City of Boyne City
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Boyne City, Michigan 49712
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AGENDA

BOYNE CITY PLANNING COMMISSION

Monday October 22, 2015, 5:00 p.m.
Special Meeting
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 September 21, 2015 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. 151 Ray Street Site Plan Amendment Request
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting November 16, 2015

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

Approved: _____

Meeting of September 21, 2015

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, September 21, 2015 at 5:00 pm.

Call to Order

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

Roll Call

Present: George Ellwanger, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Tom Neidhamer and Joe St. Dennis
Absent: Jason Biskner and Andy Place (arrived at 5:07 pm)
Vacancy: One

Excused Absence(s)
****MOTION**

2015-9-21-02
Ellwanger moved, Frasz seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Jason Biskner

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, Assistant Planning and Zoning Administrator Patrick Kilkenny, City Manager Michael Cain and Recording Secretary Pat Haver
Public Present: 6 including Consultant Mary Campbell from M.C. Planning & Design

Consent Agenda
****MOTION**

2015-9-21-03
St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from August 17, 2015 as corrected.

Citizen comments on Non-Agenda Items

None

Reports of Officers, Boards and Standing Committees

Boyne On The Water is still taking citizen comments with a deadline of October 6, 2015; the program information is available to look at in city hall, and is also available on the city's website.

Unfinished Business

None

New Business

Master Plan Public Hearing Recommendation for Adoption

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The master plan mandatory review period has come and gone, and we did receive feedback and comments which some have been incorporated into the plan. Designation of Open Space to Community Recreational has been changed. In the goals section, under each portion responsible party and time line has been inserted in reaction to input from MEDC and RRC for their certification process; incorporating into our master plan meets the requirements for these certifications. The 2010 family median income from ACS's information is suspect and because of this the city lost it's low to moderate income status. These figures are gathered every 5 years or so, however still feel are incorrect.
Mary Campbell from M.C. Planning & Design – These minor changes can be made even with the plan having been out for public review. I would open the public hearing and ask for comment from the audience.

Public Hearing opened at 5:08 pm

Laura Sansom – I feel it is good, all in all. Minor details still bother me; how has the age group shifted to an older bracket, the education bracket and poverty level have gone up? How is this true, the information just doesn't seem to add up.
McPherson – Master plans typically rely on census data; and the data that has replaced this is from ACS, which is used by the state and other organizations.
John McCahan - In looking over the new plan versus the old one, in Chapter 2 of the old plan, it mentions noise with the next two pages mentioning quality of life. No where in the new plan is noise mentioned and how that can impact your quality of life; and I feel that it should be mentioned in Chapter 2 of this new plan also.
Campbell – Quality of life is woven throughout Chapter 2, however, not specifically spelled out. **MacKenzie** – it is also stated several times throughout the plan.

With no further comments, the public hearing was closed at 5:14 pm

Board discussion

The board felt the plan was well written; however, did have concerns about the perceived negativity of calling out industry as the only "up and down" heavy user of the sewer system, when there are several other user groups and times that would account for the highs and lows of the system. So will be changing this phrase to large volume user. The board also struggled with the census data as discussed earlier, however, was informed that the city is moving forward with an in-house poverty level study for possible certification. This plan is the foundation for the zoning ordinance and is a resource document used by developers and other agencies and to support future grant opportunities. It is a document that should be reviewed annually, and adjustments can be made as it becomes necessary. Chair MacKenzie read a resolution recommending approval as proposed. After board discussion, **motion by Ellwanger, seconded by Place** to adopt the resolution and recommend approval of the Master Plan 2015 update as presented to the City Commission.

****MOTION**

Public comment requested again. Audience members again brought up the current noise ordinance. It addresses 90% of the police department complaints; there is not an ordinance that will address 100% of the complaints. As a stand alone, police power ordinance, it takes into consideration the residential noises; however, the Industrial/Commercial District noises it is not as effective.
McCahan – It is because of me that the old ordinance was considered vague and unenforceable and the city was without anything for 5 years. The city chose to enforce and model their new ordinance after the City of Mason, and I feel it is also vague because it does not contain decibel levels, and if challenged would not hold up in court either. For the industrial and commercial noises, I feel it is worse than anything we had before, and without decibel levels as the deciding factor, we have nothing effective to work with.

The next step in the process is to submit the resolution and recommendation of adoption to the City Commission for their meeting on October 13th at 7:00 pm

2015-9-21-7A
Roll Call:
Aye: Ellwanger, Frasz, Kozlowski, MacKenzie, Neidhamer, Place and St. Dennis
Nay: None
Absent: Biskner
Vacancy: One
Motion Carries

Planning Commissioner Frasz stepped down into the audience at this point in the meeting due to the next item on the agenda is his request.

