

AGENDA
BOYNE CITY PLANNING COMMISSION
Monday, June 18, 2012, 5:00 p.m.
Boyne City Hall

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.
 - A. Approval of minutes from the May 21, 2012 Boyne City Planning Commission meeting.
4. Hearing Citizens Present *(Non-Agenda Items)*
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. One Water Street Submittal and request for preliminary review of final development plan and rescheduling of July meeting
 - B. Review of lot reconfiguration ordinance.
 - C. Planners Moments
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting, July 16, 2012



**Meeting of
May 21, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, May 21, 2012 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, Lori Meeder and Tom Neidhamer
Absent: Jim Kozlowski, Jane MacKenzie, John McCahan (arrived: 5:03 pm), and Joe St, Dennis

**Excused Absence(s)
MOTION

2012-05-21-2
Crum moved, Meeder seconded, PASSED UNANIMOUSLY a motion to excuse the absence of Kozlowski and St. Dennis.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver
Public Present: Twelve

**Consent Agenda
MOTION

Item #B from the consent agenda, Lot reconfiguration request from Irene Brannon, has been removed and will be placed under New Business, 7C

2012-05-21-3
Meeder moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the April 16, 2012 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

None

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

None

Unfinished Business

None

**New Business
Election of Officers**

Planning Director Scott McPherson advised every May the election of officers must be held. As the current chairman is an elected city commissioner, while there is nothing stated that he can not be the planning commission chair, it is not recommended that he hold the office. After board discussion, it was determined not to postpone due to the absences of commission members. **Motion by Crum, seconded by Meeder** to nominate Jane MacKenzie as Chair.

2012-05-21-7A(1)

Roll Call:

Aye: Crum, McCahan, Meeder
Nay: Ellwanger, Frasz, Neidhamer
Absent: Kozlowski, MacKenzie, and St. Dennis
Motion does not carry - tie vote

Motion by Neidhamer seconded by Ellwanger to nominate Gretchen Crum as Chair.

2012-05-21-7A(2)

Roll Call:

Aye: Ellwanger, Frasz, Neidhamer

Nay: Crum, McCahan, Meeder

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion does not carry – tie vote

Due to the tie votes **Motion by Crum, seconded by Meeder** to nominate Tom Neidhamer as Chair.

2012-05-21-7A(3)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Motion by Meeder, seconded by Frasz to nominate Jane MacKenzie as Vice Chair.

2012-05-21-7A(4)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Planning Director Scott McPherson presented the application for a conditional rezoning request for the 1 Water Street property. The original project was approved back in June 2009. The restaurant and office space portion has been constructed. The second phase was the proposed 37 room hotel/condominium units. A new application has been submitted to replace the hotel/condominium structure with 13 resort cottage structures with extended stay on the upper floors, and the lower floors will have motel rooms, commercial spaces, along with a shower facility for the marina. One of the primary concerns is the view shed. In the first plan, the required 30% side yard setback; the planning commission approved a diminished amount down to 23%, and a waiver was given. The new plan is diminished also, but does afford a view corridor through the buildings. The other issue of concern was the parking. The application does state that they would be able to provide 106 spots, consistent with the uses that will be provided; along with the consideration of the 20% reduction for mix uses plus the allowance of 14 parking spots that are off site. In the CBD there is the ability for the commission to waive or reduce the amount of parking if they find that surrounding public parking and walk ability is available. The Main Street group reviewed, and recommended approval of the proposed plan, as the project falls within the Downtown Development Authority. As the uses are uses by right in the CBD, it is not a requirement to go through a conditional development review, but would recommend that final site plan approval be received by the planning commission prior to construction.

**Public Hearing for
Conditional Rezoning
Request for 1 Water
Street submitted by Catt
Development**

Development Team presentation

Glen Catt – I know last month there were some concerns about financial aspects and funding, and a letter from Northwestern Bank is included in your packet. There are two units on the corners that have shared walls, so will need a cash customer or someone that has the ability to get a non-conventional mortgage.

Doug Mansfield – Mansfield & Associates

This proposed plan goes back to vintage motor courts with walking promenades of stamped concrete, along with independent parking for the units. Commercial uses with 400 to 500 square foot units, could house galleries and shops, the lake side and interior will have downstairs motel units, and one with the marina shower house. The plan does accommodate fire trucks if they become necessary. We do have 106 parking spaces, and the view corridor is about the same with views at the southern edge, and between the buildings. The profile of the proposed units is 20% lower than the original 4 story hotel. All of the buildings will have sprinkler systems, and fire separation walls and ceilings.

Public hearing opened at 5:48 pm

Ron Lewis – Representative of Harborage Bay neighbors to the South

(1) Getting the zoning changed from Waterfront Marina District to Central Business District, how does it affect existing marina? **McPherson** – It is still an allowed use, the marina is separate from the land, so is not affected by zoning change.

(2) Timing to start construction - **Catt** - Looking at starting this fall

(3) Common border – We would like to have a meeting with you to discuss the details of the border. **Catt**- We want that also.

Jim Baumann – Chamber of Commerce Director. I just attended a placemaking summit that spoke specifically about this type of project, “walkable urban development” the old concept of sprawl does not work any longer. What is not to like, more density, less height, less bulk, and this will be good for the downtown, and has the potential to bring more retail downtown.

Don Ryde – Café Sante. I liked the older project a lot. This one is just beautiful; this will be a big plus for the whole town, and will upgrade the waterfront.

Public hearing closed at 5:55 pm

Board Deliberation

Neidhamer - Our task is to approve or disapprove as presented.

Meeder – Is there flexibility with lower units from retail/motel as market dictates?

Catt – Correct, they will have the option for commercial spaces vs motel room. The flexibility will remain with the units.

McPherson – Sidewalk placement will have direct access to units with a small yard area between the front and the sidewalk? **Mansfield** - An entrance will come off of the side of the unit from the walk. They will have a small sign bracketed off of the building itself.

Meeder – I think this is beautiful and like the design. Board agrees.

Usage

Ellwanger - Very happy with the design, it makes sense. Board agrees

Viewshed

Neidhamer - To clarify, if it changes zoning? **McPherson** - the viewshed in the WMD specifically requires 30% setback. CBD there is not a requirement. Does not require you to approve/waive if it goes below 30%. However, it is a change and appropriate to consider the impact.

Meeder - like the viewshed better, with the different points, and doing the math is not that much different.

Frasz - This is my biggest area of concern: For me seeing the lake and having access to the view is important to me and others. We need to do whatever possible to maintain public access to views with the sidewalk or in front of the development on the lakeside and down the south side of the property border. Having access to the lake is in the Master Plan.

Catt - In the last project, one of the things we did was "trade" making the marina dock public so the lakefront side of the project could remain private.

Frasz - I remember the conversation, but not the trading point. If we made that decision as a board, we should honor that.

Catt - I think it would be more important for the public to be able walk out to the end of the dock, instead of the walkway in front of the units on the lake side. I placed the stipulation that the marina dock would be public in the previous development plan. I believe more people will be using the dock than the walkway on the lake side. I don't want to take away the public aspect of the marina access on the dock.

McPherson - I remember the discussion. It was offered, and we accepted.

Catt - We put the dock access in writing in the development agreement, so that it could never be taken away. They can go all the way down to the dock to the "T" at the end, except the fingerlings.

McPherson - It was a condition and approval of the previous plan. (This was verified reviewing the previous minutes.)

Parking

Neidhamer - Willing to give up the lot across the street. It's in the best interest of the city to not have a parking lot on one of the main streets in the city, and the possibility of bringing in businesses into town. Board agrees.

Motion by Crum, seconded by Meeder to approve the 20% reduction in parking based on the mix use variance for collective uses.

2012-05-21-7B(1)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Motion by Ellwanger, seconded by Meeder to waive the reduction of required parking under Section 10.5 based on the mixed use of the marina slips, proximity to downtown and additional public parking spaces.

****MOTION**

****MOTION**

2012-05-21-7B(2)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Architecture Pattern Board Presentation

The Main Street Design Committee unanimously approved the submitted building materials and finishes. The reduction in height is not an issue; landscaping, lighting, signage will all be reviewed at the final site plan review.

Mansfield – We have designed this project with a historically Bar Harbor feel, which is appropriate for the cottage feel with green space.

Frasz – Who will be responsible for the sidewalk in front of the retail spaces?

Mansfield – The developer will be it is in the development agreement.

At this point the board went through Section 2.5C items 1-12

2.5 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.
Future Land Use map shows it in the downtown core, consistent with Master Plan. It was zoned CBD prior to the change in ordinance, and is not new to this parcel.
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.
Documentation from banks and financial institutions that financial aspects have changed.
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, the Waterfront Master Plan identifies this particular parcel as adopted in 2006, and shows the various uses, in compliance with the Future Land Use 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.
Yes
5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.
Yes, as conditional zoning, this is an allowed use.

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.
Proposed uses don't approach these thresholds. Along with the reduction in previously approved density.
7. The rezoning would constitute and create an isolated and unplanned "spot zone" granting a special privilege to one landowner not available to others. *Adjacent to CBD, planned for CBD, was previously CBD, totally consistent*
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.
Plan presented does meet all of the requirements.
9. There has been a change of conditions in the area supporting the proposed rezoning.
Financing, economic times, and needs have all changed.
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
It is one of the available pieces of waterfront property for this particular project.
11. There was a mistake in the original zoning classification.
Not true
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
No plans have been submitted within the past year.

The project does meet 11 of the 12 criteria.

Ellwanger moved, Meeder seconded a motion to recommend the conditional rezoning to the City Commission, with the stipulation that final site plan approval must be received from the Planning Commission prior to construction, and the previous development agreement remain in place that public shall have access to the marina dock.

2012-05-21-7B(3)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

****MOTION**

This item was removed from the consent agenda for discussion
Frasz - I have a question on the vacated alley that was on the drawing. This has been split and under the ownership of the adjacent property owners. No access can be given back. **McPherson** - It was formally vacated long ago. With no further board discussion **motion by Meeder, seconded by Crum** to recommend approval of the proposed lot reconfiguration request from Brannon to the City Commission.

****MOTION**

Planning Director McPherson believes that the process for our lot reconfigurations is cumbersome and can be streamlined by administrative review of the zoning staff. It is not discretionary; they either meet the requirements, or they do not. It can also be a financial and time hardship to the applicant to go through our current process of two board meetings. After additional board discussion this item to be put on a future agenda for discussion and possible change to the process and ordinance.

