

**Meeting of  
April 15, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, April 15, 2013 at 5:00 pm.

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**Call to Order**

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

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**Roll Call**

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

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**Meeting Attendance**

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

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**Consent Agenda**

**2013-03-18-3**

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

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**Comments on  
Non-Agenda Items**

None

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

None

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**Unfinished Business**

None

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**New Business**

**Classic Instruments  
Final Site Plan Review**

Planning Director McPherson reviewed the staff report included in the agenda packet. In September of 2011, Classic Instruments was before the board for proposed expansion and improvements to their lot. Those plans were reviewed and approved, with a condition they return when they get ready for construction so the board can review building elevations. They have some minor alterations to that site plan; they will be removing the breezeway that was proposed to connect the two buildings. The EDC/LDFA reviewed their proposal this afternoon. Classic Instruments is here tonight for final site plan approval.

**Ron Hannah: Classic Instruments representative** - In 2011 we originally proposed a 60 x 60 foot addition connected by a breezeway. This proposal is to have the east wall extended 80 feet, and expanded back 100 ft. for the additional space that they will need for continued growth. The east wall addition will be flush with the existing building, and materials and trim will match what is there now, with side wall building materials as steel for ease of removing for possible additional expansion in the future. The proposed building elevation will stay on the same floor level as the existing building. We have requested from our contractor to utilize local sources as much as possible. Twenty - two additional parking spaces will be created out the back of the building. This parking lot will be the first permeable lot in Northern Michigan. It is a risk, but one we are willing to take as no additional retention ponds will be needed, however, there will be a regular concrete pad at the delivery doors for the limited truck traffic we get. The dumpster has been established at the edge of the parking lot, and will be on a pad screened with trees, we would like to keep it as natural as possible. We will have a sign placed on the existing posts, which will not be illuminated. Size to be approximately 8 ½ feet by 3 feet. The roof will be a single slope with a rubberized

membrane over steel which will run out towards the back parking lot. We will have 15 feet width of drain tile and plants next to the building. Pedestrian entrances will be at the ends of the buildings, with entrance lights only. We are not proposing any parking lot lights. We will be working with Tip of the Mitt Watershed Council on our landscape plan. Again, we would like to keep this as natural as possible, so will follow their lead with the suggestions of plantings.

**Meeder** – You mentioned a court yard where will that be?

**Hannah** - On the west side, the current overhang with a concrete pad will extend down to the L-shape of the addition.

**Meeder** – Is there still problems with the loading dock and the water?

**Hannah** – It is better now, a culvert was put in down at the corner and grading has been done next door. A 6” culvert will be put in at the end of our driveway to go into the drainage system. We have been talking about adding 18” in the truck well to raise it up a bit.

**Meeder** – You talked about possible expansion, where would that go.

**Hannah** – What is presented pretty much takes care of the current site, however, we have the option on the adjoining lot as first right of refusal.

**City Manager Michael Cain** – The LDFA met on site this afternoon, excited about their expansion. We talked about lighting, encouraged them to stay away from wall packs and high pressure sodium, and encouraged LED. LDFA asked them to take a look at possible decorative elements for the east side wall addition; Classic Instruments is taking a look at that. Everyone is very excited about the expansion.

**MacKenzie** – There is a check list for this?

**McPherson** – This is follow-up to the approval previously given in 2011. I copied the section of the ordinance for criteria, which is pretty minimal; I believe these changes meet the spirit and intent of the ordinance.

**Frasz** – Is it just the landscaping around the dumpster and end of the parking lot that is going to be new?

**Hannah** – It is pretty much all going to be new, will be putting trees out along M-75, and waiting on the input from the Tip of the Mitt for the final landscaping plan.

**Frasz** – Leaving town on the left side, the large size of the west end wall wondering how that is going to look, will you use landscape there?

**Hannah** – Trying to stay away from the building, because we will use that as our court yard for car shows, however, will be bringing in trees along the roadway and use the rise as apart of the landscape plans which will soften the look of the building.

**Kozlowski** – Will there be any mechanical elements on the roof for heating or air conditioning?

**Hannah** – It will be heated with a forced air system, and if there is a unit on the roof, it will be on the Southwest corner, to eliminate the site line from Moll Dr. if at all possible.

#### **2013-04-15-7a**

With no further board discussion, **motion by Ellwanger, seconded by Crum PASSED UNANIMOUSLY** that the findings are in compliance with the architectural requirements of section 22.30 of the zoning ordinance; the plans as presented tonight.

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Planning Director McPherson reviewed the staff report included in the agenda packet. The city received a request from Magnum Hospitality to serve alcohol outside in front of their businesses, one that is in the Waterfront Residential District. The current ordinance specifically prohibits alcohol sales on public sidewalks, so a permit could not be issued. There have been meetings held with

**\*\*MOTION**

**Review and  
recommendation on a  
proposed Sidewalk Café  
Ordinance to allow alcohol**

**for outdoor cafés on  
public sidewalks**

the City Commission, the Main Street board, and a public presentation. It seems to be moving forward, and a stand alone draft ordinance proposal was submitted in your packet. An ariel photo and slides were viewed showing the different widths of sidewalks in the downtown area, those businesses that currently have a liquor license along with businesses with the ability to serve food outdoors. It also showed the sidewalks with tables, benches, trees, signs, merchandise displays and other items out on the walk. A couple of the slides portrayed other communities and how they delineate their outdoor service areas. The current zoning ordinance regulates uses on the public sidewalk, and McPherson fundamentally disagrees with that. If it is in a public domain it should be controlled under any other type of ordinance; if you want to eliminate it at a later date because it does not work, you do not have to worry about grandfathering things in the public domain. Approach would be to eliminate that aspect in the zoning ordinance, and allow outdoor dining on private property with minimal requirements. Building on a new stand alone ordinance, a lot of requirements were removed from the current ordinance section, and some things were added. If you want to move forward, a public hearing would need to be held.

