



City of Boyne City
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712

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AGENDA

BOYNE CITY PLANNING COMMISSION

Monday, May 19, 2014, 5:00 p.m.

Boyne City Hall



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

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.
- Approval of minutes from April 21, 2014 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. Election of Officers
 - B. Recommendation for Planning Commission re-appointment of Jason Biskner, Jim Kozlowski and Jane MacKenzie
 - C. McDonald's Development Plan Amendment
 - D. 417 Boyne Ave LLC sketch plan review
 - E. Pre-application for review of proposed kennel in Air Industrial Park
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting June 16, 2014

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

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

Approved: _____

**Meeting of
April 21, 2014**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, April 21, 2014 at 5:00 pm.

Call to Order

Chair MacKenzie called the meeting to order at 5:01 p.m.

Roll Call

Present: Jason Biskner, 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: None

Consent Agenda

****MOTION**

2014-4-21-03

Place moved, Meeder seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from March 17, 2014 as presented.

**Comments on
Non-Agenda Items**

None

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

The Trail Town committee has no available update to report.

Unfinished Business

None

New Business

Planning Director McPherson shared the food truck presentation along with public input and discussion results with this board. City Commission has directed staff to research and bring back recommendations to them, which Annie Doyle will be doing tomorrow night. People are generally supportive of food trucks with some type of limitations and regulations. Basic parameters for a draft ordinance were provided in your agenda packet. The Farmers Market will be adding food trucks to their weekly events. As the board went through the draft proposal, concern in placement of the trucks on public spaces versus private spaces, stationary trucks versus transient trucks, regulatory fees and hours. The board was also concerned about additional free standing signs, trash disposal, additional table and chairs, the size of each rig, liability due to being on public property, and they would like to have a copy of the license/permit from the District Health Department attached to the application. Concerns were raised about brick and mortar businesses suffering when food trucks are around, and no data has been found to indicate that they would suffer. The public spots initially looked at are (2) spots on S. Park St. near the library, and (2) spots at Peninsula Beach.

Food Truck Presentation

****MOTION**

After board discussion, **motion by Ellwanger, seconded by Place, PASSED UNANIMOUSLY**, to recommend to the City Commission the development of a Food Truck Ordinance pursuant to the reviewed outline provided, with the addition of no free standing signs, require District Health Department license/permit attached to the application, and regulation of size of the truck.

Noise Ordinance discussion

Planning Director McPherson reminded the board that the city had a noise ordinance that has been used for years. Complaints have been coming in for noise like loud music, barking dogs and noise from the industrial park. The police department has no ability to do anything currently when a noise complaint is registered; other than the officers currently use their discretion and ask them to turn down the music, quiet the dogs, etc. Staff does not see the need to identify decibel levels because you need a decibel reader that must be kept calibrated, along with officers trained to use it. Industrial noises are more appropriately dealt with through the site plan review process. It could be done by "receiving zones" and different levels could be permitted in the different zones. The board liked guidelines that were measurable and quantifiable. Setting a time frame on noise for amplifier equipment could be difficult for some establishments, and the problem seems to be more of frequencies and not decibels. Possibly next month this will be taken to the City Commission.

Staff Report

- MEDC will be presenting a Re-development Ready Community update to our project to the City Commission at their meeting tomorrow, April 22nd.

Good of the Order

- A new restaurant is going in the old Pippen's building, restorations are going on now,
- Boyne Expo will be Thursday, April 24th from 3 to 7 pm, in the old Carters Building,
- An awesome volunteer database project is being developed for the Boyne City area through the Chamber, Main Street and the Library,
- Everyone is encouraged to attend the City Commission meeting tomorrow night, as it would be good for the commission to hear everyone's ideas and to reinforce the importance of those things going on in the city,
- Saturday May 3rd is Buff Up Boyne at 9:00 am. Aaron will be manning the grill again this year.

Adjournment

The next meeting of the Boyne City Planning Commission is scheduled for May 19, 2014 at 5:00 pm in the Auditorium.