2012-05-21-7C

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Staff Report

- The Devlon site has been cleared of the rubble pile and most of the asphalt. They are still pursuing Brownfield funding. Request for appeal at the State Court of Appeals is still pending. Need to look at other issues of the site, the unfinished building and fence.
- Kirtland - The consultants will arrive tomorrow to set up monitors. They will monitor while the plant is running 24 hours with the machinery running and again for 24 hours while not. Phase II (emissions) will be looked at a later date. Kirtland is unsure when the stack testing will be done.

Good of the Order

None

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for June 18, 2012.

2012-05-21-10

Neidhamer moved, Meeder seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:58 p.m.

****MOTION**

Pat Haver, Recording Secretary

Tom Neidhamer, Chair

CITY OF BOYNE CITY

To: Vice Chair Tom Neidhamer and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 18, 2009

Subject: One Water Street Conditional Use/Development Plan



BACKGROUND

Final Site plans have been submitted to the planning commission with the request to complete a preliminary review of the final proposed site plan for the rezoning request to rezone the property from Waterfront Marina District (WMD) to Central Business District (CBD). It is with the understanding that the final site plan cannot be approved at this review as it is occurring prior to the 2nd reading of the proposed conditional rezoning which is scheduled for July 24th. With this submission Catt Development is requesting that the Planning Commission review the proposed development plan and identify any issues, problems or questions with the proposed final site plan so the issues can be addressed prior to the final site plan approval. Catt Development has also requested that the Planning Commission consider rescheduling the July 16th Planning Commission meeting to July 30th. This would allow the final site plan review to be completed three weeks earlier than waiting until the August 20th scheduled meeting;

DISCUSSION

Proposed Uses- The ground floor of the structures would primarily consist of motel units designed for short term transient occupancy and would have only a bedroom and bathroom. It is anticipated that 3 of the ground floor units will be used for commercial uses however, this could fluctuate depending on market demand. One unit would be dedicated as a bathroom and shower facility for marina users. The second and third floors would contain 15 two bedroom units intended to be used as vacation rentals that could be used for short term or long term occupancy. The uses as proposed are principal permitted uses in the CBD as per section 10.20(J) and 10.20(M).

Building Placement, Height and Setbacks - The proposed project is comprised of basically two different building types. All the proposed buildings are 3 stories. The total height of the buildings as measured from the grade to the ridge is 37' and 40'. All the buildings will have 8/12 gable roofs and building heights as measured per the ordinance requirements would be 33 feet and 35 feet. In the CBD district the maximum building height is 45 feet or 3.5 stories. In the CBD zero setbacks are allowed with the exception of the waterfront where a 35ft setback from the high water mark must be maintained. The location of the buildings on the property line is permitted and is encouraged by the ordinance. A side yard setback of 33.3 feet from the south property line is proposed which would equal 16% of the corresponding lot width and will provide a lake view. The buildings on the proposed plan will have 8ft spacing between the walls of structures which will provide two other lake views from Front Street. Because the applicant is proposing a conditional rezoning to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission is not required to make a finding in regards to the

viewshed as it did with the previous application, it is totally appropriate to consider the changes in the viewshed in the context of this conditional rezoning request.

Parking-The submitted application has included parking calculations for the existing and the proposed uses. The uses as requested would require 132 parking spaces for existing developed portion of the project and the proposed changes. As with the previous approved plan the the Planning Commission approved a 20% reduction for collective use of parking spaces as provided by BCZO section 24.20(F). In addition the applicant has requested the waiver of 14 spaces in accordance with the criteria of BCZO section 10.50. The Planning Commission approved the waiver of the spaces based on the finding that several of the marina slips would be owned by owners of the condominium units reducing the overall parking demand and the close proximity of public parking on Water Street and Front Street.

With the 20% reduction and the waiver of 14 spaces a total parking requirement of 92 spaces must be provided for the proposed uses. The submitted site plan shows a total of 92 spaces located on site. The onsite spaces will consist 16 paved spaces located on Front Street, 30 paved spaces in a parking lot, 7 spaces that will be reinforced turf parking and 39 paved spaces that will be located in the access drive, driveways and garages of the resort cottages.

Landscaping -- The BCZO has provided the Planning Commission flexibility in approving landscaping requirements as a number of circumstances can affect the specific landscaping needs of individual sites. A landscaping plan has been provided by review. Section 23.60 of the BCZO allows the Planning Commission to modify or waive the required landscaping requirements and is as follows:

Section 23.60 Waiver or Modification of Standards for Special Situations.

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscape and screening requirements of this Article, the following may be considered:

- A. Extent that existing natural vegetation provides desired screening.
- B. There is a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- F. Building heights and views.
- G. The adjacent residential district is over two-hundred (200) feet away from the subject site.
- H. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Site Lighting -The applicant has also submitted a lighting plan and proposed fixtures for final plan review by the Planning Commission.

Development Agreement- In 2009 a Development Agreement was signed by the Catt Development the City to formalize the approved conditions. With this application Catt Development has offered to have all the stipulations and conditions in the agreement also apply to the proposed plan.

Process

This is a preliminary review of the proposed final site plan and is intended to identify any issues that should be addressed. As the conditional rezoning has not been approved no formal action on the plan can be done at this time.

Recommendation

Review the proposed site plan and identify any issues that need to be addressed prior to submittal for final site plan approval. Also act on applicants request to reschedule the regular planning commission meeting for July from July 16th to July 30th.

DEVELOPMENT AGREEMENT

Agreement made this 4th day of November, 2009, by and between **INTEGRITY LAND COMPANY**, a Michigan corporation, whose address is 829 W. Main Street, Suite C, Gaylord, MI 49735 ("Owner"), and the **CITY OF BOYNE CITY**, a Michigan municipal corporation, whose address is 319 North Lake Street, Boyne City, MI 49712 ("City").

RECITALS

A. Owner owns property in the City of Boyne City, Michigan commonly known as One Water Street ("Owner's Property"), on which it intends to construct certain improvements, including certain fixtures or elements on or in City property or right-of-way, including a floating dock.

B. At the meeting of the Planning Commission of May 18, 2009, the Conditional Use and Development Plan for the One Water Street Development was approved by the Planning Commission, a copy of which is attached as Exhibit A (the "Development Plan").

C. The City Commission at its meeting of May 26, 2009, discussed the issue of improvements on public land or in the public right-of-way to the west end of Water Street and referred the issue of those improvements to staff. The City staff met with the Owner and Owner agreed to a list of improvements on public land or in the public right-of-way.

D. The City Commission at its meeting of June 23, 2009, approved a list of improvements as recommended by staff following meetings with the Owner.

E. As a condition to issuing Conditional Use and Development Plan approval for the development of Owner's Property, the City has asked Owner to make certain improvements on public land or in the public right-of-way.

F. Owner is willing to make certain improvements on public land or in the public right-of-ways, including the construction of a floating dock on Lake Charlevoix, subject to certain terms and conditions.

G. The parties desire to clarify the terms and conditions of the improvements.

AGREEMENT

NOW, THEREFORE, the parties agree to follows:

1. **Improvements on public land or in the Public Right-of-Way.** Owner agrees to make certain improvements to Water Street and adjacent area as depicted on the Development Plan subject to the following terms and conditions:

- a. All fixtures and elements constructed on City property shall be built to applicable City Ordinances and construction standards, consistent with adjacent City improvements;
- b. The City shall be entitled to review and request revisions to all construction drawings and specifications prior to bid and shall be entitled to inspect and ensure that construction is consistent with the drawings and City standards;
- c. The Owner shall provide the City with as-built drawings in digital format within sixty (60) days of the issuance of any occupancy permits for the area/phase covered by the occupancy permit;
- d. Prior to commencing construction, the Owner shall provide the City with a schedule of work for approval by the City. The schedule shall ensure that there is minimal impact on the use of City property and rights-of-way during prime holidays and other scheduled community events;
- e. The Owner shall provide and initially install the proposed public fishing platform upon occupancy of Phase II of the Development Plan;
- f. The City shall be entitled to approve the final location of the relocated northern fire hydrant;
- g. Three (3) streetlights shall be provided and installed by the Owner on Water and Front Street consistent with existing streetlights in the downtown, including color, bulb and power outlets. The two (2) streetlights on Water Street shall be connected to the City system by the Owner. When installed, the two (2) streetlights on Water Street shall be operated and maintained by the City. The streetlight on the Owner's property on Front Street shall be constructed, operated and maintained by the Owner;
- h. The streetlight at the northwest shall be aligned with a handicapped parking space to allow for the placement of a handicap sign;
- i. Conduits for electrical and irrigation systems shall be installed by the Owner under and across lawn area and sidewalks to allow future electrical and irrigation systems throughout City property;
- j. A conduit for electrical shall be installed by the Owner from Sunset Park to the far west end of the public sidewalk circle;
- k. The Owner shall provide for and install four (4) Bollard lights on City property, the specifications to be mutually agreed by both parties, with neither party unreasonably consenting. The City shall operate and maintain these lights;
- l. The sidewalk design and layout adjacent to the paved portion of Water Street shall be constructed by the Owner consistent with the layout and pattern of

sidewalk on the north side of Water Street. All sidewalk construction shall be concrete of six (6") inch thickness. Manholes installed in brick pavers shall include a City logo;

m. The existing raised storm sewer manhole south of Lake Charlevoix discharge point and structure beneath the manhole shall be removed and backfilled by the Owner. The pipes may remain;

n. The Owner shall reimburse the City in the amount of Fifty One Thousand Nine Hundred Eight Seven 75/100 Dollars (\$51,987.75) for improvements made by the City to the existing storm water filtration system. This reimbursement may be paid in installments by the Owner in amounts no less than the percentage of the Owner's project' impervious surfaces (pavement, walkways, roofs, etc.) associated with each phase of the project, prior to that phase obtaining an occupancy permit;

o. To maintain view corridors, new trees shall not be planted on City property. The two (2) Red Maple trees shall be removed and transplanted to location(s) specified by the City;

p. The Owner shall provide six (6) six (6') foot benches and one (1) trash receptacle matching those benches and receptacles in use in the downtown area;

q. The Owner's existing parking lot lighting fixtures shall be preserved for the City's reuse of those fixtures;

r. The Owner and the City shall agree upon construction access to the property;

s. The Owner shall clean and level the site upon completion of work elements and add topsoil and plant with grass seed in the proposed area consistent with specifications developed by City staff;

t. The Owner shall provide the City with a design plan and specifications for proposed planting on City property. The plan shall be subject to approval by City staff;

u. All improvements and plant stock material shall be warranted by the Owner for one (1) year after acceptance of the project by the City. If any improvement or plant stock becomes defective or does not thrive during that one (1) year period, shall be repaired and/or replaced by the Owner.

