

**New Business**

**Charlevoix County  
Planning presentation of  
the draft County Future  
Land Use Plan**

Dennis Jason and Mike Buttigieg, members of the Charlevoix County Planning Commission were on hand to ask this board to review and make any recommendation to the proposed draft Charlevoix County Future Land Use Plan. The County Board would like to finalize their plan in January/February of 2009. They are asking all governmental agencies to review and make comment. This plan will be a working tool for the board to use county wide. The draft plan can be viewed on the county website: [www.charlevoixcounty.org](http://www.charlevoixcounty.org). The city planning board will review and have agreed to place this on the December agenda for discussion.

---

**Conditional Use and  
Development Plan Review  
for Kirtland Products,  
LLC**

Planning Director McPherson gave his staff report. Arete Industries Inc. has submitted an application for Development Plan Review and Conditional Use for Kirtland Products LLC to manufacture wood fuel pellets. The proposed use would be located at 1 Altair drive at the Arete Industries building owned by Tupper Enterprises LLC. The property is zoned Planned Industrial District (PID). The property is a square 10 acres and the existing building on the property is 48,000 square feet. The parcel is mostly flat and cleared with some trees along the western edge of the property. Adjacent to the north of the property is the airport that is zoned Community Service. To the west of the parcel is zoned Regional Commercial/Industrial and the property is adjacent to parcels owned by Boyne Area Gymnastics, GCC Enterprises and St. Matthew's Church.

The proposed use would manufacture wood fuel pellets from wood chips that would be delivered to the site. The chips would be stockpiled, dried and milled outside and then transported inside to be pressed into pellets and packaged for shipment. Because of the outside activities on site the use is considered a conditional use. The proposal was presented to the EDC\LDFA on November 10, 2008; however the parcel is not within the boundaries of Phase I or II of the Air Industrial Park and is not subject to deed restrictions.

The proposed use meets ordinance requirements in regards to setbacks, lot coverage, height, and parking and loading. The primary concerns that staff has with the proposed use is that of noise and visual impact. The process will have several pieces of equipment outside that will produce noise. Of the outside equipment the milling machine produces the most noise and to abate this noise of the machine the applicant has proposed to enclose the equipment in a decoupled building. The applicant has provided estimates that the noise from the enclosed equipment would be approximately 24 decibels at the property line. The visual impact of the use will be from the outside equipment and storage of materials and the lighting that will be used. It is proposed that the plant will operate 24 hours a day and it will be necessary to illuminate the site. A specific site lighting plan has not been developed. Prior to the issuance of a zoning permit a site lighting plan needs to be approved. In addition to illumination, some landscaping should also be required. Screening of the north property line should be required with staggered rows of evergreen trees. To help the buffering and screening a berm should be installed if possible.

The proposed use will also require approvals from several other agencies. Air quality permits will be required as well as approval from the FAA for the height of the stack. A soil erosion permit and storm water plan will be required to be reviewed by the County Drain Commissioner.

The manufacture of wood pellets is not specifically listed in the PID district but uses with very similar characteristics are listed. Section 14.30 (O) states: 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. In section 14.30 Conditional Uses the following uses are listed:

G. Millwork lumber and power saw and planing mills.

K. Outside storage of materials

If the Planning Commission determines the use is similar and in harmony with permitted use in the district, the planning commission needs to review the conditional use standards of approval criteria listed in section 2.70 and the development plan approval criteria as listed in section 19.40.