2014-4-21-10

****MOTION**

Kozlowski moved, Biskner seconded, PASSED UNANIMOUSLY a motion to adjourn the April 21, 2014 meeting at 6:22 p.m.

Jane MacKenzie, Chair

Pat Haver, Recording Secretary

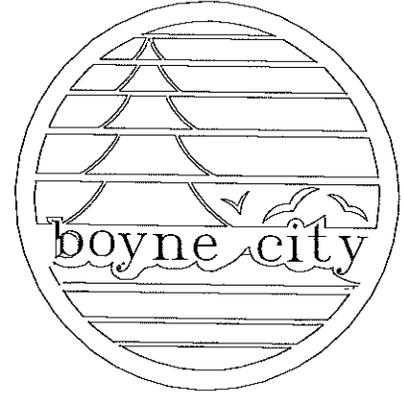
CITY OF BOYNE CITY

To: Chair Jane McKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 19, 2014

Subject: McDondald's Site Plan Amendment



Background Information

In December McDonald's USA LLC submitted an application for a development plan amendment to increase the parking lot and reconfigure the drive through lanes to create two side by side drive ordering lines. The proposed amendment was approved with the condition that the existing temporary parking signs be brought into compliance with sign the ordinance. None of the proposed site improvements have yet been implemented. Representatives from McDonald's had indicated that the proposed improvements to the site would be followed by additional improvements to the building that was scheduled for 2016. That scheduled has since been moved up and the anticipated improvements to the building are now being submitted for approval.

Discussion

The amendment approved in December created two ordering lines by splitting the existing queuing line to create two side by side ordering lines. This will be accomplished by adding a additional ordering island and relocating the existing ordering window. The queuing line merges back into a single line prior to the pay window. To accommodate the additional line the parking lot will be enlarged on the south and west sides. A total of 5, 644 square feet of impervious surface was added to the site. A total of 8 parking spaces were added for a total of 49 parking spaces on the parcel. Storm water from the site flows into the City storm sewer from 2 existing catch basins located in the entry and exit drives. No changes to the system are proposed. The existing shed on the property will be relocated and the existing dumpster enclosure will be reconstructed and enlarged. Some additional landscaping will be added to the back of the building. The existing patio seating located in the west yard area will be eliminated.

The current proposal will add 1,032 square feet to the existing building consisting of additions to the north and south ends of the building. On the south end the existing outside cooler and freezer will be removed and building addition will enclose a new cooler and freezer and office addition. On the north side of the building will extended approximately 14 feet. This area will increase the dining room area and add a third drive through window. The two parking spaces currently located in front of the building will be removed and replaced with outdoor seating fixtures. A total of 48 parking spaces shall be provided with the proposed plan. Parking requirements for the use as proposed is 38 total spaces (1 space per 100 gross square feet). The existing canopies will be removed and the exterior masonry of the building will be painted. New signage for the building is shown on the building but it is noted on the provided plan that signage approval shall be procured under a separate permit.

Process

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

Section 19.65 Amendments to Approved Development Plans.

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

- A. An applicant or property owner who has been granted final development plan approval shall notify the Planning Director of any proposed amendment to such approved development plan.*
- B. Minor changes may be approved by the Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of this Ordinance, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Administrator shall consider the following to be a minor change:*
 - 1. For residential buildings, the size of structures may be reduced, or increased by up to five percent (5%), provided that the overall density of units does not increase.*
 - 2. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%) or one-thousand (1,000) square feet, whichever is smaller.*
 - 3. Horizontal and/or vertical elevations may be altered by up to five percent (5%).*
 - 4. Movement of a building or buildings by no more than ten (10) feet.*
 - 5. Designated Areas not to be disturbed may be increased.*
 - 6. Plantings approved in the final development plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis, provided they comply with the landscaping standards of this Ordinance, with approval of the Planning Director.*
 - 7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc., which conform to the requirements of this Ordinance.*
 - 8. Changes of building materials to another of higher quality, as determined by the Planning Director.*
 - 9. Changes in floor plans which do not alter the character of the use.*
 - 10. Slight modification of sign placement or reduction of size.*
 - 11. Relocation of sidewalks and/or waste receptacles.*
 - 12. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.*
 - 13. Changes required or requested by the City for safety reasons shall be considered a minor change.*
- C. Should the Planning Director determine that the requested modification to the approved final development plan is not minor; the Planning Commission shall be notified in writing that the development plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the*

