

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

September 8, 2020

Call to order: Meeting called to order at 7:00 pm by Mark Felton
Roll Call: Mark Felton, Mike Skop, Lenore Senter and Marie Kelenske
Absent: Laurie Hodack

Also, present: Zoning Administrator Sue Hobbs, Gil Redmer, and Rick Duell

Approval of Minutes: Motion by Senter to approve the August 3, 2020 minutes as written seconded by Skop. Motion carried

New Business: Amendment to Zoning Ordinance to rezone property
Felton Opened Public Meeting at 7:05 pm

Rezone property numbers 15-002-375-001-10 and 15-002-375-002-00 from R-1 to C-2

Gil Redmer asked that this property to be zoned commercial. Both lots are .66 acres. Lot one already has a large pole building on it. Redmer uses it for his toys (snowmobiles, boats, and other odds and ends. Parcel two would be sold for a pole building that is 40 X 80 to be used as office space and storage of roofing material.

Mark Felton questioned that the parcels are under two (2) acres, according to our Master Plan any parcel under two (2) acres cannot be zoned commercial. Hobbs indicated that this property is in a plated zone that was developed in the 1980's it should be grandfathered in as far as lot size requirements or could be considered a pre-existing non-conforming parcel.

Hobbs noted that in section General Provisions Item G Change of Nonconforming Lots of Record. The following regulations shall apply to all nonconforming lots of record:

1. Except as provided in subsection 2 below, any lot which does not meet the dimensional requirements of the district in which is located may be used for any purpose authorized within that district Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
2. If two (2) or more contiguous lots, parcels or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in

a manner that diminishes compliance with the lot width, depth and/or area requirements established by this Ordinance.

Rick Duell suggested getting an overlay but need to talk with Bryan Graham, township attorney, about this before we change this property to commercial. A change is in a gray area we would be creating a precedent for smaller lots to be zoned commercial. We would have to change our Zoning Ordinance to include small than 2 acre lots.

Motion by Felton seconded by Kelenske to table the rezone until we hear from Bryan Graham, township attorney, about the overlay and the zoning change.

Motion by Felton seconded by Skop to close public meeting.
Public Meeting closed at 8:05 p.m.

Rick Duell presented the results of the survey. Not a very good response but about the same results as was presented in 2016. Results included in this packet.

Need to read Chapter 6 and 7 before our next meeting in October looking for comments. Look over Land Use map to consider any changes.

Zoning Administrator Report:

Hobbs asked to consider size of pole buildings. There is much talk about the size of the pole building being built on Dietz Rd. Some of the neighbors think it is too large, but it does meet our zoning ordinance.

Skop asked if the Township had any problems with the company building the road to use the property on the corner of Addis and US 131 for a place to grind up the cement from the highway. Boyne Mountain owns the property and gave their permission to use it. They may find an alternate site also. Mr. Skop is offering his property on Thumb Lake Rd to be used as a staging area for Reith Riley during the road construction.

Old Business: None

Motion by Felton seconded by Senter to adjourn meeting. Motion passed.
Meeting adjourned 9:15 pm

Next meeting will be held on Monday October 5, 2020

Respectfully submitted by:
Marie Kelenske
Planning Commission Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

August 3, 2020

Call to order: Meeting called to order at 7:00 pm by Mark Felton

Roll Call: Mark Felton, Laurie Hodack Lenore Senter and Marie Kelenske

Absent: Mike Skop,

Also, present: Zoning Administrator Sue Hobbs

Approval of Minutes: Motion by Hodack to approve the July 6, 2020 minutes as written seconded by Felton. Motion carried

New Business: Amendment to Zoning Ordinance to rezone property

Felton Opened Public Meeting at 7:05 pm

Rezone property numbers 15-002-009-005-10, 002-009-002-00, 002-009-001-00, 002-005-015-30, 002-005-007-40, 002-005-007-25, 002-004-011-00 currently zoned Agriculture/Forest, 15-002-008-030-00 currently R-1 Single Family Residential and 15-002-008-006-15 RR-1 Rural Residential to be C-1 Resort Mixed Use.

Boyne Valley Township Criteria for Rezoning

1. Consistency of the proposed zoning with the goals, policies and Land Use Map of Boyne Valley Township Land Use Plan.
Yes, included in our future land use map.
2. The compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
Yes
3. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
Yes
4. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police, fire and emergency medical service protection, healthcare facilities, schools, parks and recreation facilities, etc.

All services to be provided by owner (Boyne Mountain) Fire and Emergency services will be provided by the Township. This property will tie into the Trail System.

