

Approved:

**Meeting of
August 17, 2020**

Record of the proceedings of the Boyne City Planning Commission meeting held via Zoom on Monday August 17, 2020 at 5:00 pm.

Call to Order

Chair Place called the meeting to order at 5:00 p.m. and discussed the rules and procedures for the Zoom meeting.

Roll Call

Present: Larry Chute, Skylar MacNaughton, Nichole Moblo, Tom Neidhamer, Rose Newton and Aaron Place
Absent: Jeff Ross
Vacancy: Two

**Excused Absences
Motion**

Newton moved, MacNaughton seconded to excuse the absence of Ross

2020-8-17-2

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Meeting Attendance

City Officials/Staff: Planning and Zoning Director Scott McPherson, Assistant Planning and Zoning Director Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: Two in attendance via the Zoom platform

Consent Agenda

Prior to the approval of the consent agenda, Newton wanted to express her concern about a portion of the minutes that she would like stricken as she felt that they were inaccurate. Staff listened to the portion of the audio that was mentioned, and in fact heard the phrases that she thought to be erroneous, so the draft minutes will stand for approval as presented. **Chute moved, Neidhamer seconded**, a motion to approve the consent agenda, the Planning Commission minutes from July 20, 2020 as presented.

Motion

2020-8-17-3

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer and Place

Nays: None

Absent: Ross

Abstain: Newton

Vacancy: Two

**Citizen comments on
Non-Agenda Items**

None

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

None

Unfinished Business

None

New Business

**Planning Commission
Reappointment of
Larry Chute
Motion**

The term of Larry Chute expired in May of 2020. Chute has indicated he is willing to serve another three year term. After board discussion, **motion by Newton, seconded by Moblo**, to recommend to the City Commission the reappointment of Larry Chute to a three year term on the Planning Commission to expire on May 31, 2023.

2020-8-17- 7A.1

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

**Planning Commission
Reappointment of Jeff
Ross**

Motion

The term of Jeff Ross also expired in May of 2020. Although staff has not been able to speak directly with Ross to see if he is willing to serve another three year term, the Commission would like to see him continue sitting on the board. After board discussion, **motion by Newton, seconded by Chute**, to recommend to the City Commission the reappointment of Jeff Ross to a three year term on the Planning Commission to expire on May 31, 2023.

2020-8-17- 7A.2

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Addendum after this portion of the meeting – Staff was contacted by Jeff Ross and he is more than willing to serve another term on the Planning Commission.

**Planning Commission
Appointment
Recommendations**

Motion

Planning Director McPherson reviewed his staff report included in the agenda packet. There are two vacancies on this commission with a term ending May 31, 2022 and May 31, 2023. There were 2 submitted applications for the positions, and both applicants were invited to the meeting to meet and speak with the board. Each applicant was given an opportunity to introduce themselves, and to give a history of their background, the reasons they wish to serve and other community or civic service activities. After a question and answer session, **motion by Newton, seconded by MacNaughton** to recommend Monica Ross to the City Commission to fill the vacancy.

2020-8-17- 7A.3

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Motion

The second applicant is Jim Baumann, and after board discussion **motion by Chute, seconded by Neidhamer** to recommend to the City Commission to fill the vacancy.

2020-8-17- 7A.4

Roll Call:

Ayes: Chute, MacNaughton, Moblo, Neidhamer, Newton and Place

Nays: None

Absent: Ross

Abstain: None

Vacancy: Two

Motion Carries

Review Manufactured Housing District Density Requirements

Planning Director Scott McPherson reviewed his staff report included in the agenda packet. As requested from the July meeting, the recent amendments to Manufactured Housing Development District density in Section 7.4D are being brought back for review and discussion with the commission. The previous ordinance section 7.4D1.b Lot Area and Density was long and cumbersome. The amended language was simplified to read: The manufactured home development may have a maximum density of 10 units per acre. This has produced many questions with two different manufactured housing developments within the last few months. The board began with questions about the density of the existing Lakeview Village park and the recently approved expansion and it is believed to be 6 to 7 units per acre. The proposed second development, which is in the preliminary design stage has somewhere in the area of 4.9 to 5 units per acre proposed. The state has very strict guidelines that must be adhered to such as setbacks, open space, utility and street space along with unit layout, so they do not regulate by density. Because these type of developments must meet state standards, municipalities cannot have or enforce stricter requirements/standards. It is unknown how the number of 10 units per acre was decided upon within the city ordinance it can only be speculation as staff was not here at that time. The board agreed that eliminating the language in 7.4D1.b was the best way to go and staff will draft amendment language for commission consideration at the next meeting.

