including railings and planters.
  - (4) Furnishing materials and finishes shall be durable, smooth and easily cleanable and shall be kept in sound condition and good repair. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.
  - (5) Outdoor Sidewalk Cafés may only be located in the sidewalk that is adjacent to the business they are associated and may not extend in front of any other business or residence.
  - (6) Outdoor Sidewalk Cafés may not interfere with any public service facility such as a bench, waste receptacle, bike rack or mailbox.
  - (7) The Outdoor Sidewalk Café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs.
  - (8) The Outdoor Sidewalk Café or its operation shall not damage, stain, or discolor any part of the sidewalk or public right-of-way.
  - (9) If alcohol is to be served in conjunction with the proposed Outdoor Sidewalk Café, delineation of the service area with a physical barrier in conformance with the design criteria of the City and acceptable to the state liquor control commission must be utilized.

- (e) Application for Outdoor Sidewalk Cafés License: An application for any Outdoor Sidewalk Café License shall include:
- (1) A completed application form provided by the City.
  - (2) A plot plan drawn to scale showing the proposed arrangement of the chairs, tables, railings and any other equipment proposed for the Outdoor Sidewalk Café.
  - (3) A narrative explaining the proposed operation of the café, including hours of operation.
  - (4) Samples or pictures showing the materials and colors of all tables, chairs, railings planters, waste receptacles or any other items proposed for the Outdoor Sidewalk Café.
  - (5) The Outdoor Sidewalk Café shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.
  - (6) Before granting a permit for an Outdoor Sidewalk Café, a notice shall be mailed by regular mail to adjacent property owners or occupants, giving such persons notice of the proposed use and given an opportunity to provide comments concerning the proposed operation.
  - (7) The fee as established by the City Commission.
- (f) Revocation of an Outdoor Sidewalk Café's license: The City Manager may revoke any Outdoor Sidewalk Café license for failure of the licensee to comply with the conditions of this ordinance or their license or if the operation for any reason creates a nuisance or hazard. The City Commission on its own motion may, without cause, revoke an Outside Sidewalk Café permit upon 30 days' written notice to the permittee.
- (g) Appeal of Administrative Decision: An applicant for an Outdoor Café License may appeal denial of the license. Appeals shall be made to the City's Zoning Board of Appeals.
- (h) Severability: If any clause, sentence, paragraph or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section; but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

- Q. Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, ~~(without alcoholic beverages)~~ subject to the following site design standards:
1. Outdoor cafés may be permitted *within the boundaries of a parcel or lot* ~~on a public right-of-way, on a building roof top, or as part of a patio or deck, or within the boundaries of a parcel or lot.~~ Those proposed for use of the public right-of-way must secure an annual permit from the City for temporary use of the right-of-way. However, no use of the right-of-way will be permitted on July 4th.
  2. ~~A minimum of four (4) feet of public sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants, and similar structure. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor café shall not be permitted on a public sidewalk.~~
  3. ~~Pedestrian circulation and access to building entrances shall not be impaired. A boundary (maximum encroachment width and length) into the public sidewalk shall be established with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of all state and federal regulations.~~
  4. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. ~~Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the City staff.~~
  5. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. ~~When not in use, all tables, chairs, umbrellas, and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk.~~
  6. Other additional signs are not permitted beyond those permitted for the existing restaurant.
  7. ~~Such areas are permitted seasonally between April 1 and October 31, except July 4th. The hours of operation for the outdoor café shall be established and noted with the application.~~
  8. ~~Preparation of food and beverages may be prohibited by the Planning Commission in the outdoor café.~~
  9. ~~The outdoor café or its operation shall not damage, stain, or discolor any part of the sidewalk or public right-of-way.~~
  10. ~~The outdoor café shall comply with any policies and/or regulations adopted by the City Commission for private use of public right-of-way. Liability issues for use of the public sidewalk may be addressed and reviewed by the City Attorney.~~
  11. ~~The outdoor café shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.~~

