

**Meeting of
September 19, 2016**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday September 19, 2016 at 5:00 pm.

Call to Order

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

Roll Call

Present: Ken Allen, George Ellwanger, Jane MacKenzie, Tom Neidhamer and Joe St. Dennis
Absent: Jason Biskner, Chris Frasz, Jim Kozlowski and Aaron Place

**Excused Absence(s)
MOTION

2016-09-19-02
Neidhamer moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to excuse the absence(s) of Jason Biskner, Jim Kozlowski and Aaron Place.

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver
Public Present: Thirty two

**Consent Agenda
MOTION

2016-09-19-03
Allen moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from August 15, 2016 as presented.

**Citizen comments on
Non-Agenda Items**

Chamber Director Jim Baumann wanted to introduce 5 Leadership Charlevoix members that were in attendance as a requirement of attending a Governmental meeting. Kathleen Adkison, Savannah Cool, Ashley Cousens, Mark Druesne and Erica Tosch.

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

None

New Business

**600 Jefferson Street Ted
Macksey Rezoning Request
Application Public Hearing**

Planning Director McPherson reviewed the staff report that was included in the agenda packet. Ted Macksey submitted an application to rezone parcels 15-051-026-005-00 and 15-051-026-004-15 from Rural Estate District (RED) to Multiple Family Residential District (MFRD). Public sewer and water are located adjacent to the subject property on Jefferson Street. The property is currently vacant, with the majority covered in mature trees with an elevation change of approximately 40 feet front to back of the property with significant slopes. The topic of housing has been discussed over the past months and was identified and adopted as a goal of the City Commission. This piece of property presents a unique situation for the city and developer. There is not another large tract of land available for development for working family and work force housing. The applicant previously discussed potential future uses of the property with this board and indicated his intention to provide a mix of multi-family dwellings. This board needs to consider all of the potential uses that could occur in the proposed zoning district other than housing, if the request is granted. Using amendment criteria under section 2.5(c) the board can make a recommendation to the City Commission, who will schedule a first reading public hearing, and then schedule a 2nd reading public hearing to hear the proposal and make a determination.

Ted Macksey – applicant: Spoke about his qualifications and past projects. He sees a need for alternative affordable housing for the working family/work force, and feels that this project will fill that need.

Public hearing opened at 5:10 pm

Mark Fruge’ – 560 Maddy Lane: Expressed his concerns that the board has no idea what type of project will be going in there, so how can you make the decision to rezone the property? Has anything been proposed for single family townhouses or apartments? Concerned about declining property values in the area if the project were built with increased traffic, noise, lights, etc.

Cathy Birmingham – 611 Maddy Lane: Shares concerns expressed already. There has been some logging activity taking place already without any markings. How do the loggers know where to stop? Trees have been falling quite close to the property lines. She has concerns about increased traffic, lights and multi-story structures.

John Birmingham – 611 Maddy Lane: Cited a letter that was received by the board from Dave Swanson, he shares his options. Unnerving to consider that this development could produce 300 units; can the city infrastructure handle the increase? Rumors are running rampant because no one has been forthcoming with what is being proposed. I believe that starter homes are necessary, maybe scale back the project.

Jim Walker – 720 Jefferson St: As currently zoned RED, you could have a development with 120 units on 30 acres, with multi-family zoning could have up to 300 units, which will impact the requirements for services. You could have up to 400 + cars all trying to get to work or school at the same time, so congestion will increase. Have you contemplated very dense zoning? Smaller starter homes and apartment housing units have very different requirements.

Macksey – Currently there is a 12,000 sq ft lot requirement, which will give you up to 3 lots per acre for a min of 70 and a max of 90 units. Due to infrastructure, roads, topography and a buffer zone; these will dictate exactly what can be built.

Vi Riley – 625 Jefferson St: My concerns are with the increase in traffic and what is going to happen with the wetlands and the water in the area. How will they control water run off once you begin to build. I have runoff onto my property now.

Jeff Porter – 620 Jefferson St: My concern is for the property values in the area along with the increased traffic. They don’t do the posted speed limit of 25 mph now.

Julie Moskal – 523 Vogel St: In agreement with what has been said, we looked for a quiet area when we bought our house. Increased traffic could be detrimental; our long term financial investment could be negatively impacted. We felt the struggle of trying to find affordable housing when we moved here, but this development will not be a good one for the city.

Mark Druesne – 927 Wilson St: Is the rezoning of these parcels being done to the betterment of the community as a whole and were other areas looked at for a more appropriate location for such a development, or is it being done strictly at this request?