Tom Monley, Leon Tupper, and Mark Lange from Kirtland Products were on hand to answer any questions, and after a brief overview of the site, and the hopes to create 60 to 75 jobs, Mr. Monley turned the floor over to Mark Lange for the presentation. During the slide presentation (the exact format of the proposal that was provided in the agenda packets), Mr. Lange made a few additional comments:

- A couple of corrections to the staff report. The square footage of the current building is 66,900 square feet, and not the 48,000 square feet indicated, and the proposed abatement berms would be on the south side of the building, and not on the north side.
- No additional size increase for the sign, they anticipate the same as the current operations sign,
- There has not been an engineered lighting plan. The directional signs will be for operations only,
- There has not been a grading plan engineered yet,
- The circle of chips must be on asphalt
- Retention ponds may need to be redesigned,
- Proposing a berm on the west side (closest to St. Matthew's Church), and the south side, unsure as to the height
- They will not allow wet wood to ferment. It will be turned over for stock materials every couple of days, they plan on working 5 days and upwards to 7 days, so hoping turn over will be quick.
- Proposing relative construction outside to begin April 2009, inside possibly earlier. The goal is to have production begin mid summer 2009, and have products to customers and retail before the 2009 heating season.
- We have options into the FAA for placement of the smoke stacks. Preferred location is next to the building somewhere at 35 ft in height, another possible location is closer to the south property line at 58 ft.

Public Comment opened at 6:03 p.m.

**Mike Buttigieg** - do you have a night sky initiative? A storm water retention plan, possibly you could do a rain guard pond.

**McPherson** – The current lighting standards are what will be followed. The city follows the county storm water ordinance, and as far as the rain guard pond, I don't have any information on them, but the Tip Of the Mitt maybe able to help

**John McCahan** – The sound graph provided, is that for inside the buildings?

**Mark Lange** – We will be erecting a decoupling enclosure around the equipment, or may move the louder pieces into the building. You can be assured that we will abate the noise as much as possible.

**McCahan** – What time will the trucks arrive during the day?

**Lange** – The wood operations will happen during the day light hours. A couple of the later trucks could arrive well after dark, maybe in the summer up until midnight. We are using stock from a 75 mile radius.

**City Manager Cain** – The airport board has a couple of concerns that I would like to share; (1) stack heights and (2) the vapor production, will it obscure any of the runway? I would like to share a couple of additional concerns:

- I am unable to envision size of the chip pile, I see width and length, not height,
- What is the time frame that the chips will remain in the pile,
- What is the noisiest piece of equipment,
- I understand the preference in the stack placement is closer to the building, if the south side location is needed, will the tube that is planned close to the property line, be buried so that emergency equipment can access from the South?

**Lange** – The vapor will be larger and taller in the winter due to the air structure, comparable in size to Lexamar, it will be double the size. The pile size will be approximately 200 ft in diameter; we are unable to determine the height at this time. However, the product will be turned over quickly. The front end loader will be the noisiest piece of equipment, the back up indicator bell.

**Denny Jason** – If you have to clean the stack down to asphalt, it can't be too high, as you indicate a quick turn over

With no further public comments, closed at 6:14 p.m.

### **Board Discussion/Deliberation**

**Crum** – Because this is a public hearing, the notices were sent out, have you received any comments?

**McPherson** – The 300 ft notice was sent out, and I have not received any comments.

**St. Dennis** – We don't have a landscape plan with berm placement, these will help determine noise levels or a lighting plan, how are we going to decide?

**Crum** – Before we get to the decision on the development plan, we need to go through the Conditional Use Plan to see if they even meet the criteria of the zoning district.

**Neidhamer** – Let us go through the Conditional Use Plan findings of fact  
**Frasz** – The development plan findings of facts “O & P” specifically address the berms, landscaping and lighting.

At this point in the meeting, the Conditional Use Plan findings of fact were examined, and based on the findings under 2.70, the plan is compatible with other uses in the district. (See results attached to the minutes)  
Vice Chair Neidhamer facilitated the discussion on the Development Plan Review. (See results attached to the minutes)

**2008-11-17-7B – Development Review Plan**

**\*\*MOTION**

With no further discussion, Motion by MacKenzie, seconded by Crum for preliminary approval of the Development Plan for Kirtland Products, LLC as presented (11/17/08) with the conditions noted. The final plan to come back to the Planning Commission for approval.