**Hugh Conklin: Main Street Manager** – Have had a community information meeting, and the Main Street board has discussed this and they have not received any negative feedback. The board feels that this could be a good thing to continue to bring vibrancy to the downtown. Have talked to a lot of different communities, and those who have started this type of program, have not had any problems. Chief Gaither has had an opportunity to speak with other communities, and if they had any problems, they have been able to deal with them. Main Street has some concerns about the hours, and they don't want it to bother the neighbors. They don't want it to be a "bar scene" only to have alcohol served with dinner.

**Michael Cain: City Manager** – Go back and think of how the downtown side walk uses have evolved in the last 12 years. The most popular times are when there is a lot going on downtown. We have not been able to locate any communities with concerns. Local concerns have been expressed with alcohol use on the sidewalks. The uses would be contained, and must stay within specified boundaries. Things could go wrong, but the attitude of Boyne City is to try something if it is reasonable, with rules and regulations. If it does not work, we could go on to something else, or revise it. Taking appropriate risks has gotten our community where we are, and I believe it is worthy of further consideration.

**McPherson** – This would be a free standing ordinance that would need to be adopted by the City Commission. He went through the draft ordinance that was included in the agenda packet with board discussion. Concerns the board had was the 4 foot wide clear public walk able area, that could be a "serpentine" pathway if one business had their merchandise/tables at the façade and others at the curb, retail stores would want easy access into the stores, and to see the store front windows for as long as possible, try to eliminate the impact for non-food businesses, and safety for pedestrians who may be unsteady and do not like to walk next to the curb. The board liked the idea of providing insurance coverage naming the City as additionally insured, however, did not like the 30 day written notice to the permittee to have the license revoked if they did not comply with the conditions of the ordinance.

(At this point, there was technical difficulty with the tape recorder, it was fixed and recordings started again. Approximately 3 minutes of the meeting was not recorded)

**Cain** – If there is a safety hazard, could the city manager revoke immediately?

**McPherson** – Yes.

**Cain** – If they did not like the decision, they could appeal to the ZBA?

**McPherson** – If they appealed to the ZBA, there are no real clear parameters for them to use to make their decision. It would be an appeal of an administrative decision. As a stand alone ordinance does not come under the jurisdiction of the zoning ordinance, I don't know what they would/could base their decision from. I would not put in an appeal process.

**Neidhamer** – Leave it up to the City Manager, keep it simple.

The board has requested staff to revise/develop language and schedule a public hearing for next month.

**Review proposed striping and intersection reconfiguration for Boyne Avenue**

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**Michael Cain: City Manager** – Board was looking at the rendition in the agenda packet. The City and MDOT have had ongoing discussions about M-75 as it goes through town and safety concerns with pedestrian traffic, at the intersections of M -75 and East St. near the post office, and across the street on the Dilworth side. They propose to define traffic movement with white lines. Additional lines would be put down and these could be used as a bike lane continuing out towards the schools. The intersection on the Dilworth side is the worst one in town. Staff has looked at the possibility of making this a one way street going south only. The other awkward intersection is at Main St. and M-75 (Boyne Avenue). MDOT has made some suggestions to remove the large “throat” areas at the intersection, by creating a 90 degree intersection. We could try temporarily for a season and get input, and see how it works. It would eliminate the straight through traffic across M-75 from Main St. The board feels that it would definitely help in those areas of concern.

**Recommendation for Planning Commission re-appointments of Lori Meeder, Aaron Place, and Joe St. Dennis**

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With confirmation that all members are willing to remain **motion by Crum, seconded by Ellwanger, PASSED UNANIMOUSLY** to recommend the reappointment of Lori Meeder, Aaron Place and Joe St. Dennis to the Planning Commission for an additional 3 year term expiring May 31, 2016.

**\*\*MOTION**

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**Motion by Place, seconded by Crum, PASSED UNANIMOUSLY**, to schedule a special joint Redevelopment Ready Community presentation with the City Commission for May 28<sup>th</sup>, at 6:00 pm.

**Redevelopment Ready Community Presentation**

**\*\*MOTION**

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None

**Staff Report**

**Good of the Order**

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**Ellwanger** – What is the status of Kirtland?

**McPherson** – The attorneys are still working on this.

**Cain** – There was a hearing on Friday, April 12<sup>th</sup>. reviewed records. Kirtland has 28 days to file a brief; we have 21 days to respond. Unknown time line.

**Adjournment**

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The next meeting of the Boyne City Planning Commission is scheduled for May 20, 2013 at 5:00 pm in the Auditorium.

**\*\*MOTION**

**2013-04-15-10**

**St. Dennis moved, Frasz seconded, PASSED UNANIMOUSLY** a motion to adjourn the April 15, 2013 meeting at 7:09 p.m.

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Jane MacKenzie, Chair

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Pat Haver, Recording Secretary