2. Public Access to Dock; Limitations. Owner agrees to allow perpetual public access to a portion of the Owner's dock, also referred to as 'dock' below, subject to the following terms and conditions:

a. **Main Dock Only.** Public use of the dock shall be limited to the portion of the dock depicted on Exhibit B as "public use area." All "finger" piers are expressly

excluded. Owner may post "Owner's Only" or "No Trespassing" or other such signs at its discretion at or near the entrances to the finger piers;

b. **Hours of Use.** Public use of the dock shall be limited to the hours between 8:00 am and 10:00 pm. Owner may post signs indicating hours of permitted access;

c. **Use.** Public use of the dock shall be for pedestrian purposes only. The dock may not be used by the public for any other use, including, without limitation, fishing, diving, swimming, sunbathing, or mooring. Owner may post signs to such effect.

d. **Term.** The public's use of the dock shall not be terminated unless reduced to writing and signed by both parties, and the public's use of the dock shall run with the land.

3. **Sidewalk.** Owner also grants public access over and across the portion of the sidewalk located on Owner's Property between the dock and the sidewalk located on the City's property to the north of Owner's Property, as depicted on attached Exhibit B. Said portion of Owner's sidewalk may only be used for pedestrian access to and from the dock and may not be used for any other purpose.

4. **Letter of Credit.** The Owner shall, prior to construction on public land as provided above, provide the City with a Letter of Credit in an amount and form acceptable to the City not to exceed \$100,000.

5. **Indemnification.** The Owner agrees to indemnify and hold the City harmless against all losses, damages, costs and expenses, including reasonable attorney fees, resulting from Owner's construction of the improvements, including the dock or resulting from Owner's breach of any warranty, representation or covenant contained in this Agreement, except to the extent such losses, damages, costs or expenses are caused by or arise from the acts or omissions of the City.

6. **Default; Remedy.**

a. In the event Owner defaults in the performance or observance of any term, covenant, condition, or provision of this Agreement, and such default is of a kind which is curable or remediable, the City may give Owner notice of default. In the event such default continues for a period of fifteen (15) days after service of a notice of default, the City may proceed to take such action or invoke such remedy as may be allowed by law or in equity.

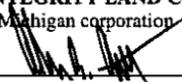
b. In the event of a breach or a threatened breach by Owner of any of the terms, covenants, conditions or provisions of this Agreement, the City shall have the right to apply for an injunction to restrain the same and the right to invoke any remedy allowed by law or in equity, including without limitation the right to money damages.

c. The rights and remedies given to the City in this Agreement are distinct, separate and cumulative remedies, and no one of them, whether or not exercised by the City shall be deemed to be in exclusion of any of the others herein or by law or equity provided.

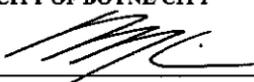
7. **Entire Agreement.** This Agreement and Exhibits A and B attached set forth all agreements and understandings between Owner and the City concerning improvements, public right-of-way and supersedes any and all prior agreements between Owner and the City. There are no agreements or understandings between them other than as set forth herein.

8. **Amendment.** Except as provided herein, no subsequent modification or amendment to this Agreement shall be binding upon Owner or the City unless reduced to writing and signed by both parties.

9. **Binding Agreement.** This Agreement shall be binding upon and shall inure to the benefit of any party succeeding to Owner's interest in the Owner's Property.

INTEGRITY LAND COMPANY,
a Michigan corporation


By: Glen B. Catt
Its: President

CITY OF BOYNE CITY


By: Michael Cain
Its: City Manager

Branches.06056.60760.1848754-2

Final Development Plan

Submitted to:

City of Boyne City
Scott McPherson, AICP Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712



Original 0 6/8/2012

Developer:

 **CATT DEVELOPMENT**

Prepared by:



Project Partners:



**TRAVERSE
ARCHITECTURAL
GROUP, L.L.C.**

1212 Veterans Drive
Traverse City, MI 49684
231-946-0940 • F 231-946-0945

Integrity
CONSTRUCTION SERVICES

June 8, 2012

Scott McPherson, AICP
City of Boyne City, Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712

**Re: Application for Site Plan Review
One Water Street –Resort Cottages**

Dear Scott,

We are pleased to present you with this application for Site Plan Review of the proposed Resort Cottages at One Water Street. We appreciate the City allowing us to submit the enclosed documents prior to the second reading of the Conditional Rezoning, therefore giving us the opportunity to advance the potential permit approval date within the 2012 construction season. Our intent is to begin marketing the project as soon as City approval is granted (*mid-summer*), and we are hopeful to begin construction on phase 1 this fall.

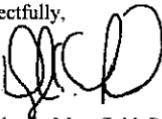
The site plan submitted herein is in conformance to the conditions specified through the One Water Street Conditional Rezoning currently being processed by the City, including provisions for view sheds, parking, and a 'pattern book' or 'architectural menu' of potential architectural elements, colors, and configurations of the individual structures.

the following documents are included in this packet:

- this Cover Letter
- Site Plan Review Applications (*fee paid with prior rezoning application*)
- Project Fact Sheet
- Civil Engineering Site Plan Set
- Architectural Pattern Book (*Elevations and Floorplans*)
- Lighting Exhibit
- Phasing Exhibit

Please feel free to contact me at (231) 946-9310 *office*, or (231) 218-5560 *cell*, should you have any questions, or require additional information.

Respectfully,



Douglas L. Mansfield, President
Mansfield & Associates, Inc.



**Boyer City
Planning Commission**

319 N. Lake Street
Boyer City, Michigan 49712-1188
(231) 582-0343
www.boyercity.com

**Site Plan Review Application
FULL PLAN REVIEW**

➔ **Applicant Name:** Mansfield * Associates, Inc. - Doug Mansfield
Street Address: 1212 Veterans Dr.
City: Traverse City **State:** MI **Zip-Code:** 49684
Phone Number (s): (231) 946-9310 **E-mail:** doug.m@ma9eps.com

➔ **Property Owner's Name:** CATT Development - Glen Catt
Street Address: 829 W. Main St. Suite C
City: Gaylord **State:** MI **Zip-Code:** 49735
Phone Number (s): (989) 732-9722

➔ **Project Location:** Street Address: One Water Street
Property ID Number: 15-051-445-705-1131

I / We request: site plan review and land use permitting to complete the final component of the One Water St. mixed-use development.

As an illustration of this request, I/we have attached a site plan(s) of the premise drawn to scale showing the location of all existing and proposed structures, improvements, and uses on the property as well as any information required by ordinance.

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyer City Zoning Ordinance as well as all procedures and policies of the City of Boyer City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

DOUGLAS MANSFIELD
 Applicant (Printed Name)

Signature
Glen Catt

3/30/12
 Date
3/26/2012
 Date

Property Owner (Printed Name)

Signature

Date

Application and filing fee received _____

Receipt Number _____

Received by _____

FACT SHEET

Developer:

Catt Development
Glen Catt
829 W. Main St. Suite C
Gaylord, MI 49735
(989) 732-9722

Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

Architect:

Traverse Architectural Group, LLC
Dave Spala
1222 Veterans Drive
Traverse City, MI, 49684
(231) 946-9940

General Contractor:

Integrity Construction Services
Ed Hunt
829 W. Main Street Suite C
Gaylord, MI 49735
(989) 705-1131

Site Location:

One Water Street
Boyne City, MI 49735

Tax ID:

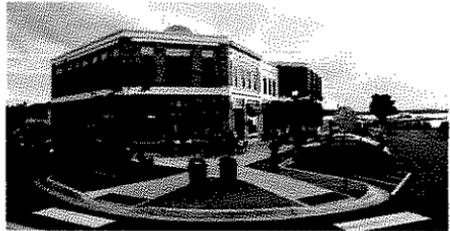
15-051-445-082-10

Size:

1.91 acres

Zoning:

Zoned CBD prior to 2000
Zoned WMD after 2000
Zoning changed back to CBD in 2012
Master Planned as Downtown Core



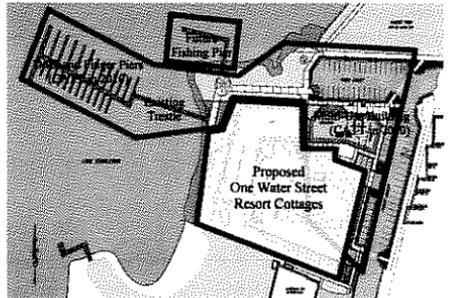
One Water Street Phase I, Completed Multi-Use Building