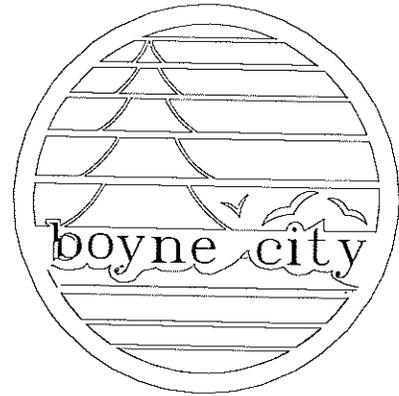
## CITY OF BOYNE CITY

**To:** Chair Jane MacKenzie and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** April 15, 2013

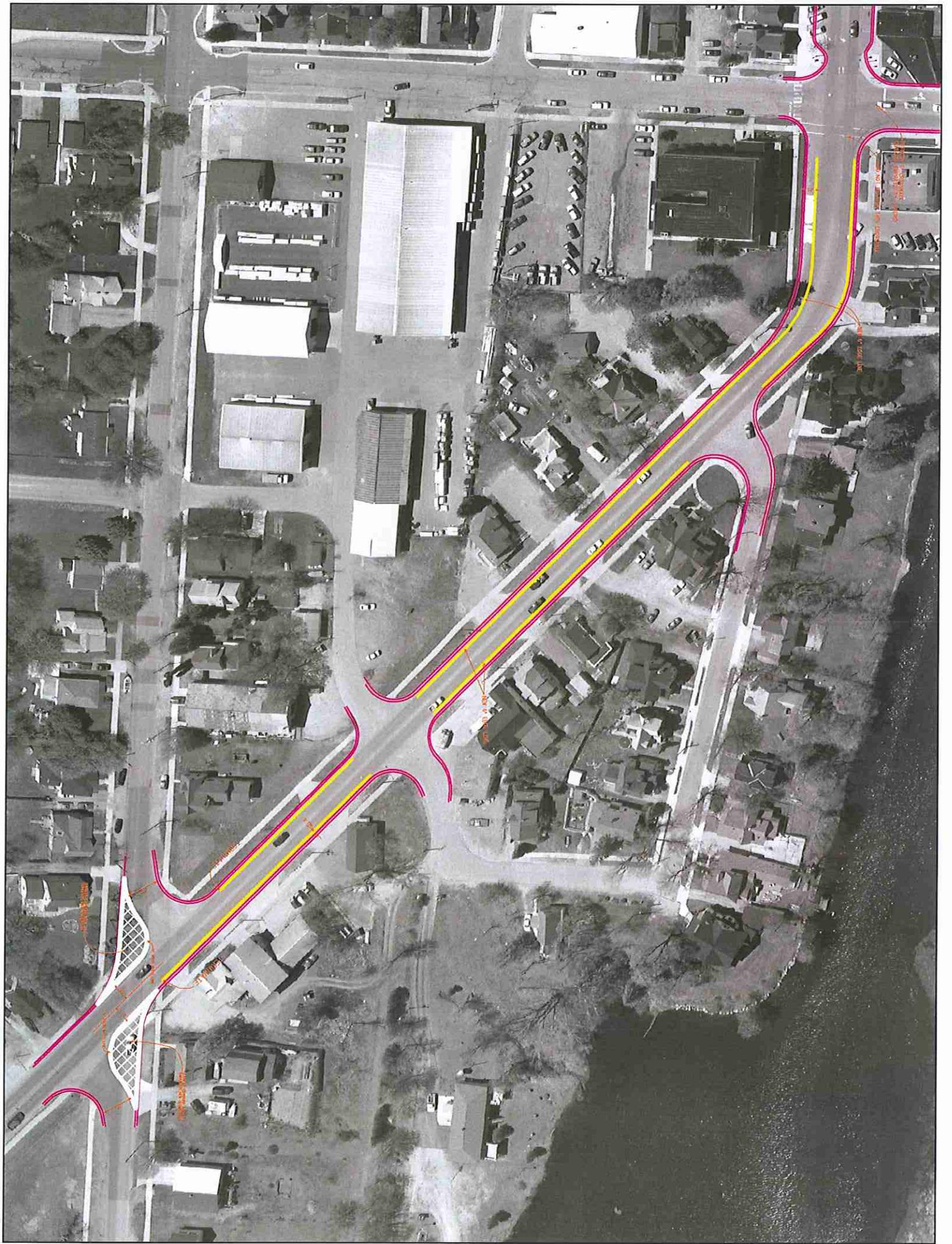
**Subject:** Boyne Ave proposal



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### Background

In cooperation with MDOT the City is reviewing possible changes to Boyne Avenue that would include bike lane striping from East Street to Main and reconfiguration of the Main Street intersection. A map showing the proposed changes has been attached. The white hash marked area at the Main St – Boyne Ave intersection is the proposed realignment of the intersection. The yellow lines are 6” wide strips that would be painted approximately 3’ from the curb line. The purple lines on the map delineate the existing curbs. The proposed changes are being provided for your review and comment.