**Roll Call:**

**Ayes: Crum, Douglas, Frasz, MacKenzie, Neidhamer, and St. Dennis**

**Nays: None**

**Absent: Adkison, Ellwanger, and Knurick**

**Motion Carried**

**2008-11-17-7B – Conditional Use**

**\*\*MOTION**

**Motion by Crum, seconded by St. Dennis** based on the findings of fact for the conditional use, the plan is similar to the principal permitted uses for the district, the plan meets all criteria, so to recommend as a conditional use.

**Roll Call:**

**Ayes: Crum, Douglas, Frasz, MacKenzie, Neidhamer, and St. Dennis**

**Nays: None**

**Absent: Adkison, Ellwanger, and Knurick**

**Motion Carried**

**Adopt 2009 Meeting Calendar**

The 2009 meeting calendar was supplied in the agenda packet. The schedule for the planning commission is the 3<sup>rd</sup> Monday of each month.

**2008-11-17-7E**

**\*\*MOTION**

**MacKenzie moved, Frasz seconded, PASSED UNANIMOUSLY** a motion to approve the 2009 Meeting Calendar.

**Referral of proposed amendment to article 21.17 back to the Planning Commission by the City Commission**

At the last City Commission meeting the proposed amendment language was referred back to the Planning Commission in order to give the Planning Commission the opportunity to review the comments submitted from Alaina Zanke-Jodway on August 26, 2008. The comments have been attached to the agenda for your review. Planning Director McPherson believes the language is sound, and legal council has no concerns with the new language proposed.

## KIRTLAND WOOD PELLET MANUFACTURING CONDITIONAL USE FINDINGS

**2.70 Standards of Approval.** For the purpose of this Ordinance these uses shall be known as conditional uses as set forth in the individual district and shall be allowed within that particular district subject to the development requirements for the district, provided the Planning Commission finds the conditional use affirmatively meets the following criteria deemed applicable in each case:

ORDINANCE REQUIREMENT	STATUS	COMMENTS
1. The conditional use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto and for the City as a whole;	Standard Met	The proposed use will be located in a existing underutilized building and it is anticipated the proposed use will create as many as 20 jobs.
2. The conditional use is compatible and in accordance with the goals, objectives and policies of the City's Comprehensive Plan;	Standard Met	The comprehensive plan encourages the production of fuel from renewable resources and the adaptive reuse of underutilized sites.
3. The conditional use is necessary for the public convenience at that location;	Standard Met	The proposed use would provide wood pellet fuel from northern Michigan forests for local and regional markets.
4. The conditional use is compatible with adjacent uses of land, and can be constructed, operated and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed;	Standard Met	The use an industrial use which would be located in the Planned Industrial District
5. The conditional use shall be of such location, size and character, that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts;	Standard Met	The proposed use would be located on a existing developed site. The proposed use will not impact the use and development of adjacent properties.
6. The conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;	Standard Met	The proposed use is located in a industrial zoned property and has been designed to mitigate possible adverse impacts.
7. The conditional use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;	Standard Met	Existing public services to the site are adequate to serve the proposed use.
8. The conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located;	Standard Met	It is not anticipated the proposed use will affect property values.
9. The location and use and assembly of persons in connection with the proposed conditional use will not be hazardous to the district in which the use is located, hazardous to a specific use or life and property within the district, or be incongruous therewith or in conflict with the normal traffic of the district.	Standard Met	It is not anticipated that the use will significantly increase the traffic of the district and