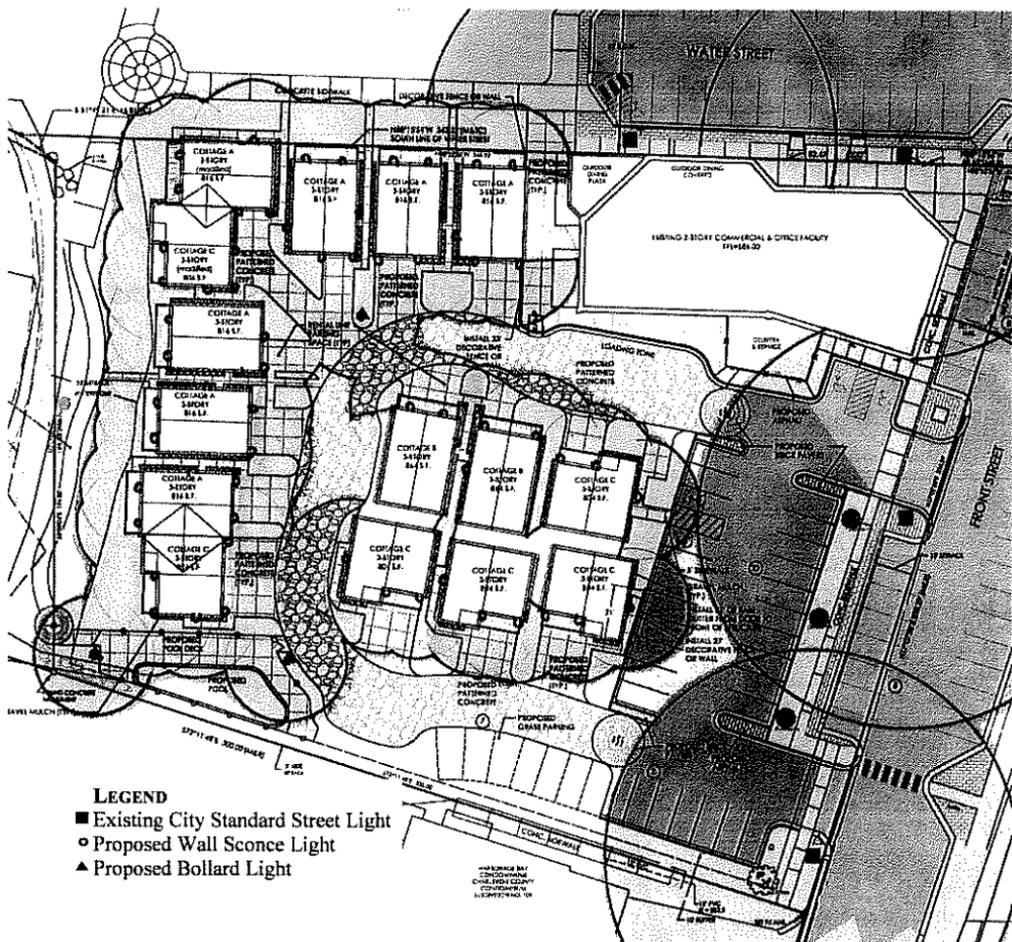
One Water Street Phase I, Completed Pier and Boat Slips



One Water Street, Aerial View



Proposed Phase II, Completion of One Water Street



RESORT COTTAGES AT ONE WATER STREET -INTENT FOR ON-SITE LIGHTING

The intended concept for lighting the site is to provide a soft, human scale lighting. The two existing shoebox light poles in the parking lot will be removed and replaced with a series of sconce lighting mounted on the individual buildings (*mounted at a 5 foot height*), and bollard lights (*with the light source at a 3 foot height*). Because the proposed lighting is residential grade, there are no industry standards available to create a photometric plan as required for site plan review. The graphic above is a non-scientific illustration of the intended lighting concept for the project site.

The following page includes technical specifications for the type of lighting proposed on site. Fixtures would have a white powder coat finish.

Mansfield & Associates
 Land Use Consultants

1212 Veterans Dr.
 Traverse City, MI 49684
 P 231.946.9310
 F 231.946.8926
 www.mateps.com



Available Finishes: Black (Painted), Brushed Nickel, Olde Brick, White, Olde Bronze

Seaside - Outdoor Wall 1Lt

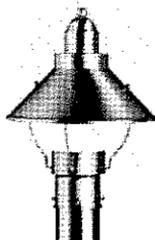
9021NI

Outdoor Wall 1Lt

Dia./Width: 6.0 IN

Body Height: 7.25 IN

With an aura that is as pure as a sea breeze, the Seaside Collection offers the homeowner a unique line of outdoor fixtures guaranteed to bring a new identity to your home's landscape. For this 1-light Seaside Wall Lantern, solid brass is combined with Kichler's Brushed Nickel finish. The fixture covers a 60-watt (max.) bulb that provides outdoor illumination for your landscape. It is 7 1/2" high and is U.L. listed for wet location.



Available Finishes: Olde Brick, Brushed Nickel, Olde Bronze

Seaside - Outdoor Post Mt 1Lt

9923NI

Outdoor Post Mt 1Lt

Dia./Width: 10.25 IN

Body Height: 14.75 IN

With an aura that is as pure as a sea breeze, the Seaside Collection offers the homeowner a unique line of outdoor fixtures guaranteed to bring a new identity to your home's landscape. This 1-light Seaside Post Lantern has a white glass cover, a 100-watt (max.) bulb provides outstanding outdoor illumination for your landscape. It is 14" high, and is U.L. listed for wet location. Post Not Included.

Technical Information

Type	Outdoor Lights	Primary Bulb Count	1
Style	Lodge / Country	Primary Max Watt	100W
Finish Group	Silver	Primary Lamp Type	A
Room	Outdoor Lighting	Voltage	120
Weight	2.25 LBS	UL CSA Listed	Yes
Body Height	14.75 IN	Diffuser Description	WHITE GLASS
Width	10.25 IN	Body Material	ALUMINUM
Bulb Included	Not included		

RESORT COTTAGES AT ONE WATER STREET -INTENT FOR ON-SITE LIGHTING

Mansfield & Associates

Land Use Consultants

1212 WILSON DR.
TRVERSE CITY, MI 49684
P 231-946-9319
F 231-946-9326
WWW.MNSAPE.COM

RESORT COTTAGES AT ONE WATER STREET

Pattern Book of Architectural Guidelines

May 14, 2012



One Water Street Boyne City, MI 49735



Catt Development



(989) 752-9722

DEVELOPMENT TEAM

Realtor:

Kidd & Leavy Real Estate
Walter J. Kidd
325 E. Lake Street
Petoskey, MI 49770
(231) 838-2700

Developer:

Catt Development
Glen Catt
829 W. Main St. Suite C
Gaylord, MI 49735
(989) 732-9722

Architects:

Traverse Architectural Group, LLC
David Spala
1222 Veterans Drive
Traverse City, MI 49684
(231) 946-9940

Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

General Contractor:

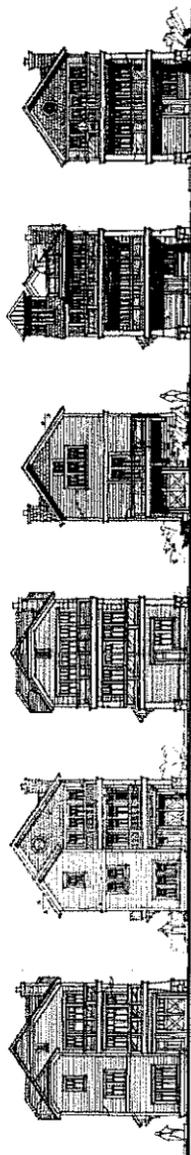
Integrity Construction Services
Ed Hunt
829 W. Main Street Suite C
Gaylord, MI 49735
(989) 705-1131

The One Water Street Resort Cottage Pattern Book has been prepared specifically for the One Water Street Resort Cottage development. This document is not suitable for use on other projects or other locations without the prior approval of Catt Development, Mansfield, Inc., and Traverse Architectural Group, L.L.C. Reproduction, in whole or in part, is prohibited.

RESORT COTTAGES at ONE WATER STREET

TABLE OF CONTENTS

Intent of Pattern.....	i	
Development Intent.....	ii	
Site Plan.....	iii	
Cottage Types		
A Cottage		
Elevations.....	1	Architectural Options
Floor Plans.....	2	Roof Form.....
Ground Floor Options.....	3, 4	Roof Top Deck.....
B Cottage		
Floor Plans.....	5	Siding & Banding.....
Ground Floor Options.....	6	Deck Supports.....
C Cottage		
Elevations.....	7	Color.....
Floor Plans.....	8	
Ground Floor Options.....	9, 10	



RESORT COTTAGES at ONE WATER STREET

INTENT OF PATTERN BOOK:

This Pattern Book describes guidelines that have been established to help future residents, builders and developers create structures that reflect the architectural, site, and landscaping principles that will compliment each other within the entire development. These guidelines are in compliance with the following municipal authorities development requirements executed on dates:
list municipalities, site plan review #, permit # here

The regulations found within the One Water Street Resort Cottage Pattern Book are binding upon Catt Development, successor developers, their agents, and all future owners of properties within the One Water Street Resort Cottage project, including unit owners.

The intent of this Pattern Book is to provide guidelines for the One Water Street Resort Cottage Architectural Control Committee (RACC) to ensure consistent reviews of proposed structures, site plans and details for the development of the One Water Street Resort Cottage project.

These development guidelines are illustrative examples of the architectural controls for the project as referred to in the Declaration of Covenants, Conditions and Restrictions for the One Water Street Resort Cottage Project. All buildings illustrated in this Pattern Book are conceptual. Detailed designs must be prepared following these guidelines for each structure to obtain approval for construction.

This Pattern Book will also secure investments by requiring a level of quality and detail from beginning to the end of the development process.

DEVELOPMENT INTENT

DEVELOPMENT INTENT:

Create a new, unique, mixed-use neighborhood at the One Water Street property in Boyne City, Michigan, following the design principals of Traditional and Modern Cottage Development patterns.

Take advantage of the natural features of the site and establish a well-planned mixed use neighborhood that is based on the opportunities and limitations of the site.

The Water Street Resort Cottage Project will be consistent with the existing community Master Plan, responsible to the natural features of the site, and it will be sustainable with its variety of proposed land uses.

Encourage the use of creative architectural and landscape detail.