McPherson - Application submitted by Mr. Macksey, that is why we are looking at this particular property.

Druesne – As a Planning Commission, do you look at other areas of the city in its entirety for such a development?

MacKenzie - The board does look at the Master Plan overall, it is being proposed for this area, so that is where we are looking only.

Ruth Ann Porter – 620 Jefferson St: Is there a vote among the area of people who live there, or only made by you and the commission.

MacKenzie – We make a recommendation to the City Commission and they will hold a couple of meetings/public hearings to allow comments, and the ultimate decision will be made by them. They will have a first reading to review and a second reading can happen no less than 30 days after with the final decision then.

Porter – There is not a community vote? **MacKenzie** – No.

Frank Minier – 514 W. Michigan Av: Water issue in our neighborhood, flooding occurs in my area, if you put in any asphalt parking on the project, you will directly impact where the water will go. Will you do any studies on the impact of increased traffic, density studies, water and sewer impact, storm water runoff and flooding?

McPherson – As a part of this review process, the only study that is required is a traffic impact study; however, the Planning Commission has the ability to request other impact studies. Those requests can be made as the process moves forward with the site plan review as appropriate studies can be requested at that time.

Minier – The developer has a long period of time to decide what type of development to put in if the rezoning request is granted, then it goes to the City Commission for review, is there any time for public comments?

McPherson – I would suggest anyone who is interested in this project attend every meeting. The City Commission will only review the rezoning request and if the request is granted, the developer will bring back his site plan to the Planning Commission for approval.

Public Hearing closed at 5:35 pm

Board Discussion/deliberation

Allen – When was the zoning in this area implemented?

McPherson – Adopted as part of the zoning in 2001; Master Plan was last updated in 2015.

Allen – Any other proposals for the use of this property

McPherson - One other person requested a variance on the amount of the driveway to be paved, as he was going to build a single family home, ultimately that fell through and the property came back on the market.

Neidhamer – That land has been vacant for a long time; in the last 15 years zoned as Rural Estate has it ever been bought?

McPherson – Ten acres were split off of one of the parcels for the development of the Brook which was conditionally rezoned; which is the only possible use as a part of that rezoning.

Macksey - There is a 66 foot easement that runs along the west side of the Brook property down to Vogel Street, so can be used as a second entry onto the property.

Chair MacKenzie read a letter from David Swanson and Haggard Plumbing & Heating that were submitted to the Planning Director as a part of the public hearing.

At this point, the board went through Section 2.50 (C) Amendment Criteria and discussed each of the points **Section 2.50 Amendment Criteria.**

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. *The board felt that there was no other area left within the city for a possible development of this size to provide working family/work force housing.*

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. *Board members agreed with this statement, as it is not economically feasible to build 75-125 housing units that are affordable.*
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. *The adopted city goals and other meetings have shown that there is a shortage of affordable housing from both the employee and employer recent statements.*
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. *At the time of the site plan review, all of these impacts will be addressed with the Planning Commission, and various impact studies can be requested.*
5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features. *At the time of the site plan review, these issues will be looked into.*
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, population 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. *Because these 30 acre properties have been vacant, no matter what type of development gets built there will be an impact on the area.*
7. The rezoning would constitute and create an isolated and unplanned spot zone granting a special privilege to one landowner not available to others. *Portions of this property will be adjacent to other multi-family zoned areas.*
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. *Due to the total size of the parcels, dimensional requirements and zoning requirements will be able to be met.*
9. There has been a change of conditions in the area supporting the proposed rezoning. *Yes, city goals and economic goals have changed through the years.*
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *There are no other undeveloped multi-family properties within the city limits.*
11. There was a mistake in the original zoning classification. *No/NA*
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*

Neidhamer – As the board has gone through the amendment criteria, and it meets

some of the requirements, we must move forward. I would encourage everyone to stay involved through the process and attend meetings to voice your opinions. Planning Director McPherson again laid out the proposed time frame for the hearings and then submission of the site plan. The developer will be responsible to bear the costs of the requested impact studies, starting with the required traffic impact study.

The board will wait to see exactly what type of site plan will be submitted and development will take place, and acknowledged the concerns of the surrounding property owner's that were expressed at the meeting tonight, and again encouraged interested individuals to stay involved in the entire process.

After board discussion, **motion by Ellwanger, seconded by Neidhamer** to recommend to the City Commission the change in zoning from Rural Estate District (RED) to Multi-family Residential District (MFRD) for parcels 15-051-026-005-00 and 15-051-026-004-15 as requested by developer Ted Macksey.