5. The capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
Will be improved by Boyne Mountain to meet their needs.
6. The apparent demand for the types of uses permitted in the requested zoning district in the Township, and surrounding area, in relation to the amount of land in the Township, and surrounding area, currently zoned and available to accommodate the demand.
Yes, own most of the land around the area requested to be rezoned.
7. All the uses permitted in the proposed zoning district shall not cause detrimental environmental impacts, including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
Yes, meets requirements. Will not affect anyone.
8. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district listed in the Townships Zoning requirements.
A large number acres is being requested for rezoning (over 700 acres). There is a demand for C-1 Resort Mixed Use in the Township.
9. If a rezoning is appropriate, the requested zoning district shall be more appropriate from the Township's perspective than another zoning district.
Will work for the future land use map if rezoning to C-1
10. The ability of the applicant to satisfy any requirements (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulations.
Boyne Mountain is able to comply with requirements.

Motion by Hodack to rezone properties 15-002-009-005-10, 15-002-009-002-00, 15-002-009-001-00, 15-002-005-015-30, 15-002-005-007-40, 15-002-005-007-25, 15-002-004-011-00 from Agriculture/Forest to C-1 Resort Commercial, 15-008-030-00 from R-1 Single Family Residential to C-1 Resort Commercial and 15-002-008-006-15 from RR-1 Rural Residential to C-1 Resort Commercial seconded by Felton. All Ayes. Motion passed.

Motion by Kelenske seconded by Senter to close public meeting.
Public Meeting closed at 7:45 p.m.

Zoning Administrator Report:

Hobbs passed out Survey flyer prepared for updating the Master Plan to distribute to family and friends. Will be reviewing the survey at the next meeting.

Old Business

None

Motion by Felton seconded by Hodack to adjourn meeting. Motion passed.

Meeting adjourned 8:05 pm

Next meeting will be held on Tuesday, September 8, 2020

Respectfully submitted by:

Marie Kelenske

Planning Commission Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

July 6, 2020

Call to order: Meeting called to order at 7:00 pm by Mark Felton
Roll Call: Mark Felton, Mike Skop, Laurie Hodack and Lenore Senter
Absent: Marie Kelenske

Also, present: Zoning Administrator Sue Hobbs, Steve Schnell, and Richard Deuell

Approval of Minutes: Motion by Skop to approve the March 2, 2020 minutes as written seconded by Hodack. Motion carried

New Business:

Steve Schnell from Housing North presented a high level of Charlevoix County Housing Ready program - Housing opportunity, housing funding; joint city and county funded. Retired people with various incomes, multi-family rentals, infrastructure, short term rentals vs. long term. Starter and work force homes, mother-in-law, or granny suites. 3% population equals 15% seasonal homes. High density development and affordable housing, small dwellings on smaller lots. Can get more information at homesforourfuture.org or for updated stats at housingnorth.org.

Mobile and manufactured homes discussed could we look at license requirements or age of home.

Zoning Administrator Report:

Reviewed timeline for Master Plan

July 2020 Kick-off meeting Planning Commission meeting to discuss Social Economic, Natural Resources, Existing Land Use and Community services Chapters. Discuss approach to obtaining public involvement.

September 2020 Planning Commission on Public Involvement Workshop (maybe online survey because of current situation).

October 2020 Planning Commission meeting to discuss goals, future land use and implementation sections.

November 2020 Planning Commission meeting to review completed draft and recommend for distribution.

December 2020 Township Board and Village Council recommends plan for distribution.

April 2021 Planning Commission holds public hearing and adopts Master Plan.

May 2021 Township Board and Village Council passes resolution of concurrence.

Mark Felton noted that the Industrial Park needs to be updated (425 agreement) Hobbs to share updates with Deuell so our Master Plan reflects correctly today as it stands now for the existing land cover/use map.

Survey will be available in August and tabulated in September. It will be available on web site, in schools, on Facebook and several other locations.

Reviewed documents on storage containers, and gravel mining and Transitional Zoning to be discussed at a later date.

Boyne Mt is showing an interest in solar panel farm will be submitting a request at a later date.

Boyne Mt also is requesting a rezone on property on Addis Road from R-1 and RR1 to C-1 Resort Commercial use. This will be presented at the August meeting.

Dollar General is discussing donating north section of parcel to the village for a possible historical park where there was a train spur and round house.

The Health Department and Dollar General are having differences about the north part of the parcel. Waiting to open first part of August.

Old Business

None

Motion by Felton seconded by Hodack to adjourn meeting. Motion passed.

Meeting adjourned 8:45 pm

Next meeting will be held on August 3, 2020

Respectfully submitted by:

Lenore Senter

**BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION**

Minutes

March 2, 2020

Mark Felton called to Order Planning Commission meeting at 7:00 pm

Roll Call: Mark Felton, Mike Skop, Lenore Senter, Laurie Hodack, Marie Kelenske

Also Present: Sue Hobbs Zoning Administrator, Don Prinz – Crown Construction, Friends of Boyne River -Adam Kennedy, Candy Green and Bob Green

Approval of Minutes: Minutes from February 3, 2020 motion to approve by Laurie Hodack seconded by Mike Skop. Motion passed.

Citizen Comments on Non-Agenda Items None

New Business

Site Plan Review – Dollar General

SITE PLAN APPROVAL STANDARDS

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. The site plan shall comply with the Boyne Valley Township Master Plan and any other applicable Township adopted planning documents.