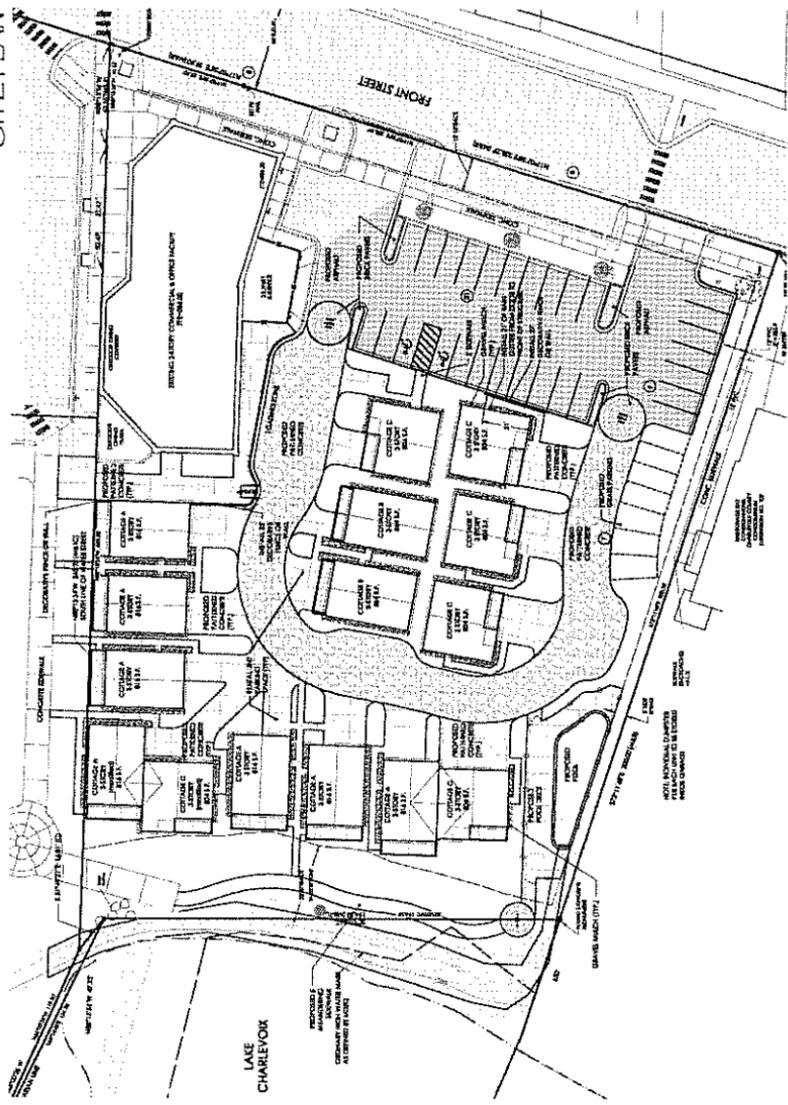
ANTHONY CODE.

The intent of this code is to ensure sufficient variety in residential homes and commercial architecture to prevent monotony within the One Water Street Resort Cottage Development, and to foster the quality and character of construction traditionally found in the historic City of Boyne City. These guidelines are designed to provide freedom for homeowners to design homes that meet their needs and to encourage creativity.

Our goal is to achieve a creative mix of traditional architectural styles, color packages, and elevation themes within the community. The following guidelines are provided:

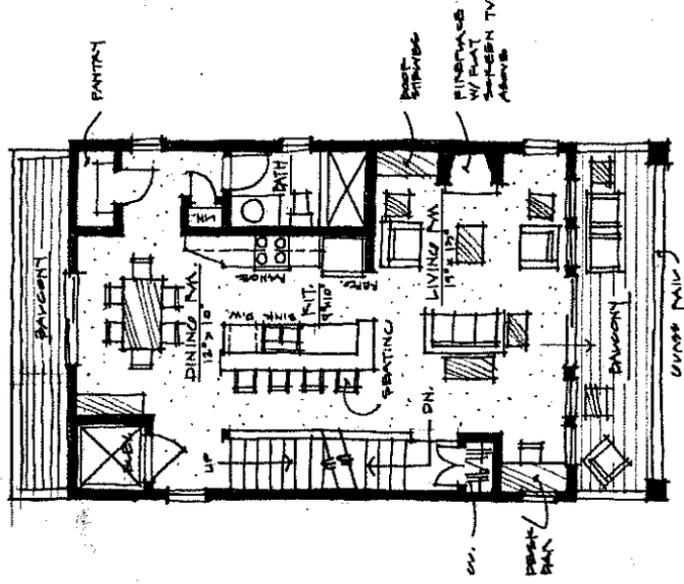
- The same elevations theme or color package cannot be built next to each other, or directly across from one another, or built back to back
- Optional roof designs and orientation shall be varied in relation to surrounding structures
- Rotation or orientation of floor plans shall vary in relation to surrounding structures
- Architectural details and features may vary in relation to surrounding structures. Utilize different details for the siding, column design and base materials at porches, heavy timber bracket detailing, and overall roof deck forms.

SITE PLAN

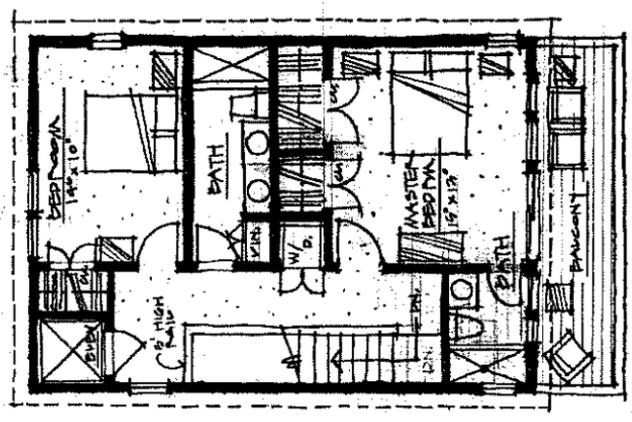


RESORT COTTAGES at ONE WATER STREET

TYPE-A COTTAGE - FLOOR PLANS



MAIN LEVEL 810 SQ. FT.



UPPER LEVEL 810 SQ. FT.

RESORT COTTAGES at ONE WATER STREET

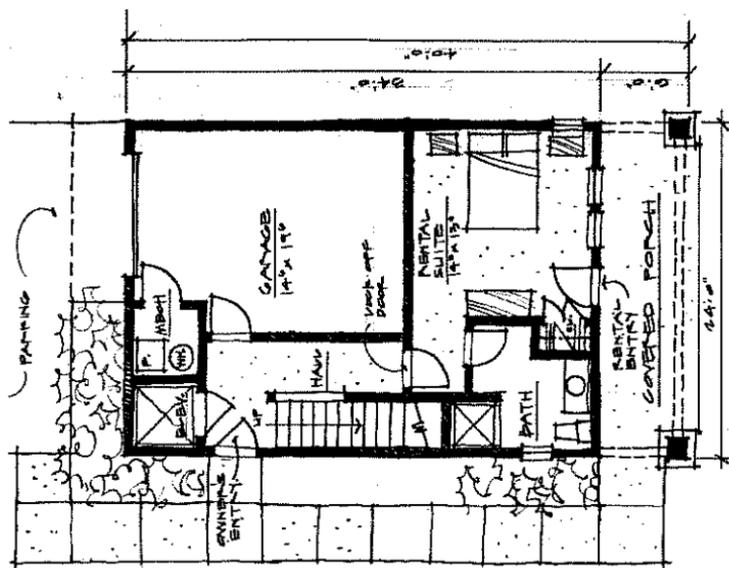
UNIT A- GROUND FLOOR OPTIONS

STANDARD GUEST RENTAL SUITE

- 336 square foot total
- 196 square foot room
- 72 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

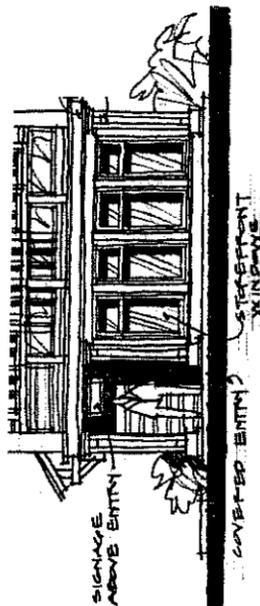
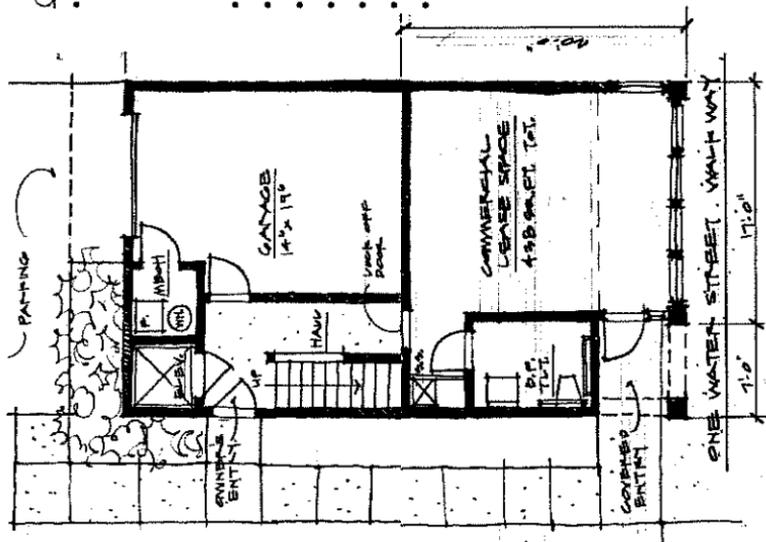
- A 3rd bedroom
- A motel rental suite with private entrance
- A home office
- Storage
- Commercial lease space



UNIT A- GROUND FLOOR OPTIONS

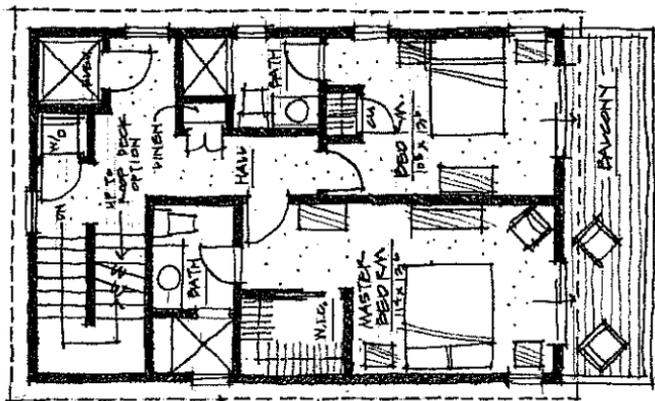
COMMERCIAL LEASE SPACE

- Building frontage along the One Water Street pedestrian promenade with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront facade.
- Rail & stile glass entry doors with wall light sconces above.
- 438 square foot total.
- 340 square foot room.
- 60 square foot powder room, barrier free accessible.
- Kitchenette w/ bar sink.
- Lock-off to main unit.
- Covered side entry alcove with ceiling mounted signage above to focus on entry.