**KIRTLAND WOOD PELLET MANUFACTURING  
CONDITIONAL USE FINDINGS**

ORDINANCE STANDARD	STATUS	COMMENTS
<p>10. The conditional use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance;</p>	<p align="center">Standard Met</p>	<p>Truck traffic of 34 trips per day is anticipated. Noise generated by equipment will be 24 dB at property line. DEQ and EPA must approve air emissions.</p>
<p>11. The vehicular circulation for the proposed conditional use will be in the best interest of the public health, safety and welfare in relationship to egress/ingress to the site, vehicular turning movements related to street intersections and street gradient, site distance and potential hazards to the normal flow of traffic; and</p>	<p align="center">Standard Met</p>	<p>Vehicular circulation will consist of trucks traveling to and from the site on M-75, Air Industrial Park Dr. and Altair Dr.</p>
<p>12. The conditional use is within the provisions of uses requiring conditional use approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and the proposed site layout is in compliance with the general standards of Article XIX, regarding site development and shall insure that:</p> <p>(a) The use and associated activities on the property are so located as not to hinder the projected development of the adjacent properties or impair the existing uses of adjacent lands. This shall include all uses associated with the particular use such as parking, lighting, display signs, etc.</p> <p>(b) Sufficient landscaping, fencing, walls and other means of buffering are provided to insure that operation of the use will not be objectionable to nearby uses or dwellings by reason of noise, fumes or flash of lights nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.</p>	<p align="center">Standard Met with Condition Final Development Approved by Planning Commission</p>	<p>Conditional use meets ordinance requirements for the Planned Industrial District. Landscape buffer on the south property line is should be installed, lighting plan needs to be submitted</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE 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:

<b>ORDINANCE REQUIREMENT</b>	<b>STATUS</b>	<b>FINDINGS</b>
<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>Meets</p>	<p>Site is mostly cleared and flat with an existing industrial building. Some mature trees are located on the west side of the property. Site is at the end of Altair drive</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>Meets with condition(s): (1) Any new buildings must be approved by the Planning Commission</p>	<p>Existing building will be used.</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>N/A No Issues</p>	<p>No significant natural features are located on the site.</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>N/A</p>	<p>No new streets are proposed</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<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 align="center">N/A</p>	<p>Existing driveway will be used.</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 align="center">Meets with condition(s): The potential placement of the smoke stack on the South side of the building, it will need to be buried to allow access for Emergency Vehicles</p>	<p>Emergency vehicles have good to the building and proposed equipment. A fire hydrant is located on the parcel.</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 align="center">N/A</p>	<p>No pedestrian access is provided.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>	<p align="center">N/A</p>	<p>Existing parking area has barrier free access</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<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 align="center">Meets with condition(s):  Must provide a site plan to address parking</p>	<p align="center">Site meets ordinance minimum for required parking.</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 align="center">Meets with condition(s):  Must provide site plan to address this requirement</p>	<p align="center">Loading area will be on the west side of building. Screening on south property line is required.</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 align="center">Meets with condition(s):  Must provide landscape plan to include the west side and south side buffers in place, specifically substantial berms with plantings</p>	<p align="center">Screening on south property line is needed</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 align="center">Meets with condition(s):  Must obtain proper permits</p>	<p align="center">If required soil erosion permit must be obtained</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<p><b><u>M. Stormwater Management.</u></b> 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>	<p align="center">Meets with condition(s):</p> <p>(1) Must obtain proper permits (2) Must provide a drainage and grading plan</p>	<p>Existing storm water retention areas will be resized to accommodate increase in impervious surfaces. Engineered grading a drainage plan will be required.</p>
<p><b><u>O. Lighting.</u></b> 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>	<p align="center">Meets with condition(s):</p> <p>Must provide a lighting plan, and must meet current ordinance</p>	<p>Site lighting must be directed inward photometric plan must be submitted.</p>
<p><b><u>P. Noise.</u></b> 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>	<p align="center">Meets with condition(s):</p> <p>(1) berms with trees required on the west side and south side of the property (2) Decoupling building is required</p>	<p>Equipment will be constructed to minimize noise.</p>
<p><b><u>Q. Mechanical Equipment.</u></b> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p align="center">Meets with condition(s)</p> <p>Screening of south and west property line is required</p>	<p>Screening of south property line is required</p>
<p><b><u>R. Signs.</u></b> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p align="center">Meets with condition(s):</p> <p>Must adhere to the current sign ordinance when drawings are submitted</p>	<p>No new signs are included with this proposal</p>