section of the project deemed not to be in compliance. Thereafter, the applicant may revise the development plan and submit to the Administrator for resubmission to the Planning Commission.

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

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

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

Options

The Planning Commission can agree to the changes presented and approve the amendment; the Planning Commission can decide not to agree to the changes as presented and not approve the amendment; or, modifications to the proposed amendment that the applicant and the Planning Commission mutually agree on can be made and the proposed amendment with modifications can be approved by the Planning Commission.





Project Narrative

Date: April 28, 2014

To: Boyne City Planning Commission

Project: McDonald's Remodel
1112 Boyne Ave.
Boyne City, MI 49712

Proposed improvements at the existing McDonald's Restaurant with drive thru are to include:

- Remodel of the existing restaurant to provide a total 1,032 gross square feet of additions at the front, non-drive thru side and rear of the building. These additions will allow the expansion of the kitchen, storage areas, restrooms, and customer seating.
- The building will also be re-branded with new signage, painted split face CMU block finishes with corrugated metal accents, yellow canopies and aluminum trellis.
- The proposed building additions will require new sidewalks be provided around the building, along with new accessible curb ramps. We are also proposing a new exterior seating area and sidewalk connecting to the existing public walk along Boyne Avenue.
- The revisions to the drive thru lanes, approved by your office in January of this year, are to remain unchanged. The previous drive thru revisions were designed with the knowledge that these proposed building additions were to come later on.
- No changes to site utilities, storm water runoff systems or entry and exit drives are planned at this time.
- No changes to the building use or occupancy are planned.

Please contact us with any questions you may have.