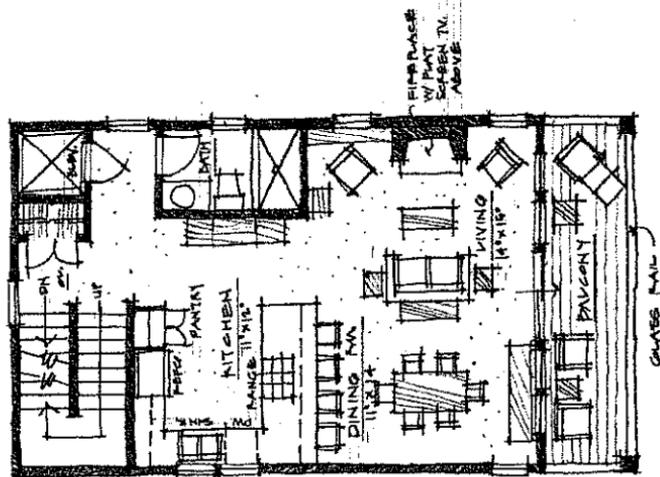


RESORT COTTAGES at ONE WATER STREET

TYPE-B-COTTAGE-FLOOR PLANS



UPPER LEVEL 864 SQ. FT.



MAIN LEVEL 864 SQ. FT.

RESORT COTTAGES at ONE WATER STREET

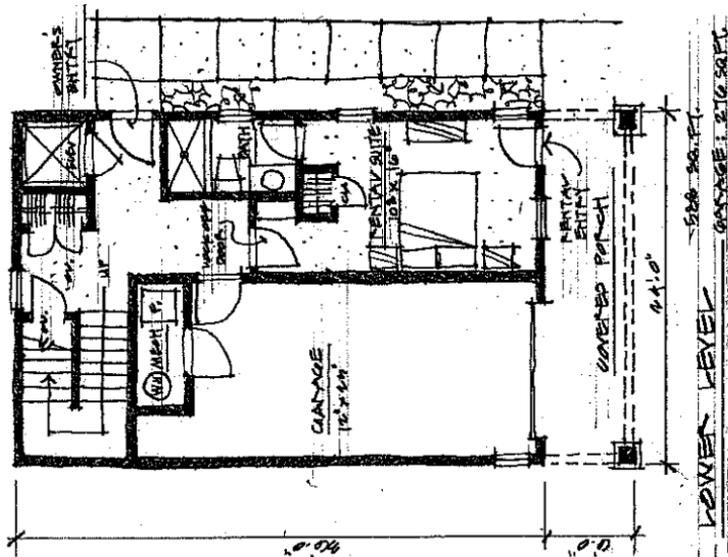
UNIT -B- GROUND FLOOR OPTIONS

STANDARD GUEST RENTAL SUITE

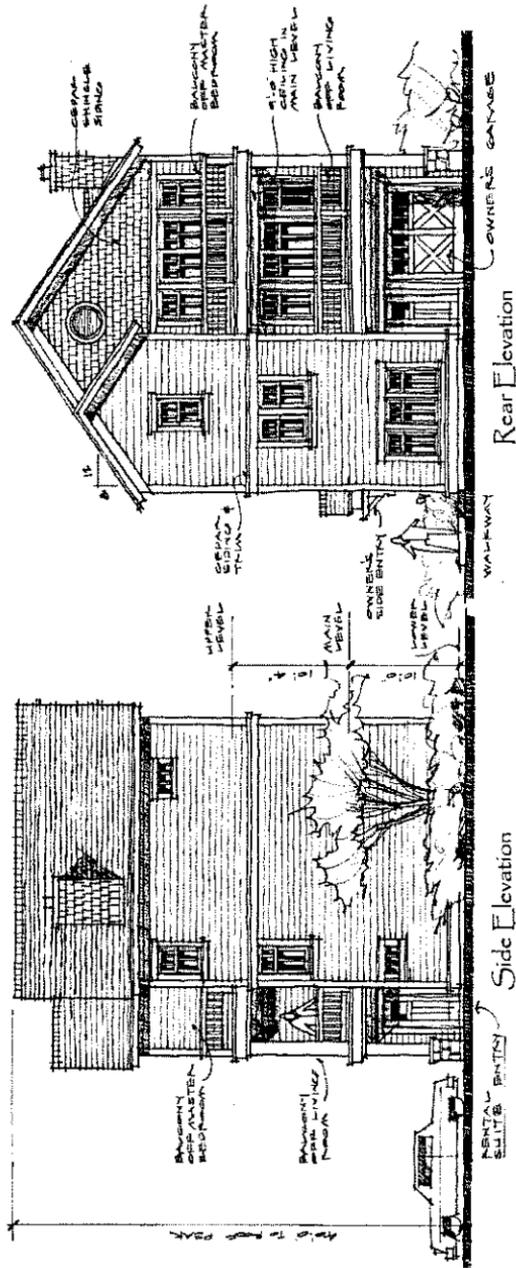
- 256 square foot total
- 176 square foot room
- 54 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space

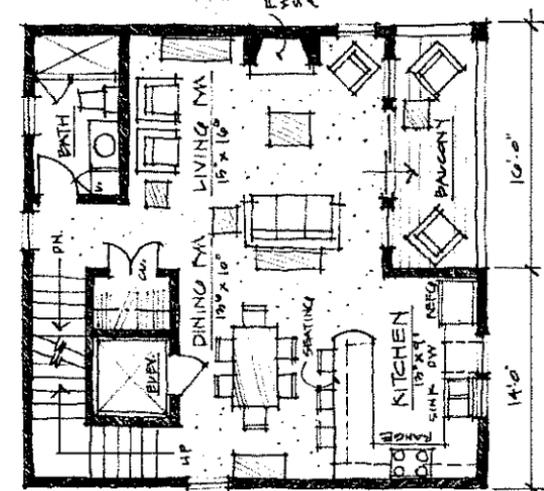


TYPE-C-COTTAGE-ELEVATIONS

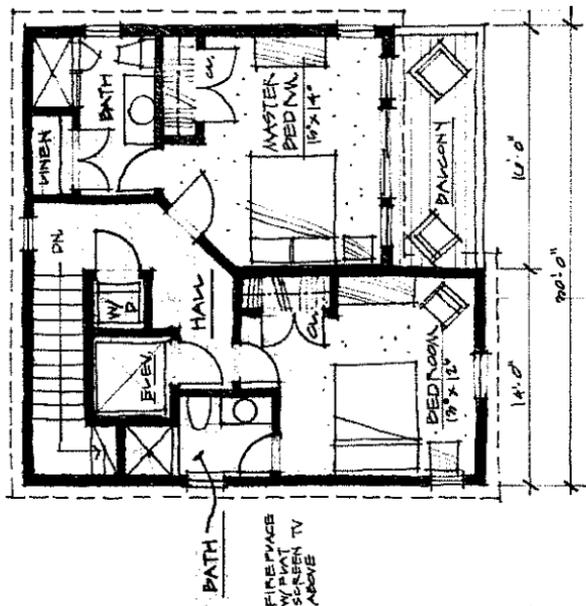


The architecture of the proposed cottage units are designed in the historic craftsman style period of the early twentieth century. Simple "Mission Style" detailing of roof edges, cornice, fascia, trim boards and siding, using natural honest materials of cedar and stone, convey the "on the beach" cottage theme. Gable roofs with round "porthole" windows and cedar shingle siding recalls the New England nautical style. Clean white cedar trim, with various siding materials and roof designs will provide alternative characteristics to each cottage unit. The double hung windows with traditional muntin bars, and rail and stile glass patio doors open up to the multi-level deck areas. Cedar railing systems with double strength glass inserts will provide unobstructed views of the lake, city, and countryside.

TYPE-C-COTTAGE-FLOOR PLANS



MAIN LEVEL 804 SQ. FT.



UPPER LEVEL 804 SQ. FT.

RESORT COTTAGES at ONE WATER STREET

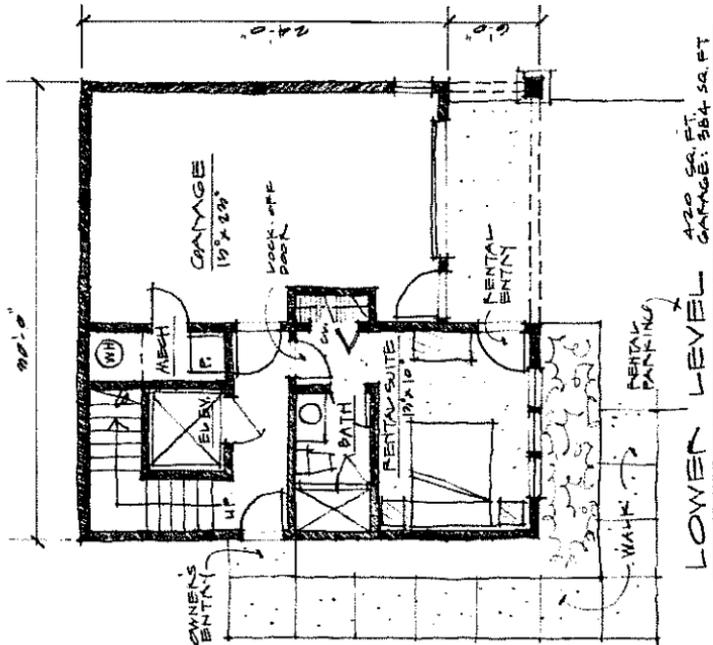
UNIT -C- GROUND FLOOR OPTIONS

STANDARD GUEST RENTAL SUITE

- Fully furnished 236 square foot rental suite with queen sized bed, end tables and dresser.
- 143 square foot room.
- 45 square foot full bathroom.
- Cottage style interiors.
- Flat screen TV.
- Hotel amenities with closet storage.
- Full tile bathroom.
- Solid surface counter tops.
- Individual rental suite with covered entry.