**KIRTLAND AND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<p><b>S Hazardous Materials or Waste.</b> 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 align="center">N/A</p>	<p>No hazardous material will be stored on site</p>
<p><b>T. Other Agency Reviews.</b> 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 align="center">Meets with condition(s): Must obtain all necessary permits</p>	<p>Plan must meet requirements and obtain any necessary permits/approvals from FAA, MDEQ, EPA, Charlevoix County Building Dept, Charlevoix County Soil Erosion.</p>
<p><b>U. Approval Process.</b> 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>Motion by MacKenzie, seconded by Crum for: Preliminary approval of the Development Plan for Kirtland Products, LLC as presented (11/17/08) with the conditions noted. The final plan to come back to the Planning Commission for approval.</p>	

Approved: December 21, 2009

Meeting of November 16,  
2009

RECORD OF THE PROCEEDINGS OF THE **BOYNE CITY PLANNING COMMISSION** MEETING HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON MONDAY, NOVEMBER 16, 2009 AT 5:00P.M.

Call to Order

Vice Chair MacKenzie called the meeting to order at 5:09 p.m.

Roll Call

Present: Gretchen Crum, Jerry Douglas, Norm Gardner, Jane MacKenzie and Joe St. Dennis

Absent: Dan Adkison, George Ellwanger, Chris Frasz and Tom Neidhamer

Meeting Attendance

City Officials/Staff: City Planner Scott McPherson, City Manager Michael Cain, and Recording Secretary Pat Haver

Public Present: 4

Excuse Absences

2009-11-16-2

**\*\*MOTION**

**Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to excuse the absences of Adkison, Ellwanger, Frasz and Neidhamer.

Consent Agenda

2009-10-19-3A

**\*\*MOTION**

**Douglas moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to approve the consent agenda.

- a. Approval of the October 19, 2009 Planning Commission minutes as presented.

Comments on Non-Agenda  
Items

None

Reports of Officers, Boards  
and Standing Committees

None

Unfinished Business

Planning Director McPherson gave his staff report. The conditional use and a preliminary site plan were approved November 2008. The conditions of the site plan approval were the separate lighting and landscaping plans were to come before the board and obtain proper and necessary permits. Kirtland is here before the board for final site plan review, they will show you a change in the layout of the building, traffic flows, and a portion of the outside equipment has been placed inside.

Final Site Plan Review  
Kirtland Products, LLC

Mike Lange from Kirtland Products, LLC began his presentation

- Revised site plan was presented, truck tipper is now on the east side of

the building and the chip pad will use the existing parking lot on the south side of the building. The loudest pieces of equipment will now be inside.

- They have reconfigured the building the wood pellets will be manufactured to house not only Kirtland Products, but Arete will remain.
- The type of cyclone to be used will depend on the drying and air transmission systems, but will be housed outside snuggled close to the building, the bag house, used to further clean air will also be housed outside
- FAA has approved a 48 foot emissions stack but they need approval for revised placement location. DEQ permit may require them to go back to FAA if the emissions stack needs to be taller.
- November of 2008 8 tons of production per hour was proposed, they will turn a profit at 4 tons per hour, but are looking at manufacturing up to 6 tons, so less traffic in and out of the facility.
- **Storm water** – Per Soil Erosion no changes are required.
- **Employee parking** will remain as it is in the SW corner of the building, with a few spaces out front for visitors.
- Board concerns with the number of trucks that will be entering and exiting the plant along with the employee drive around the building. The new layout for the truck route was displayed. The inbound trucks will pull in, and back up to the truck tipper, that will eventually pile the wood chips on the south end of the building where the new configuration for conveyors and processing will take place. At this point the operation of 24 hours is still being planned, however only 5 days a week instead of 7 and the daily production will be lowered, so there will be fewer trucks in and out each day.
- **Lighting** – (3) 30 foot poles have been planned to shine on the chip pile only. The middle pole will have two fixtures; the outside poles will have one. There are not any plans to light the truck tipper area; however, the existing lights on the building will assist in that area. As the property lot line is 95 feet away from the poles, there will not be any lighting spilling onto the adjacent property, and fixtures will have minimal tilt.
- **Landscaping** - Proposal of the first 60 feet of property lines will include trees of white pine and deciduous trees to look more natural. Will meet minimum size of trees to be planted. South side berm will have trees planted. At the southwest corner of the property is approximately 90 feet that will need to have a berm installed that trees will be planted on. Daily maintenance will take care of the trees, and they will adhere to the replacement requirement.
- **Signage** – Modify existing sign, and move closer to the building. Nothing will be placed on the building.
- **Increase in jobs** – 20 jobs inside the plant, another 30 to 40 out in the woods and trucking.
- **Product** – Will be sold out of the building; will try to sell as much locally as possible.
- **Sound abatement** – The noisiest equipment will be moved inside. The equipment and employees will be separated by a brick stud wall; noise level will be 68 db 3 feet from the equipment.