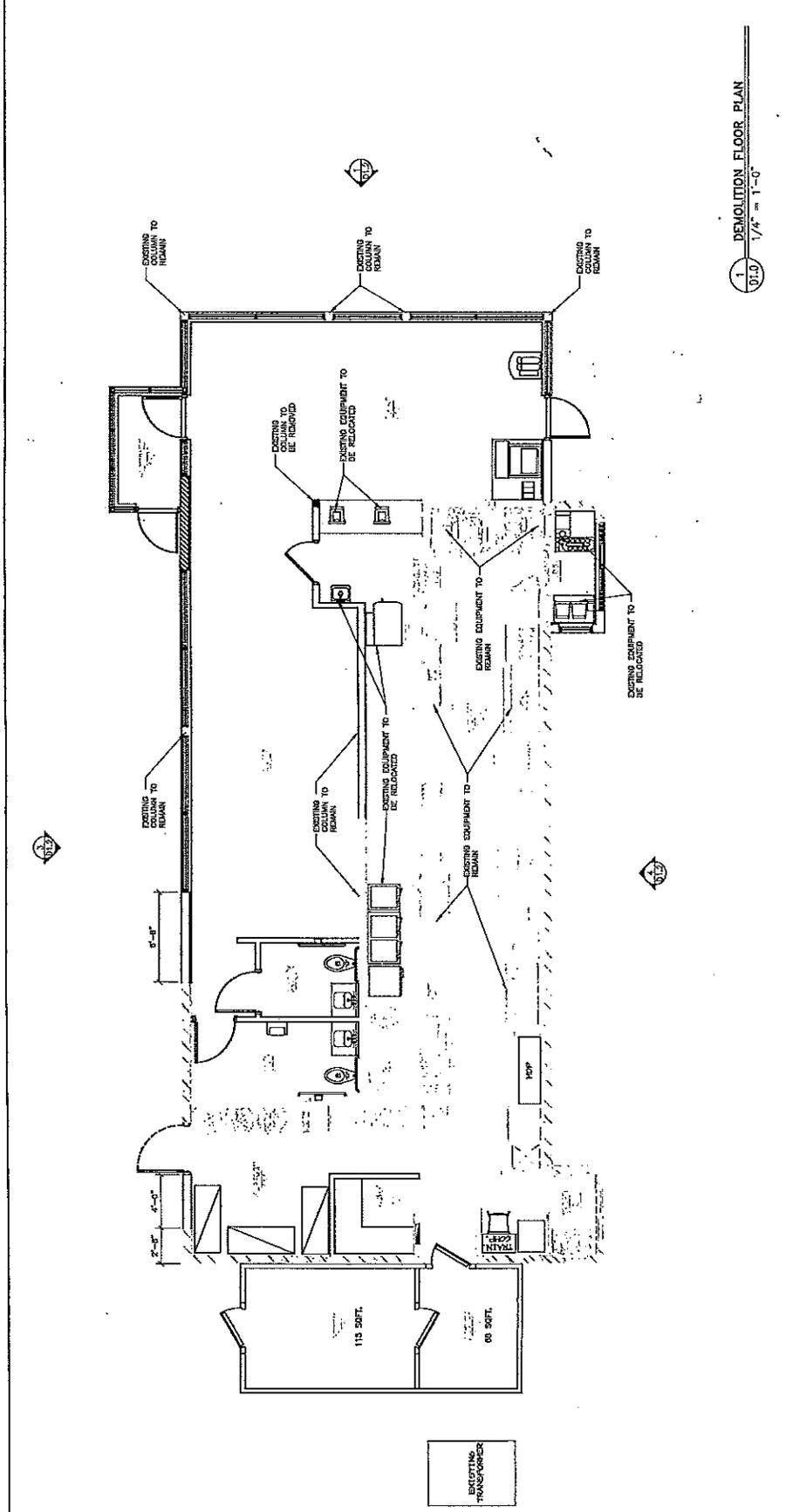
Sincerely,

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DEMOLITION GENERAL NOTES

- A. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VISIT THE SITE PRIOR TO SUBMISSION OF BIDS TO FIELD VERIFY EXISTING CONDITIONS. THE GENERAL CONTRACTOR SHALL VERIFY EXISTING CONDITIONS, LOAD BEARING WALLS, AND STRUCTURAL ITEMS PRIOR TO DEMOLITION. THE GENERAL CONTRACTOR SHALL VERIFY ALL DISCREPANCIES BETWEEN EXISTING CONDITIONS AND CONSTRUCTION DOCUMENTS.
- B. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION WORK REQUIRED TO ACCOMMODATE NEW WORK, AS SHOWN ON OTHER DRAWINGS.
- C. IF FIELD CONDITIONS DIFFER FROM THE CONSTRUCTION DOCUMENTS, THE GENERAL CONTRACTOR SHALL CONTACT THE ARCHITECT IMMEDIATELY.
- D. GENERAL CONTRACTOR SHALL COORDINATE PREPARATION OF EXISTING AREAS FOR NEW CONSTRUCTION AND ALL WORK WITH RESPECTIVE TRADES, SUBCONTRACTORS, AND UTILITY REPRESENTATIVES.
- E. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO DEMOLITION. ALL WORK SHALL NOT COMMENCE UNLESS PERMITS AND APPROVALS ARE OBTAINED.
- F. ALL EXISTING WALLS TO REMAIN UNLESS NOTED OTHERWISE.
- G. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING EXISTING CONSTRUCTION AND TO PATCH AND/OR REPAIR ANY DAMAGE INCURRED DURING DEMOLITION AND CONSTRUCTION.
- H. CONTRACTOR SHALL VERIFY ARCHITECT IMMEDIATELY OF ANY STRUCTURAL ITEMS TO BE REMOVED, WALL COLUMNS, BEAMS, ETC., PRIOR TO REMOVAL.
- I. CONTRACTOR SHALL REMOVE ALL DEBRIS AND DISCARD ACCORDING TO ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.
- J. CONTRACTOR SHALL REMOVE ALL ASHRAVED FASTENERS AND ANCHORS FROM ALL WALL SURFACES AND PATCH HOLES.
- K. GENERAL CONTRACTOR SHALL COORDINATE WITH UTILITY PROVIDERS FOR REMOVAL OF ALL EXISTING EQUIPMENT, AS SHOWN, PRIOR TO DEMOLITION.
- L. CEILING TO REMAIN AS-SHOWN UNLESS OTHERWISE NOTED.
- M. EXISTING EQUIPMENT TO REMAIN UNLESS OTHERWISE NOTED.
- N. ALL FLOORING TO REMAIN UNLESS OTHERWISE NOTED. PATCH AND REPAIR FLOORING TO MATCH EXISTING WHERE REQUIRED.
- O. REMOVE ALL CONTRIBUTE MATERIALS FROM FLOORS, WALLS, AND CEILING WHICH ARE NOT APPLICABLE TO THE NEW OR EXISTING CONSTRUCTION. THIS INCLUDES BUT IS NOT LIMITED TO: FRAMING, TRUSSING, MECHANICAL, ELECTRICAL, PLUMBING, PIPING, MASONRY, AND RELATED CONSTRUCTION.