Conditional Rezoning Training

Planning Director McPherson facilitated review of a power point presentation that was provided by the MEDC when the city was working towards becoming a Re-Development Ready Community. As the board has several new members and recent questions have come up about conditional rezoning, staff thought it would be a good idea to review the presentation. The old contract zoning became illegal and has been eliminated; for traditional rezoning requests any of the uses allowed in the requested zoning district can be established, regardless of representation by the applicant. Conditional rezoning requests provide flexibility to both the property owners/developers and the city. Conditional rezoning can only be voluntarily offered by the property owner/developer and such conditions are attached to the rezoning request including use, site layout, type of buildings, landscaping, etc. The city is able to establish a time period for completion of the project, however, it cannot add to or amend any conditions, the applicant has the ability to apply for and the city can approve, a time extension for completion of the conditions of the request, the city cannot require the applicant to offer conditions as a requirement for rezoning. With these, the applicant can only guess what the required conditions may be, which would be a significant investment to provide detailed conditions without knowing if they are acceptable. It would be a good idea to have the applicant work with the city staff and any consultants to identify possible issues and solutions prior to submitting a request. With any offered conditions, there is rational nexus which is what they are offering has some connection to what they are trying to develop; ie. if fire protection is an issue, they may offer to place hydrants or extend water lines, and rough proportionality is putting in hydrants or water lines, however, offering to put in a new fire hall; is not proportional and it may appear that they may be trying

to buy the rezoning with new amenities. Conditional zoning is a tool to use and must be used wisely and sparingly.

Chute – If we were to have discussions with developers and commissioners would that violate the Open Meetings Act?

McPherson - You would need a quorum of the commission to violate the Open Meetings Act. Ex parte' communication is never a good idea to talk with a developer individually, and in our bylaws is not appropriate. I would not recommend any one commissioner talk with a developer on their own but as a group so that everyone hears the same information. If it does happen, it is best to share the information with everyone else.

Neidhamer – It is not good practice for commissioners to talk to each other concerning official business either.

McPherson – If anyone has any questions, feel free to contact staff at any time.

Staff Report

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- The rezoning recommendation for GISA LLC has been heard by the City Commission under the 1st reading, and a second reading has been set for Tuesday, October 13, 2020 at 7:00 pm
 - The International Property Maintenance Code (IPMC) 2nd reading has been set for some time in September, staff will verify the date and let the commissioners know. There is some concern from citizens that this will infringe on property rights and some feel that it will over reach the boundaries of propriety. That is not the intent, it is a tool to use to assist staff with making determinations on the condition of property before it becomes a greater issue. Perhaps the City Commission can do some due diligence in education of the citizens, and it might be beneficial if the Planning Commissioners were to attend the meeting if available.
 - On the trail near the water wastewater plant ponds are some heavy leaning trees that with the next good windstorm will be down on the trail. Staff will take a look and inform the DPW department.

Good of the Order

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- Newton – Apologized for the misunderstanding of the context of the minutes; it was not a type of loan, but a lender that allows for manufactured lending.
 - Perhaps the City Commission can put out talking points that would be able to be used when speaking with anyone that has concerns about the IPMC

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, September 21, 2020 at 5:00 p.m.

Adjournment

**Motion

Newton moved, MacNaughton seconded a motion to adjourn the August 18, 2020 meeting at 6:05 pm

2020-8-17-10

Roll Call:

Ayes: Chute Moblo, Neidhamer, Newton, Place and Ross

Nays: None

Absent: MacNaughton

Abstain: None

Vacancy: Two

Motion Carries

Chair Aaron Place

Recording Secretary Pat Haver