- **Additional concerns/questions:** Employee parking is currently paved, however a small gravel portion may need to be added; there are spaces for 40 vehicles plus spots up front for visitors; with the trucks discharging up front, and employees having to drive around back, an easement is being sought from the business next to CARQUEST, so the existing drive way from those businesses can be extended, and employees can drive straight to the parking lot; an occasional slight smokey smell may be emitted; and water "vapor" discharge will be more visible in the winter time, the NE end of the runway will see the vapor but will not obscure pilot visibility; hours of operation will be 24/5 may go to 6 or 7 days to put more people to work if product demands it; only neighbor comment was from Father Duane who was concerned about additional beeper noises.

With no additional comments or presentation, board discussion followed:

**McPherson** – At preliminary review, a number of items were sent back for further development, and the submitted plans appear to meet criteria established, review the findings and make determinations. Vice Chair MacKenzie went through 19.40 Development Plan Approval Criteria (Attachment A)

**2009-11-16-6A**

With no further discussion, motion by Crum, seconded by Douglas to approve the final site plan for Kirtland Products according to the findings of fact with the conditions noted: 1) final landscaping plan to be approved by staff, 2) landscaping bond is required and 3) obtain updated permits and approval from FAA & DEQ.

**Roll Call:**

**Ayes: Crum, Douglas, Gardner, MacKenzie, and St. Dennis**

**Nays: None**

**Absent: Adkison, Ellwanger, Frasz and Neidhamer**

**Motion Carried**

**\*\*MOTION**

**Staff Report**

- Division St input session will be Tuesday, November 24 at 6:00 pm at city hall,
- Air Industrial Drive reconstruction input session will be Tuesday, November 24 at 3:30 pm at Great Lakes Energy conference room,
- North East St input session will be Thursday, December 3<sup>rd</sup> at 6:00 pm at city hall
- Avalanche Master Plan final input session will be Tuesday, December 1 at 6:00 pm at city hall

Staff has been working on updating census address lists making corrections, additions and deletions.

Joint Boards and Commission meeting has been planned for January, a date and time will be provided. A city wide goal setting session will be January 19, 2010, suggestions will go before the city commission to finalize the goals.

Devlon property – No activity has been going on at the site.

---

Any discussion on the old globes at Peninsula Beach?

Cain – Plans for possible replacement of the whole fixture with pedestrian bollard lights, throughout the parks and marina in the city. Shutdown of the light fixtures at the beaches is planned for the winter.

**Good of the Order**

Old City Park should be lit for the first time tonight. Some lights will be turned off at a pre determined time at night. 75 watt fixtures used on the lights in the park, instead of the 100 watts that are used throughout town. The same poles are used in the park as downtown.

---

**Next Meeting**

The next regular meeting of the Boyne City Planning Commission is scheduled for December 21, 2009.