- P. REMOVE ALL UNPAVED OR UNPAVED PAVING, MECHANICAL, AND ELECTRICAL ITEMS IN THEIR ENTIRETY AND PROVIDE PROPER PATCHING AND FINISHING. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR DEMOLITION AND/OR RECONSTRUCTION INFORMATION.
- Q. TO DISCONNECT DRAINAGE LINE CONNECTION AND ROUTING FOR SECTION OF ANY FLOOR DRAINAGE AND FOR ADDITIONAL. CONTRACTOR SHALL REMOVE PATCH AND REPAIR AS REQUIRED TO MATCH EXISTING.
- R. REMOVE ALL EXISTING PARTITIONS AND FINISHING ETC., SHALL BE DEMOLISHED BY A REGISTERED PROFESSIONAL ENGINEER, SUBJECT TO OWNER'S REPRESENTATIVE AND ARCHITECT'S APPROVAL.
- S. NO WORK SHALL OCCUR IN THE DEMOLITION AREA AS LONG AS THE GENERAL CONTRACTOR HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- T. DEMOLITION CONTRACTOR THAT PRODUCES EXCESSIVE NOISE SHALL BE CONTACTED ONLY WHEN THE RESTAURANT, AND/OR ADJACENT BUSINESSES ARE CLOSED, OR, AS COORDINATED WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS. DEMOLITION CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HAZARDOUS MATERIAL, ASBESTOS AVOIDANCE, LEAD PAINT REMEDIATION PROCEDURES ARE TO MEET EPA, AND LOCAL REQUIREMENTS.
- U. THIS PLAN INDICATES ONLY THE APPROXIMATE DEMOLITION REQUIRED FOR COMPLETION OF THIS REMODEL. EXISTING CONDITIONS MAY VARY FROM THE INFORMATION SHOWN ON THIS PLAN. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING EXISTING MATERIALS ADJACENT TO THE NEW CONSTRUCTION SHALL BE PROTECTED, REINFORCED, AND FINISHED TO PROVIDE A SMOOTH, LEVEL, AND UNDISTURBED TRANSITION BETWEEN NEW AND EXISTING FINISHES.
- V. EXISTING MATERIALS MAY BE REUSED ONLY IF SPECIFICALLY NOTED, OR, IF PRIOR APPROVAL IS OBTAINED FROM THE OWNER'S REPRESENTATIVE. EXISTING MATERIALS SHALL BE REUSED ONLY IF SPECIFICALLY NOTED, OR, IF PRIOR APPROVAL IS OBTAINED FROM THE OWNER'S REPRESENTATIVE. EXISTING MATERIALS SHALL BE REUSED ONLY IF SPECIFICALLY NOTED, OR, IF PRIOR APPROVAL IS OBTAINED FROM THE OWNER'S REPRESENTATIVE.
- W. THOROUGHLY CLEAN, PATCH AND REPAIR ALL EXISTING SURFACES TO A LIKE NEW CONDITION IN A COST EFFECTIVE MANNER. ALL SURFACES TO RECEIVE NEW FINISHES COORDINATE FINISHES WITH CONSTRUCTION DOCUMENTS AND/OR OWNER'S REPRESENTATIVE.