Review and Recommendation Chris Frasz alley vacation request

Planning Director McPherson reviewed his staff report that was included in the agenda packet. He did submit a request for the department heads to review the alley vacation and the only concern was from the DPW Superintendent because the requested section to be closed is where they push and pile snow that is removed from the front portion of the alley. He suggested an easement to continue the ability to plow and pile snow onto this section in perpetuity. The process is that a recommendation for vacation will be submitted to the City Commission, and it has to be advertised for (3) consecutive weeks then goes to the City Commission for their review and determination.

Public Hearing opened at 5:47 pm

City Manager Cain - I would concur with the DPW Superintendent's assessment, not a fan of partial block vacations, would like to see the whole thing go away.

This area that is being requested is between Lincoln St. and undeveloped Spruce St. is not maintained by the city, and has very steep slopes going down to Spruce St. The board had questions about the number of partial vacations within the city, there are several, however, the number is unknown at this time. The only way to get back to the residence is to use the alley, and if it were fully closed off, the applicant would not have access to their property. This area being requested to vacate splits the two parcels that are owned by the applicant and their intention is to combine the properties into one parcel if this gets approved.

Public hearing closed at 5:59 pm

****MOTION**

After no further discussion, **motion by Place, seconded by Ellwanger**, to recommend to the City Commission partial vacation of the alleyway between Lincoln and Spruce St.; only 1/2 of the alley; the portion running between lots 95 and 101.

2015-9-21-7B
Roll Call:
Aye: Ellwanger, Kozlowski, MacKenzie, Neidhamer, Place and St. Dennis
Nay: None
Absent: Biskner
Abstain: Frasz
Vacancy: One
Motion Carries

Staff Report

- Redevelopment Ready Certification will be completed with the last item of adopting the Master Plan. It has been a long process, however, very educational and hopefully with the certification, it will be very beneficial for us down the road

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Good of the Order

- What is the status of the fishing dock that was to be put in by Catt Development when a certain number of cottages were built? Staff will follow-up, as the city has had discussions with them within the last year about the dock and walkway. Discussions about the route for Boyne On The Water and the planning effort is something to consider.

Draft

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, October 19, 2015 at 5:00 pm in the Auditorium.

2015-9-21-10

****MOTION**

St. Dennis moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the September 21, 2015 meeting at 6:03 p.m.

Chair Jane MacKenzie

Pat Haver, Recording Secretary

Draft

CITY OF BOYNE CITY

To: Chair Jane MacKenzie and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: October 19, 2015

Subject: 151 Ray Street Site Plan Amendment

Background Information

Tim and Sarah Manchester are the owners of the train depot located at 151 Ray Street and they have submitted a plan to refurbish and repair the building and property. The changes to the building include the replacement of the west wall windows, a dormer addition on the south roof and the addition of some architectural details. The existing planting beds, dumpster enclosure, deck and ramp will be removed, replaced and or repaired. The existing trail car is to remain, however plans to refurbish it are not included in this application. It is intended to be incorporated with the building and used as a gallery at some future date. A site plan showing the existing and proposed site plan and elevations showing the concepts for the refurbished exterior been provided for your review. As the Commission may recall the site has several encroachments into the ROW that have occurred with the knowledge and approval of the City. In 2000 the City Commission agreed to a three year lease agreement for the use of the right of way and again in 2003 when Lester's also received development plan approval to rebuild the railroad car and attach it to the restaurant with an enclosure. At the September 9, 2007 City Commission meeting, the Commission approved the proposed expansion provided it is reviewed by the Planning Commission and it is determined by the Planning Commission that the expansion into the right of way is the minimum area needed to facilitate the new ramp and stairway. The proposed plan will significantly reduce the encroachment into the ROW.

Discussion

As property received development plan approval when they refurbished and enclosed the railroad car in 2007 the present request is a subsequent amendment to an previously approved development plan. The City of Boyne City Zoning ordinance provisions for requesting and approving amendments to an approved site 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 Aareas 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.