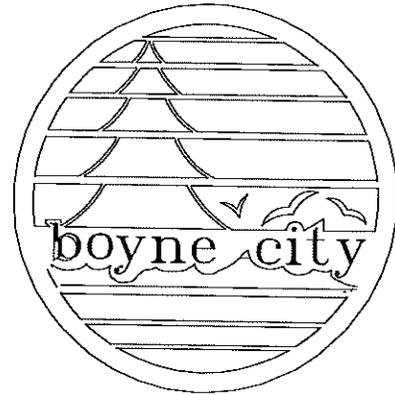
## **CITY OF BOYNE CITY**

**To:** Chair Jane MacKenzie and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** April 15, 2013

**Subject:** Planning Commission Reappointments



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### **Background Information**

On May 31, 2013 the terms for Planning Commissioners Lori Meeder, Aaron Place, and Joe St. Dennis will expire.

### **Process**

The procedures for the appointments to the planning commission are regulated by Ordinance A - 21. The ordinance stipulates that planning commissioners are appointed by the Mayor subject to the majority vote of the City Commission. In accordance with past practice the Planning Commission makes recommendations on planning commission appointments prior to submission to the City Commission

### **Recommendation**

Recommend reappointment of Lori Meeder, Aaron Place, and Joe St. Dennis to the planning commission for a 3 year term expiring May 31, 2016.

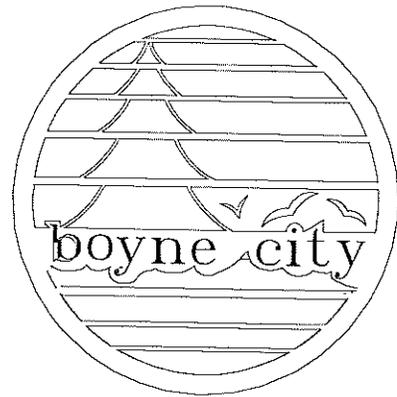
## CITY OF BOYNE CITY

**To:** Chair Jane MacKenzie and fellow Planning Commissioners

**From:** Scott McPherson, Planning Director

**Date:** April 15, 2013

**Subject:** Redevelopment Ready Community Presentation



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### **Background**

As previously discussed representatives from MEDC will come to the City to do an initial RRC presentation. The City Commission directed staff to coordinate with MEDC to schedule a date for the initial presentation with the preferred date on May 28<sup>th</sup>. This date is acceptable to the MEDC and has been scheduled (see attached letter). Jennifer Rigterink from the MEDC will be making the presentation and has indicated that the presentation will take about 30 minutes then some additional time for questions. At their meeting on April 9<sup>th</sup> the City Commission scheduled a special meeting for the presentation at 6pm on May 28<sup>th</sup>. It is being proposed that a joint meeting with the City Commission be held and the Planning Commission should also schedule a special meeting for 6pm on May 28<sup>th</sup>.

### **Recommendation**

Schedule a special meeting of the Planning Commission for the RRC presentation at 6pm May 28, 2013.

# PURE MICHIGAN®

March 15, 2013

Mr. Scott McPherson  
City of Boyne City  
319 N. Lake Street  
Boyne City, MI 49712-1101

Dear Scott:

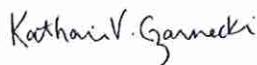
Thank you for your recent application to the Redevelopment Ready Communities® (RRC) program. On behalf of the Michigan Economic Development Corporation (MEDC), we are pleased to welcome the City of Boyne City into the first class of communities to participate in the formal RRC evaluation under the redesigned statewide program. Congratulations!

Next steps include scheduling an RCC kick-off presentation for your governing body. The presentation will provide an overview of the program and evaluation process with time for question and answer. It is important for other board/commission members and staff to attend the presentation in order to begin stakeholder engagement. We ask that your Planning Commission, Zoning Board of Appeals, and other groups (DDA, CIA, Main Street, etc.) be invited too. Your presentation has been scheduled for: **Tuesday, May 28, 2013.**

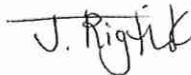
After the presentation takes place, we require your governing body adopt a resolution of support to proceed with the RRC evaluation process within 30 days. There is also a joint memorandum of understanding (MOU) to be signed. The MOU document details both the community and MEDC responsibilities pertaining to the RRC certification process. The MOU will be provided to you prior to the community presentation.

Thank you for your application to the RRC program. We are excited to get to work! If your community presentation has not been scheduled or you have any questions, please contact Jennifer Rigterink at 517-241-3995 or [rigterinkj@michigan.org](mailto:rigterinkj@michigan.org).

Sincerely,



Katharine Czarnecki  
Director, Community Development



Jennifer Rigterink  
RRC Program Specialist



Marilyn Crowley  
RRC Program Analyst



Michigan Economic Development Corporation

300 North Washington Square | Lansing, MI 48913 | 888.522.0103 | MichiganAdvantage.org | michigan.org