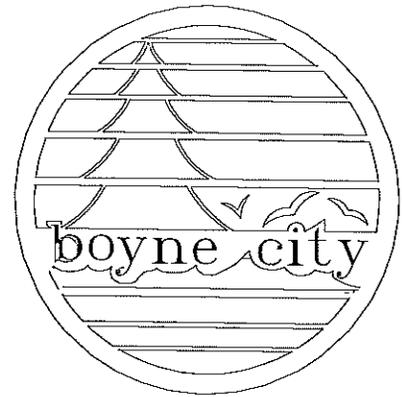
CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 19, 2014

Subject: 417 Boyne Ave LLC



Background Information

The property located at 417 Boyne Ave, commonly known as the "White House" in reference to lumber baron William H White. The home was originally constructed in 1903 and used as residence by the White family until 1931. The interior and exterior of the building have been extensively remodeled overtime and the building was converted into a 6 unit apartment building. No records of any plan review for the conversion to a multi family structure have been located. Several years ago the building was foreclosed upon and it is currently abandoned.

Discussion

Northern Homes is in the process of obtaining the building and is procuring grant funds to convert the structure to a 4 unit senior apartments. The building a conforming structure and is located in the Central Business District (CBD) and the proposed use is a principal permitted use. Proposed site improvements include a ramp to provide accessibility to the building and improved parking lot. The paved parking lot will provide a total of 6 spaces with 1 ADA space and include 900 square feet of pervious parking surface. Existing dumpster and enclosure shall be removed.

PROCESS

The application requires sketch plan review as per article 19 Development Plan Requirements. As the project is in the Historical District review and approval by the Historical Commission is also required.

RECOMMENDATION

The Planning Commission should then review the sketch plan requirements. On each item of the findings the Commission needs to make a determination based on the relevant facts if the standard is met, not met or met with conditions. The Planning Commission can approve the application, approve the application with conditions or deny the application. If approved with conditions the conditions must be listed, if denied the reasons for denial must be state

**417 BOYNE AVE. LLC
DEVELOPMENT 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> | <p>Standard Met</p> | <p>Proposal to rehabilitate and refurbish existing structure. Building was previously used as a 6 unit apartment building, the building will be converted to a 4 unit senior apartments. Property is located in CBD, apartments up to a maximum of 8 units are a Principal Permitted Use (BCZO sec. 10.20(A)).</p> |
| <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> | <p>Standard Met With Condition: Approval from Historic District Commission Required.</p> | <p>Building is located in the Historic District and building improvements are subject to requirements of the Historic district ordinance.</p> |
| <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> | <p>Standard Met</p> | <p>Site does not contain any significant natural features.</p> |
| <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> | <p>Standard Met</p> | <p>No streets proposed</p> |

**417 BOYNE AVE. LLC
DEVELOPMENT PLAN REVIEW STANDARDS
FINDINGS OF FACT**

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| <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>Standard Met</p> | <p>Existing driveway and curb cuts 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>Standard Met</p> | <p>Plan reviewed by BC PD, EMS and Fire Dept, no issues stated with access.</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>Standard Met</p> | <p>Existing sidewalks adjacent to property on north, south and west sides, sidewalk proposed adjacent to proposed parking lot connecting to existing north and south sidewalks.</p> |
| <p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p> | <p>Standard Met</p> | <p>Barrier free parking space provided, at grade sidewalks and barrier free access ramp proposed to facilitate access to building.</p> |