2016-9-19-7A

Roll Call:

Aye: Allen, Ellwanger, MacKenzie, Neidhamer and St. Dennis

Nay: None

Absent: Biskner, Frasz, Kozlowski and Place

Motion Carries

Boyne District Library Development Plan Amendment for Building Addition

Planning Director McPherson reviewed his staff report that was included in the agenda packet. An application for an amendment has been submitted as the library is proposing a 2400 sq. foot 2 story addition that will match the existing building. The proposed addition will supply additional space for computer labs, staff offices, re-locate some existing storage and community resource makers' space. No set backs are required within the (CBD) Central Business District. The library must coordinate with the street department as a part of the new impervious surfaces will be within city property.

Cliff Cary – District Library Director: We were given a gift to enhance the library. The addition will match what we currently have, and allow us to relocate some offices, storage and create smaller conference rooms. It will give us the ability to move the computer lab away from the quiet areas. The east side will have an ingress/egress exit only and no windows. The main entrance will remain, there will be a larger "garage" door type window structure in order to bring in larger items for the new community makers space. As the mechanical system is getting older and louder, we are looking at relocating that a bit to the south, and replacing with a much quieter more efficient unit.

McPherson – I did have the department heads review the plan, and the Fire Chief saw no issues. The new structure will have a sprinkler system. As a condition of being within the Central Business District, the Main Street Design committee will need to take a look at the plans still, as they have not had an opportunity to do so. There is a public parking lot adjacent to the library, however, is not dedicated specifically to the library; there is also on street parking on two sides of the building; so parking does not seem to be an issue with the new addition. Coordination with the DPW Superintendent needs to be made to determine the extent of the improvements within the public property for modifications.

Public Comment

Public member had the following questions: When would the project start? Spring

2017; What is Maker Space? Collaborative space to make things, do things, resource center and meeting space; what is the impact needed for additional space with the new city hall facilities? We will offer more intimate space for smaller groups that what is available at city hall; what is the cost? Projected between 200 and 250.00 per sq ft.; we do not have bids out as of yet, so not sure of final costs, but anticipate approximately \$500,000; will the mechanics be quieter? Yes the air handling unit needs to be replaced, so we will do that with a more efficient and quieter unit that won't need to run as much.

After board discussion/deliberation **motion by MacKenzie, seconded by St. Dennis** to approve the development plan amendment requested by the Boyne District Library contingent on:

- 1) Coordination with the DPW Street Department for the work that will be done on public property;
- 2) Submittal to the Main Street Design Committee for their review and comments.

2016-9-19-7B

Roll Call:

Aye: Allen, Ellwanger, MacKenzie, Neidhamer and St. Dennis

Nay: None

Absent: Biskner, Frasz, Kozlowski and Place

Motion Carries

Pre-application meeting for Marcella Hill alley vacation request

Planning Director McPherson reviewed the staff report included in the agenda packet. Marcella Hill is here today to discuss the possibility of vacating an alley that runs between her two residences on Lincoln St. She is here to get input and feedback from the board prior to submitting an application. The alley runs up a steep hill that will never be built upon. Mrs. Hill indicated that she has spoken with the neighbors and verbally has their consent for the vacation. During board discussion, it was suggested that she get signatures from the neighboring homeowners to submit with the application, the board discussed the topography of the area, and also feel that it will never be built upon. They advised her that this board will review an application and after the review will make a recommendation to the City Commission.

Marvin Loding Award Nominations

Planning Director McPherson handed out copies of the nominated homes or businesses and asked the board to review the properties prior to the next meeting; as the vote will take place in October. He reminded the board to keep the nominees secret, as the winners will be notified at a later date.

Staff Report

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- There will be a city/regional housing summit sometime in October; date is unknown at this time. Traverse City will have a conference on 10/24 for an all-day conference.
 - Safe Routes to School signs will be energized soon, and the project is almost completed.

Good of the Order

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- What is happening with the Dilworth windows? They seem to be going in and coming out? Due to the historical easement they must maintain the original windows. They are looking at doing an interior storm to assist in the cold weather months.
 - The city is really looking nice with all of the remodeling, and the corner of Boyne Avenue and Pearl Street is quite the attractive area into the city

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, October 17, 2016 at 5:00 pm in the Honeywell Meeting Room.

Adjournment

2016-09-19-10

****MOTION**

St. Dennis moved, Neidhamer seconded, PASSED UNANIMOUSLY a motion to adjourn the September 19, 2016 meeting at 7:29 p.m.


Chair Jane MacKenzie


Recording Secretary Pat Haver