**Adjournment  
\*\*MOTION**

**2009-11-16-10**

**Crum moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to adjourn the meeting at 6:32 p.m.

---

*Pat Haver*  
\_\_\_\_\_  
Pat Haver, Recording Secretary

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE 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:

<b>ORDINANCE REQUIREMENT</b>	<b>STATUS</b>	<b>FINDINGS</b>
<p><b>A. General.</b> 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 align="center">Meets</p>	<p>Site is mostly cleared and flat with an existing industrial building. Some mature trees are located on the west side of the property. Site is at the end of Altair drive</p>
<p><b>B. Building Design.</b> 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 align="center">Meets</p>	<p>Existing building will be used.</p>
<p><b>C. Preservation of Significant Natural Features.</b> 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 align="center">N/A No Issues</p>	<p>No significant natural features are located on the site.</p>
<p><b>D. Streets.</b> 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 align="center">N/A</p>	<p>No new streets are proposed</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<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 align="center">If proposed access / entrance easement is granted, drive will be paved from existing drive to the employee parking lot</p>	<p align="center">Existing driveway will be used.</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 align="center">Meets</p>	<p align="center">Emergency vehicles have necessary access to the building and proposed equipment. A fire hydrant is located on the parcel.</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 align="center">N/A</p>	<p align="center">No pedestrian access is provided.</p>
<p><u>H. Barrier-Free Access.</u> The site has been designed to provide barrier-free parking and pedestrian circulation.</p>	<p align="center">N/A</p>	<p align="center">Existing parking area has barrier free access</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<p><u>I. 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 align="center">Meets</p>	<p>Site meets ordinance minimum for required parking.</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 align="center">Meets</p>	<p>Loading area will be on the east side of building. Screening on south property line is required.</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 align="center">Meets with condition(s):</p> <p>Must provide landscape plan for south side and berm on the southwest corner, landscape bond required, amount to be determined.</p>	<p>Screening on south property line is needed.</p> <p>Final landscape plan to be approved by staff</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 align="center">Meets</p>	<p>No soil erosion permit must be obtained</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<p><b>M. Stormwater Management.</b> 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>	<p align="center">Meets</p>	<p>Existing storm water retention areas will be resized to accommodate increase in impervious surfaces. Engineered grading a drainage plan will be required.</p>
<p><b>Q. Lighting.</b> 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>	<p align="center">Meets</p>	<p>Site lighting must be directed inward photometric plan must be submitted.</p>
<p><b>P. Noise.</b> 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>	<p>Meets with condition(s): (1) berms with trees required on the west side and south side of the property</p>	<p>Equipment will be located inside the building</p>
<p><b>Q. Mechanical Equipment.</b> Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Ordinance.</p>	<p>Meets with condition(s) Screening of south and west property line is required</p>	<p>Screening of south property line is required</p>
<p><b>R. Signs.</b> The standards of the City of Boyne City's Sign Ordinance are met.</p>	<p>Meets with condition(s): Must adhere to the current sign ordinance when drawings are submitted</p>	<p>No new signs are included with this proposal</p>

**KIRTLAND WOOD PELLET MANUFACTURING  
DEVELOPMENT SITE PLAN REVIEW STANDARDS  
FINDINGS OF FACT**

<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 align="center">N/A</p>	<p>No hazardous material 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 align="center">Meets with condition(s): Must obtain all necessary permits</p>	<p>Plan must meet requirements and obtain any necessary permits/approvals from FAA, MDEQ, EPA</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 align="center">Motion by Crum, seconded by Douglas to approve the final site plan for Kirtland Products according to the findings of fact with the conditions noted: 1) final landscaping plan to be approved by staff, 2) landscaping bond is required and 3) obtain updated permits and approval from FAA &amp; DEQ</p>	



Approved: December 20, 2010

Meeting of November 15,  
2010

RECORD OF THE PROCEEDINGS OF THE **BOYNE CITY PLANNING COMMISSION** MEETING HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON MONDAY, NOVEMBER 15, 2010 AT 5:00 P.M.