**417 BOYNE AVE. LLC
DEVELOPMENT PLAN REVIEW STANDARDS
FINDINGS OF FACT**

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| <p><u>L. 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>Standard Met</p> | <p>6 spaces provided, 6 spaces required. (BZCO sec. 24.30(A))</p> |
| <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>Standard Met</p> | <p>No dumpster proposed. Existing dumpster and enclosure to be removed.</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>Standard Met</p> | <p>3 existing trees in parking area to be removed</p> |
| <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>Standard Met</p> | <p>Minimal soil disturbance, soil erosion permit not required.</p> |

**417 BOYNE AVE. LLC
DEVELOPMENT PLAN REVIEW STANDARDS
FINDINGS OF FACT**

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| <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> | Standard Met | Retention pond proposed on north east corner of property, 900 sqft of pervious parking area proposed. |
| <p><u>O. 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> | Standard Met | No additional exterior lighting proposed. |
| <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> | Standard Met | Use is not anticipated to produce noise |
| <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> | Standard Met with Condition: Exterior mechanical equipment must be screened. | Location of new mechanical equipment not shown on site plan. |
| <p><u>R. Signs.</u> The standards of the City of Boyne City's Sign Ordinance are met.</p> | Standard Met | No signs proposed |

**417 BOYNE AVE. LLC
DEVELOPMENT PLAN REVIEW STANDARDS
FINDINGS OF FACT**

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| <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>Standard Met</p> | <p>No hazardous materials will be stored on site.</p> |
| <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>Standard Met with Conditions: All other applicable reviews and permits must be obtained.</p> | <p>Proposed use in historical district and accessed by state trunk line. Building, mechanical, electrical permits may be required by Charlevoix County Department of Building Safety. Property served by city water and sewer.</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>Plan approved with Conditions: Conditions as stipulated for standards 19.40(B), 19.40(Q) and 19.40(T)</p> | <p>Plan is found to be conformity with section 19.40 and other applicable sections of BCZO and is approved with conditions.</p> |

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: May 19, 2014

Subject: Proposed Kennel in Air Industrial Park



Background

Barbara Green has inquired about the possibility of developing a dog kennel in Air Industrial Park. She has been specifically looking at the property currently owned by Christopher Furness located at 1441 Lexamar Drive.



While at this point plans for the project are only conceptual the primary use would consist of short and long term kenneling of dogs. In addition to housing dogs inside, outdoor cages and exercise areas would be developed. As the business grows pet grooming services may also be offered.

Discussion

The parcel is located in the Planned Industrial District (PID). In the PID the permitted and conditional uses are allowed as follows:

Section 14.20 Principal Permitted Uses.

- A. *Assembly, fabrication, manufacture, packaging or treatment of food products (excluding butchering and animal slaughtering), candy, pharmaceuticals, drugs, cosmetics and toiletries, hardware and cutlery, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, electronic instruments and devices, electronic consumer products, and pottery and figurines or other ceramic products using only previously pulverized clay and kilns fired only by electricity or natural gas, apparel and leather goods, textile goods, and furniture and fixtures.*
- B. *Assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell textiles, wax, wire, wood (excluding power saw and planing mills) and yarns.*
- C. *Boat manufacturing and repair.*
- D. *Machine shops, provided that no vibration from the operation shall be perceptible beyond the lot lines of the property on which the shop is located.*
- E. *Wireless communication facilities.*
- F. *Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing; printing or forming of box, carton and cardboard products; bookbinding, printing, publishing, reproduction, or engraving establishments.*
- G. *Industrial printing.*
- H. *Wholesale distribution plants.*
- I. *Accessory uses, including but not limited:*
 - 1. *Amusement: bowling alley, swimming pool, baseball park, etc. for the use of employees and guests, not for use by the general public.*
 - 2. *Service: restaurant, cafeteria, barber, shoe-shine parlor, newsstand, motel not for use by the general public.*
 - 3. *Lodges and labor organization headquarters, offices and meeting halls.*
 - 4. *Residential uses containing only quarters for caretaker or watchman.*

Section 14.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval and shall comply with any applicable conditional use requirements of Article XXV.