POTENTIAL USES

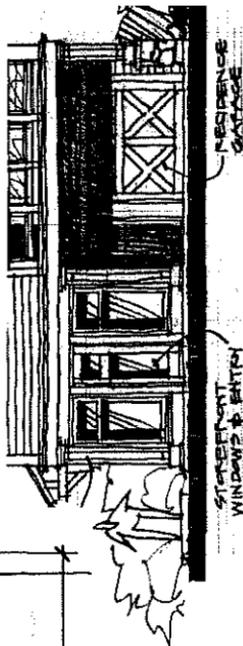
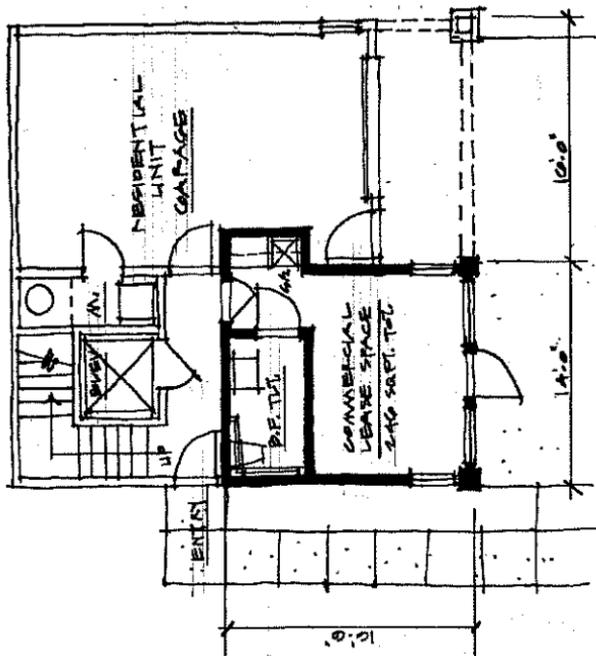
- A 3rd bedroom
- A "motel" rental suite with private entrance
- A home office
- Storage
- Commercial lease space



UNIT -C- GROUND FLOOR OPTIONS

COMMERCIAL LEASE SPACE

- Positioned within the One Water Street Development adjacent to public parking areas with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront façade.
- Rail & stile glass entry doors with wall light sconces above.
- 24'6" square foot total
- 174 square foot room
- 60 square foot powder room, barrier-free accessible.
- Kitchenette w/ bar sink.
- Lock-off to main unit
- Optional signage above or perpendicular to storefront with ornamental wall brackets.

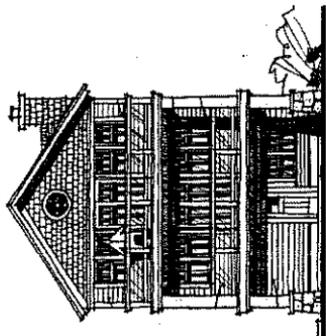


RESORT COTTAGES at ONE WATER STREET

ARCHITECTURAL OPTIONS - ROOF FORM OPTIONS



Back View - Unit A



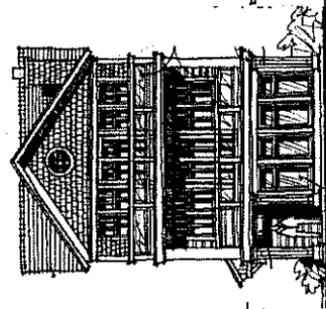
Front View - Unit A

SIMPLE ROOF GABLE

- Major 8/12 gable end roof for simple, craftsman style architectural form.
- Simple metal drip & fascia roof edge with deep rake board band for a defined historical appearance.



Front View - Unit A



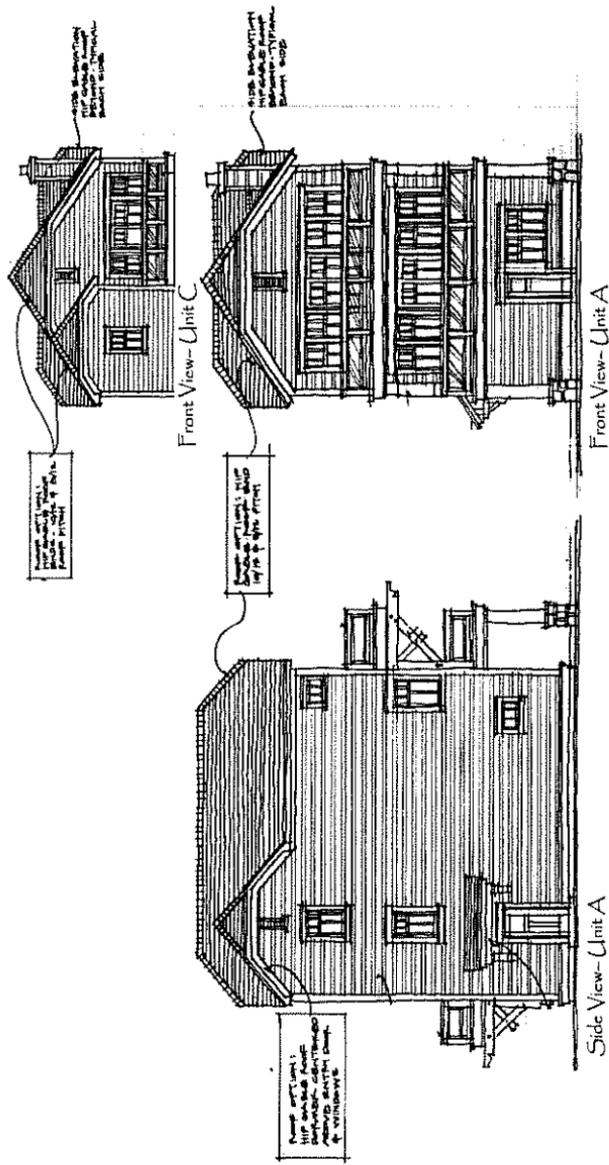
Front View - Unit A

SIDE ROOF GABLE ALTERNATE

- Major 8/12 gable end roof pitch with added 10/12 side wall gable end roof forms for added variety.
- Side gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

RESORT COTTAGES at ONE WATER STREET

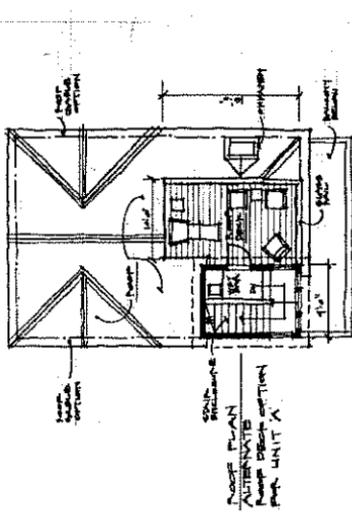
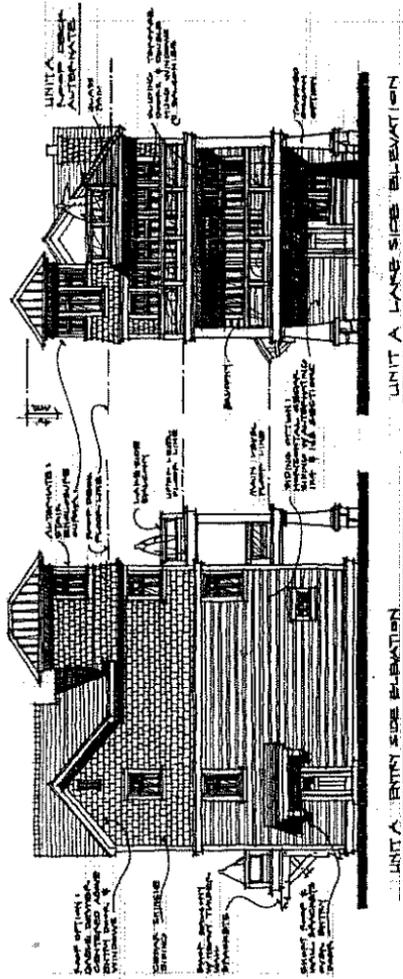
ARCHITECTURAL OPTIONS - ROOF FORM OPTIONS



HIP GABLE ROOF ALTERNATE

- Major 8/12 hip gable end roof with added 10/12 side wall hip gable end roof forms for added variety.
- Side hip gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

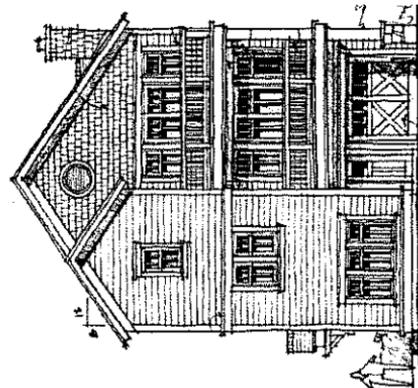
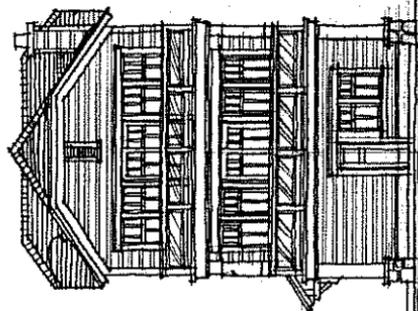
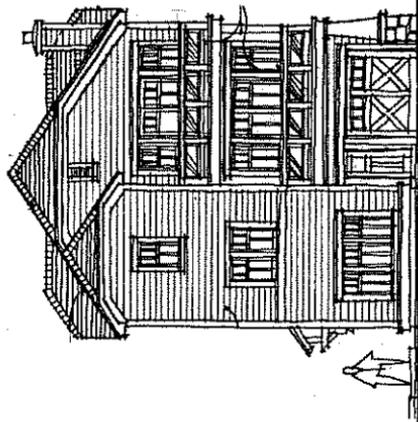
ARCHITECTURAL OPTIONS - ROOF TOP DECK



- Alternate roof top deck designed to provide optimum views out to Lake Charlevoix, town and countryside. Designed into the existing roof form to lower building height.
- Stair enclosure creates metal roof cupola form reminiscent of lighthouse vernacular architecture. Traditional wood detailing of crown mold, band trim, & cedar shingle siding. Interior wet bar amenity.
- Deck railings of cedar with double strength glass inserts for unobstructed views. Composite roof deck over waterproof membrane and sub-structure.

ARCHITECTURAL OPTIONS - SIDING & BANDING

A combination of siding materials used on the building elevation will reduce the height of the building and create a base to the earth. A strong horizontal trim band between siding options, along with watertable and skirt board base, define the simple craftsman style character of the building.



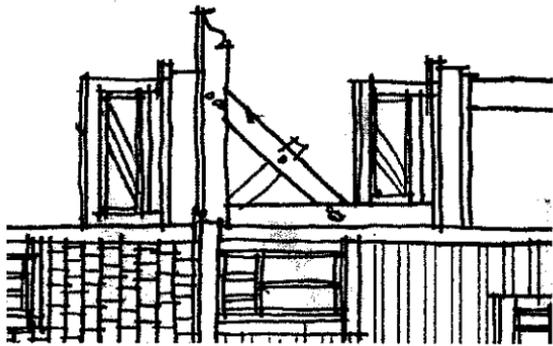
CEDAR SIDING ALTERNATES:

- A. 1x4 horizontal cedar bevel siding.
Combining with a 1x6 siding used below the band board as a defined base material.
- B. 1x4 ditch lap siding in character with historic homes in the area.