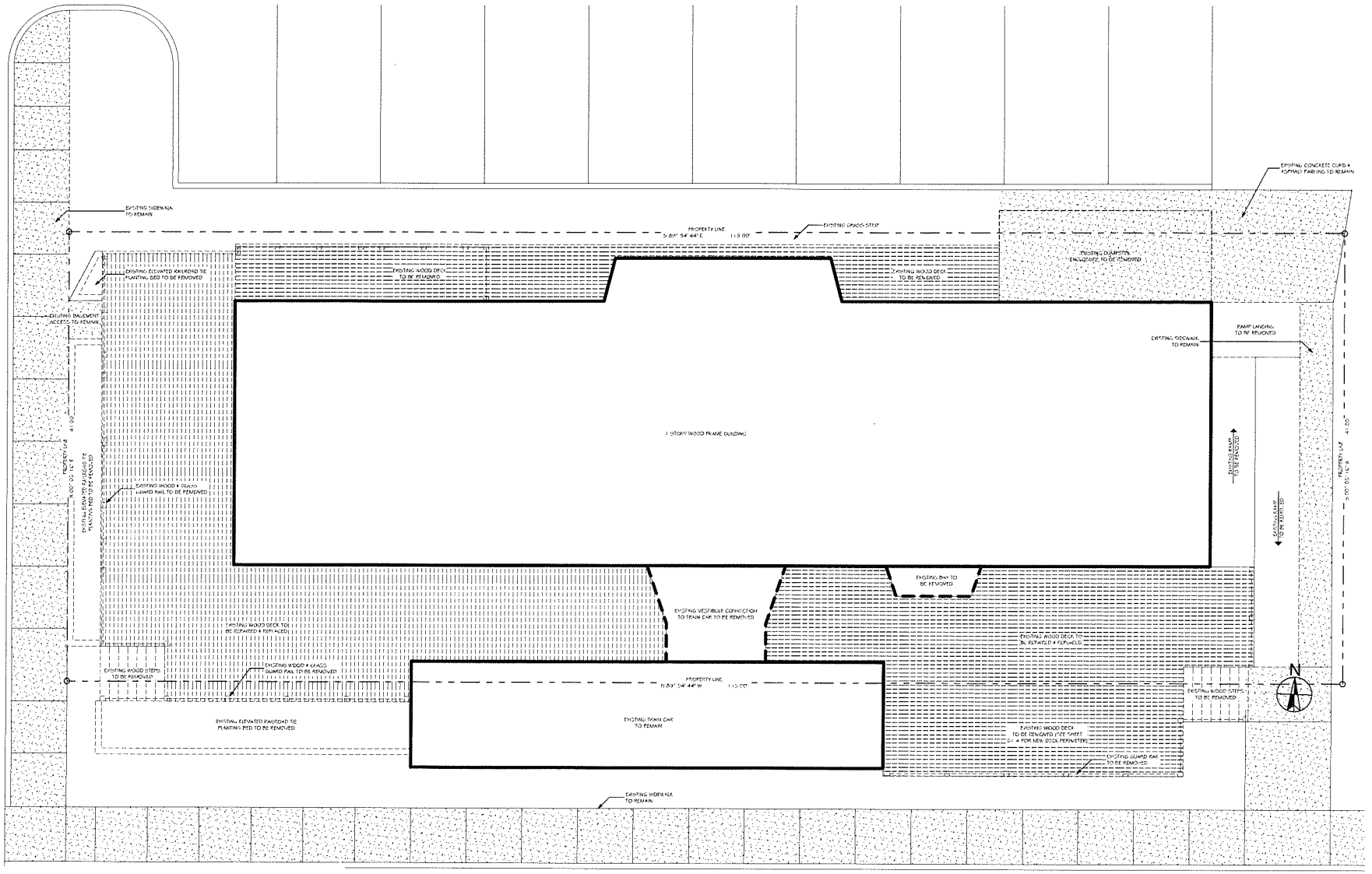
E. Any deviation from the approved final development plan, except as authorized in this section, shall be considered a violation of this Ordinance and treated as such.

Process

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.



1 Site Plan - Existing / Demo
SCALE: 1/4" = 1'-0"

DISCLAIMER:

Edgewater Design Group LLC has made a reasonable effort to identify the existing structural elements of the existing building and has designed the renovations accordingly. However, due to the nature of the renovation and remodel not every situation can be anticipated or known until demolition has occurred. Edgewater Design Group LLC shall not be held responsible for structural, mechanical or other elements discovered during demolition that may affect the construction of the renovation. Please contact EDG immediately upon issues discovered during demolition or items that contradict the design and engineering provided by EDG for this project.