- A. Laboratories for research and testing*
- B. Breweries, distilleries, wineries, bottling works, and micro-breweries.*
- C. Canning factories and chemical plants.*
- D. Electroplating.*
- E. Heat treating.*
- F. Metal plating, stamping, pressing, casing, buffing and polishing, subject to appropriate measures to prevent obnoxious results and/or nuisances.*
- G. Millwork lumber and power saw and planing mills.*
- H. Dry cleaning plants (central) and industrial laundries*
- I. Ice manufacturing and storage, including cold storage plants.*
- J. Bakeries, wholesale*
- K. Outside storage of materials.*
- L. Power plants or central stations.*
- M. Steel fabrication.*
- N. Carpentry and/or woodworking, open storage of lumber.*
- O. Other industrial uses not specifically stated or implied elsewhere which, in the determination of the Planning Commission, are similar to the principal permitted uses provided herein, and in harmony with the character of the District and the purpose and intent of this Article and the Comprehensive Plan of the City.*

As part of Air Industrial Park Phase II, in addition to Boyne City Zoning Ordinance requirements, the property is also subject to review by the EDC\LDFA and the park restriction as stipulated by the Declarations of Deed Restrictions, Easements, Rights and Responsibilities. Per the Deed Restrictions uses in the park are stipulated in Section I(3) which are as follows:

3. USES PERMITTED

All Parcels within the Park are subject to permitted uses in Boyne City Planned Industrial Zoning District, (PID). In addition:

- A. No activity or use shall be permitted on the land described as the Air/Industrial Park Phase II that would interfere with or be a hazard to the flight of aircraft over the land or to and from the Boyne City Municipal Airport, or interfere with air-navigation facilities serving the airport.*

- B. *It is understood that this is to be an industrial subdivision and that all lots or parcels shall be used for light industrial purposes, or commercial or office purposes secondary to the industrial use of the property. No buildings shall be constructed or used for retail or residential purposes except as set forth above, or as may be permitted in writing by the City. The City is authorized to approve uses other than industrial uses, not otherwise prohibited by this declaration.*
- C. *No noxious or offensive trade or activity shall be carried on, nor shall anything be done on property located in the subdivision which may be or become an annoyance or nuisance to neighboring properties in or around the Park such as noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, waste, noise or vibration beyond that normally and reasonably expected in a light industrial area.*
- D. *The following specific uses are specifically prohibited:*
1. *Asphalt or tar manufacturing or refining.*
 2. *Manufacture of gas, coke, or coal tar products.*
 3. *Slaughtering of animals for the reduction or recovering of products from dead animals or animal offal or garbage.*
 4. *Petroleum refining or other similar factories.*
 5. *Auto wrecking, salvage yards or junk yards.*
 6. *Central mixing plant for asphalt, mortar, plaster or concrete except as may be required in connection with paving of roads or other construction within the subdivision.*
 7. *Heavy drop forge stamping plant or malleable iron foundry.*
 8. *Retail operations not related to industrial operations.*
 9. *Waste transfer stations.*
- E. *All manufacturing operations shall be carried on within fully enclosed buildings and no outside activities shall be carried on except the parking of motor vehicles, the loading or unloading of motor vehicles, and the storage of materials within the restrictions provided in this document without the written approval of the City.*

As the use is not specifically described and listed in the PID or the Deed Restriction the use would need to be specifically approved by the Planning Commission and the EDC\L DFA. Ms. Green attended the May 12, 2014 meeting of the EDC\L DFA and while they expressed concerns about noise they were supportive of the concept.

Recommendation

This issue is being brought to the Planning Commission for information and discussion with the purpose to give direction on the potential feasibility of the proposed use. If a formal application is submitted the request will be brought back the Planning Commission and the EDC\L DFA for review and approval.