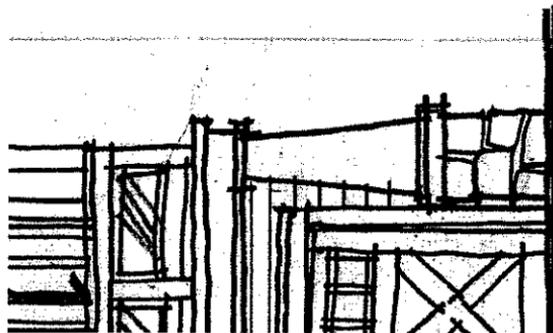
- C. A combination of alternating 1x4 and 1x6 horizontal cedar bevel siding to create a strong horizontal expression which will reduce the perceived height of the

- Cedar shingle siding used at gable end roof forms as a "cap" material. Shingle siding echoes historic nautical structures of old.

ARCHITECTURAL OPTIONS - DECK SUPPORTS



Heavy timber wall and column brackets used for balcony support will add variety of elements within the development. The brackets are reminiscent of timber era homes and barn structures. Nautical themes in boat construction are conveyed as well.



Ornamental tapered column alternate finished with cedar trim with cornice capital and 2x4 wood base trim. Base of column to be faced with stone veneer in a rubble stone pattern to echo historic buildings of Boyne City. Additional stone veneer wainscot along building base will be an alternate siding material as well.



Ornamental "straight" column blocked out to a 12"x12" dimension for added proportional depth and stability. Base of column to be faced with stone for a defined base material anchored to the earth.

ARCHITECTURAL OPTIONS-COLOR

Option One

Siding: Cabot Stains; "Sea Gull Grey"; Semi- Transparent
 Trim: Standard Semi-Gloss Paint: White
 Deck: Cabot Stains; "Cordova Brown", Semi- Transparent



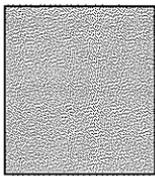
Option Two

Siding: Cabot Stains; "Dry Sage", Semi- Transparent
 Trim: Standard Semi-Gloss Paint: White
 Deck: Cabot Stains; "Mahogany", Semi- Transparent



Option Three

Siding: Cabot Stains; "Richmond Bisque", Semi- Transparent
 Trim: Standard Semi-Gloss Paint: White
 Deck: Cabot Stains; "Natural Cedartone", Semi- Transparent



Option Four

Siding: Cabot Stains; "Spanish Moss", Semi- Transparent
 Trim: Standard Semi-Gloss Paint: White
 Deck: Cabot Stains; "New Pilgram Red", Semi- Transparent



CITY OF BOYNE CITY

To: Chair Tom Neidhamer and fellow Planning Commissioners
From: Scott McPherson, Planning Director
Date: June 18, 2012
Subject: Lot Reconfiguration Ordinance



After reviewing with the planning commission some of the issues staff had with the existing lot reconfiguration ordinance, in particular the approval process that requires planning commission and city commission review of lot reconfigurations, the planning commission directed staff to begin the process on possibly changing the ordinance. I have provided the Planning Commission with the existing ordinance for discussion and possible changes that can be made to ordinance to stream line the review process.

Boyer City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 58 -
SUBDIVISIONS AND OTHER DIVISIONS OF LAND >> **ARTICLE II. - LOT RECONFIGURATIONS OR
ADJUSTMENTS >>**

ARTICLE II. - LOT RECONFIGURATIONS OR ADJUSTMENTS ⁶³¹¹

Sec. 58-19. - Purposes.

Sec. 58-20. - Violations constitute municipal civil infraction.

Sec. 58-21. - Division, split or reconfiguration of property.

Sec. 58-22. - Review and final approval.

Sec. 58-23. - Divisions not approved.

Sec. 58-24. - Issuance of zoning permit.

Sec. 58-25. - Relationship to other laws and ordinances.

Secs. 58-26—58-53. - Reserved.

Sec. 58-19.- Purposes.

The purposes of this article are to:

- (1) Provide a procedure for the division and/or reconfiguration of properties located within the city and to regulate and control, in the interest of the public health, safety and welfare, the division and/or reconfiguration of properties within the city;
- (2) Prescribe rules and regulations relating to such divisions and/or reconfigurations;
- (3) Provide penalties for the violation of this article; and
- (4) Provide for the relationship of this article to other laws and ordinances.

(Comp. Ords. 1986, § 17.002)

Sec. 58-20.- Violations constitute municipal civil infraction.

Persons who violate any of the provisions of this article are responsible for a municipal civil infraction.

Sec. 58-21.- Division, split or reconfiguration of property.

Any real property which is divided, split, or reconfigured (such as in the case of eliminating or relocating lot lines), or is proposed to be divided, split, or reconfigured after the effective date of the ordinance from which this section is derived, must first be approved by the city commission in accordance with the procedures set forth in this article, in order to insure conformance with lot area, lot width, and road frontage requirements, and other requirements of this article and the city zoning ordinance (found as appendix A to this Code). Review and approval must be obtained prior to the real property being recorded as a separate and individual parcel on the city tax rolls. Further, before approval of such division, split, or reconfiguration can be granted, the person, firm, corporation, partnership or other entity requesting the property division, split and/or reconfiguration must first provide the following information to the city, using the following procedure:

- (1)

The applicant shall submit a sketch to the zoning administrator for his examination. The sketch shall contain the dimensions of the property to be divided, split or reconfigured, and the dimensions of the property or properties resulting from such divisions, splits or reconfigurations, together with such information as is necessary to determine its location within the city.

- (2) The zoning administrator shall determine whether the proposed divisions, splits or reconfigurations comply with the Land Division Act (MCL 560.101 et seq.) if applicable, and whether the resulting parcels are of sufficient area and size so as to comply with the applicable provisions of said Act, if applicable, and/or the provisions of the city zoning ordinance. No proposed division, split or reconfiguration shall create a lot or lots which would be unbuildable according to the provisions of the city zoning ordinance. Since it is the desire of the city to avoid the creation of irregularly shaped parcels or lots within the city, any new lot line which is created as a result of a proposed division, split or reconfiguration shall be located so as to be consistent and in harmony with existing lot lines of the property being divided, and/or adjacent lot lines (i.e., the new lot lines shall parallel existing lot lines). When, in the opinion of the city, exceptional or extraordinary circumstances or conditions exist that do not generally apply to other property and have not resulted from any act of the applicant, and such circumstances or conditions warrant a deviation from this standard, the new lot lines may be approved which are not consistent and in harmony with existing lot lines.
- (3) The zoning administrator shall do one of the following:
- Tentatively approve or disapprove the proposed divisions, split or reconfiguration; or
 - Refer the decision on tentative approval or disapproval of the application to the planning commission. The planning commission shall tentatively approve the proposed division, split or reconfiguration, or disapprove the same with the reasons provided to the applicant in writing.

In the case of a tentative denial by the zoning administrator or the planning commission, the applicant shall have the option of resubmitting a revised proposal to the zoning administrator, or appealing the decision to the zoning board of appeals.

- (4) Following tentative approval of the proposed division, split or reconfiguration by the zoning administrator or the planning commission, the applicant shall furnish to the zoning administrator the following information prior to the application being processed for the final approval:
- A survey certified by a registered land surveyor showing the dimensions of the property to be divided, split or reconfigured, and the dimensions of the property or properties resulting from such divisions, splits or reconfigurations. Such surveys shall show all buildings located thereon, and the distance from the same to all lot lines;
 - A full and complete legal description (in the shortest form possible), which fully describes the property or properties resulting from such divisions, splits or reconfigurations;
 - Written verification and proof of ownership in the form of a policy of title insurance or a commitment for the same, by warranty deed, quitclaim deed, land contract, or other legal document of conveyance, which identifies the owner, or owners of both the parcel of property proposed for division and/or reconfiguration and the resulting property or properties; and

- d. A copy of the land divisions availability form, available from the city, which must be signed by the applicant certifying that proposed splits under ten acres are available without triggering the subdivision requirements of the Land Division Act (MCL 560.101 et seq.).

(Comp. Ords. 1986, § 17.003)

Sec. 58-22.- Review and final approval.

Upon receiving all of the information required by section 58-21(4), the zoning administrator shall refer the application to the planning commission, on approval or disapproval of the application. Final approval or disapproval shall be determined by the city commission, following a hearing to consider the same. Following approval by the city commission, the city clerk shall direct a letter to the county treasurer and the county equalization department indicating such approval. Copies of said letter shall be furnished to the planning commission and the city commission.

(Comp. Ords. 1986, § 17.004)

Sec. 58-23.- Divisions not approved.

- (a) Any property division, split or reconfiguration which has not been first approved by the city in accordance with the provisions of this article, will not be considered a valid division, split or reconfiguration of such property under the terms of this article; and any property which has not received approval by the city pursuant to the provisions of this article will not be placed on the city tax rolls as a separate and individual parcel of property.
- (b) Any applicant aggrieved by a tentative decision of the zoning administrator or the planning commission, or by a final decision of the city commission, may appeal said decision to the zoning board of appeals.

(Comp. Ords. 1986, § 17.005)

Sec. 58-24.- Issuance of zoning permit.

Prior to the issuance of any zoning permit for construction upon a parcel of real property, which has been divided, the person or entity applying for the zoning permit must first provide the following items to the zoning administrator:

- (1) Written verification and evidence of the approval of the division of real property by the city;
- (2) A tax roll number, which has been assigned to the particular property division or reconfiguration;
- (3) A recorded copy of the survey, with legal description and drawing of the said parcel, or parcels, or property (as heretofore described in this article); and
- (4) A recorded copy of the legal document, which establishes the applicant's ownership interest in the property (that is, a warranty deed, quitclaim deed, land contractor or other written evidence of ownership and title to the property).

(Comp. Ords. 1986, § 17.006)

Sec. 58-25.- Relationship to other laws and ordinances.

Whenever regulations or restrictions imposed by this article are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose the higher standard shall govern.

(Comp. Ords. 1986, § 17.009)

Secs. 58-26—58-53.- Reserved.

FOOTNOTE(S):

⁽¹⁾ *State Law reference— Further partitions or divisions of property, MCL 560.263 ([Back](#))*