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EDGEWATER DESIGN GROUP

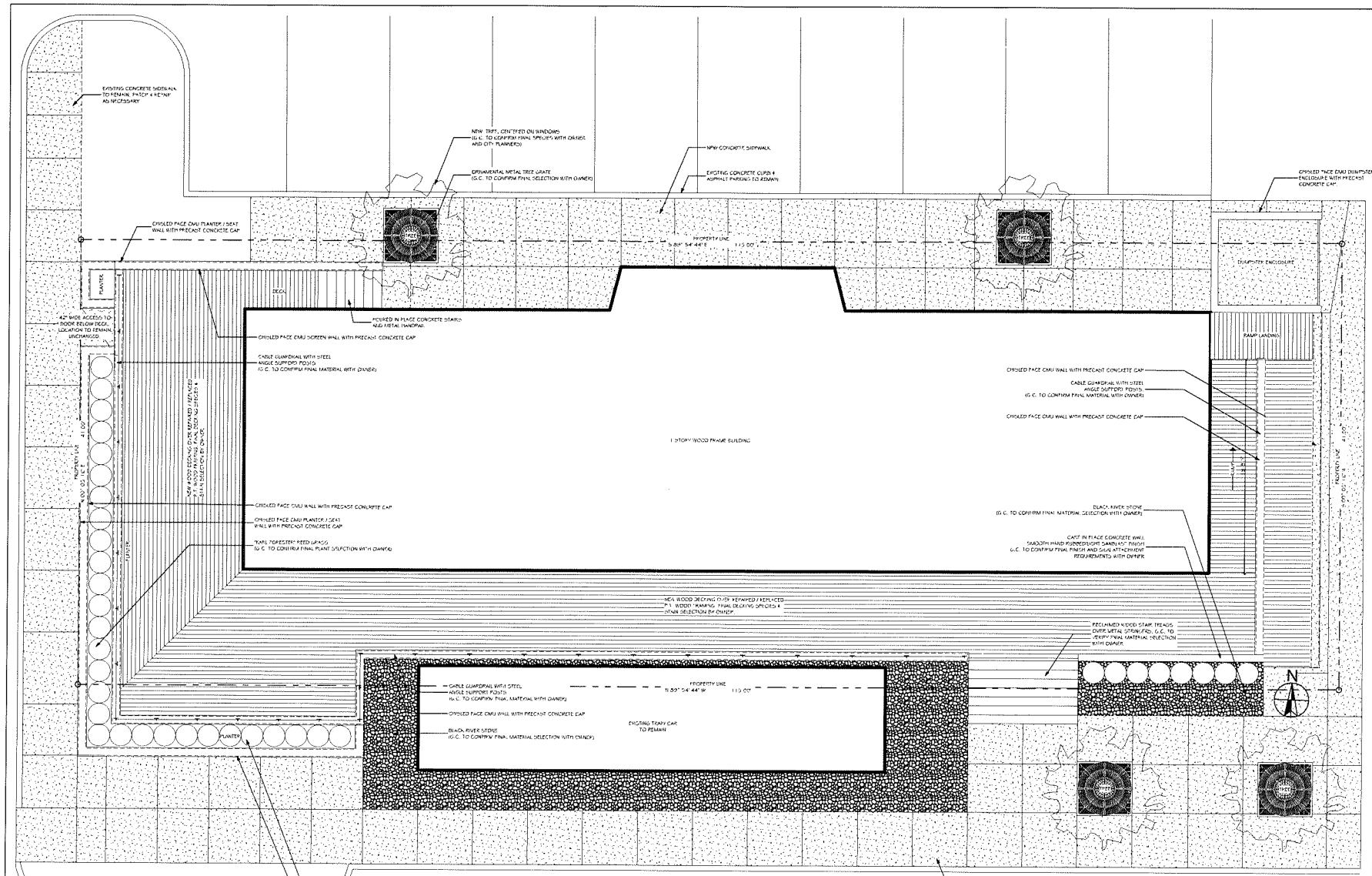
DATE:	REVISIONS:
09/16/2015	Issued For Construction
09/30/2015	Issued For Construction - Addendum #1
09/23/2015	Issued For Construction - Addendum #2
10/15/2015	Issued For Construction - Addendum #4

PROJECT DEVELOPER DESIGNED FOR:
SKR North Investments - Manchester

DRAWING NAME:
Site Plan - Existing / Demo

JOB NO: EDG 14-29
SCALE: AS SHOWN
PLOTTED: 10/15/2015

SHEET:
G1.3



1 Site Plan - Proposed
SCALE: 1/4" = 1'-0"

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DATE:	REVISIONS:	CHK BY:
05/14/2015	Issued For Construction	
06/10/2015	Issued For Construction - Addendum #1	
07/23/2015	Issued For Construction - Addendum #2	
10/15/2015	Issued For Construction - Addendum #4	

PROJECT EXCLUSIVELY DESIGNED FOR:
SKR North Investments - Manchester

DRAWING NAME:
Site Plan - Proposed

JOB NO. EDG 14-29
SCALE: AS SHOWN
PLOTTED: 10/15/2015

SHEET:
G1.4

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