---

Call to Order

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

---

Roll Call

Present: Chris Frasz, Norm Gardner, Jane MacKenzie, John McCahan, Tom Neidhamer, and Joe St. Dennis  
Absent: Dan Adkison, Gretchen Crum and George Ellwanger

---

Excused Absences

**2010-11-15-2**

**Gardner moved, St. Dennis seconded, PASSED UNANIMOUSLY** a motion to excuse the absences of Adkison, Crum and Ellwanger.

**MOTION**

Meeting Attendance

City Officials/Staff: City Planning Director Scott McPherson, Main Street Manager Hugh Conklin, City Commissioners Mike Cummings and Laura Sansom, and Recording Secretary Pat Haver

Public Present: Twelve

---

Consent Agenda

**2010-11-15-3A**

**St Dennis moved, MacKenzie seconded, PASSED UNANIMOUSLY** a motion to approve the consent agenda.

**MOTION**

a. Approval of the October 18, 2010 Planning Commission minutes as presented.

---

Comments on Non-Agenda Items

None

---

Reports of Officers, Boards and Standing Committees

None

---

Unfinished Business

None

---

New Business

Request from Mike Lange for site plan amendment

Planning Director McPherson briefly reviewed his report that was included in the agenda packet. Mike Lange representing Kirtland Products presented the board with the requested amendments to the site plan. In the amended plans they have moved the truck tipper and scales from the east side of the building to the southwest corner, the employee parking will remain in the

**for Kirtland Products**

front of the building instead of on the west side taking away the necessity for driving all the way around the building, the 12 storage silos that were proposed to be inside, will be moved outside to the west mid-building, combined and will be 50 ft tall (a portion of which will be under floor grade); 30 ft in diameter which will allow them to manufacture right into the silo, there will be a larger chip storage area outside on the south side that will have a fence placed around it for safety. They have submitted three different requests to the FAA for the silo heights and are awaiting a response. They are beginning with one silo, and could go up to as many as four.

**McPherson** - Is the turning area for the trucks to be paved?

**Lange** - Yes

**Frasz** - The original 12 silos inside, how tall?

**Lange** - 18 feet, very small in diameter, and took up too much space inside.

**McCahan** - FAA approve the first silo?

**Lange** - Yes at a reduction to 26 feet. We would have to go subsurface, and at 15 feet below ground we run into moisture, so we have submitted (3) different proposals in height.

**St. Dennis** - I like the scale and tipper removed from the front of the building.

**Lange** - The cone for the gravity feed on the silos takes up a lot of room, approximately 19 feet in height itself.

**Frasz** - Do we have any height restrictions?

**McPherson** - For this type of structure; silos and elevators we don't, however, the FAA has jurisdiction.

**Frasz** - If the FAA came back and approved with blinking lights, would we have concerns with that?

**McPherson** - We could make comment on color and that sort of thing.

**Lange** - Our submission was for no lighting, the stack on the south side of the building is 48 feet and was approved by the FAA with no lighting.

With no further board discussion, **St Dennis moved, Gardner seconded** a motion to approve the amended site plan for Kirtland Products that was submitted dated November 15, 2010.

**2010-11-15-7A**

**Roll Call:**

**Ayes: Frasz, Gardner, MacKenzie, McCahan, Neidhamer and St. Dennis**

**Nays: None**

**Absent: Adkison, Crum and Ellwanger**

**Motion Carried**

Director McPherson gave a brief introduction for Sarah Lucas, a regional planner for NWMCOG who was here tonight to provide the board with a slide presentation program of affordable *community housing choices*. There is a great need for all kinds of affordable housing choices in the Boyne City area:

- Affordable housing shortage has been identified for the workforce and others

**MOTION**

**Northwest Michigan Council of Governments presentation on community housing needs**