This site plan does comply with the Master Plan.

- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the

normal and orderly development of improvement of surrounding property for uses permitted in this Ordinance.

Does comply with topography.

C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirement of this Ordinance.

Will be building a privacy fence on the west side of property. Suggested by Felton to break up the fence line with trees between and place other plants there also. There is a natural berm between the house on this property.

D. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.

The Friends of Boyne River expressed their concern about the storm water going into the river. A retention pond is going to be installed for the removal of all storm water. On the back of the property where there is wetland it will be a preserve and deemed unbuildable.

E. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for privacy of its occupants.

Need to address the walk area for people crossing Thumb Lake Rd. Also, need to address speed of traffic approaching the entrance to the store. The street lighting needs to be much brighter, the village is considering putting in a bigger cell light. The contractor needs to be in contact with the Charlevoix Road Commission on design and the construction of the entrance and how to proceed with a safe walkway for foot traffic.

F. A fire and safety preplan review shall be required and coordinated by the applicant with the Boyne Valley Township Fire and Rescue chief or his/her designee.

Will have the applicant contact the Fire Chief and will be inspected.

G. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

Motion by Hodack to approve preliminary site plan on the condition that Dollar General meets with the Charlevoix Road Commission and to design a safe entrance and cross walk. Seconded by Senter. Motion passed.

New Business

Zoning Administrator Report
Old Business:

Adjournment

Motion by Felton to adjourn seconded by Skop. Motion passed
Meeting adjourned at 8:00 pm

Next meeting will be April 6th

Respectfully submitted by:

Marie Kelenske, Secretary

Will be accessible for all emergency vehicles.

- H. Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.

This store is located on main road. (Thumb lake Road)

- I. Walkways shall be provided, separate from the road system, where feasible.

Needs to be addressed.

- J. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent roads and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.

Will send light specs to us. But all lights will be in downward position.

- K. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and non-motorized pathways in the area. Roads, streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

The Charlevoix County Road commission will have to be involved with the turn lanes for the entrance and the walkways for the foot traffic.

A sidewalk will be installed on Railroad Street by the Village in the Village limit.

- L. All roads and streets shall be developed in accordance with County and/or Township specifications.

Will be getting County Road permit to install driveway approach.

- M. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersection streets, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

Site plan has no sidewalk will have a raised walk in front of store.

- N. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.

Not a shared drive

O. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

Overhead electrical (Consumers Power) all others underground.

P. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the required zoning permit is issued.

No Problem The applicant will apply for all required permits

Q. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water lakes, streams, rivers, or wetlands.

No hazardous material.

The back portion of the land is labeled a sanctuary, with the river running through it so it will not be built upon.

2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

No floor drains.

3. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water including direct and indirect discharges, shall be allowed without required permits and approvals.

No fuel tanks or chemicals on the property.

**BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION**

Minutes

February 3, 2020

Mark Felton called to Order Planning Commission meeting at 7:00 pm

Roll Call: Mark Felton, Mike Skop, Lenore Senter, Laurie Hodack, Marie Kelenske

Also Present: Sue Hobbs Zoning Administrator, William P. Carson - Boyne Falls Village President, Michael A McCarthy – Farnsworth Group Inc. and Geneva Towne

Approval of Minutes: Minutes from October 7, 2019 joint meeting with the Recreation Board and Planning Commission motion to approve by Lenore Senter seconded by Laurie Hodack Motion passed.

Mark Felton Opened Public meeting at 7:05 pm to review and discuss the rezone of Property on Thumb Lake Rd Parcel number 15-002-010-020-00 from Rural Residential -1 to Commercial -2. For the building of a Dollar General Store.

BOYNE VALLEY TOWNSHIP PLANNING COMMISSION
RE-ZONE APPLICATION

ALL APPLICATION FEES ARE NON-REFUNDABLE MAKE CHECKS PAYABLE TO BOYNE VALLEY
TOWNSHIP

PROPERTY TAX ID NO:

002-010-020-00

ZONED DISTRICT **RR-I**

PROJECT ADDRESS 1 LOCATION:!

Thumb Lake Rd, Boyne Falls MI 49713

THIS APPLICATION SHALL INCLUDE ALL OF THE INFORMATION SPECIFIED ON THE FOLLOWING PAGES

Property Owner's Mailing Address:

Authorized Agent Mailing Address:

Name (Multiple, see Auth. Letter)

Name DGOGBoynefa11smi09119LLC

Street _____

Street 1598 Imperial Ctr. Ste 2001

City-State-Zip _____

City-State-Zip West Plains, MO 65775

Phone _____

Phone 417-256-4790

Alt Phone _____

License No n/a

I hereby acknowledge and agree that the statements made above are true, and if found not to be true, I understand that this application and any zoning approvals granted and/or permit issued will be void. Further, I agree to comply with all conditions and regulations imposed with any zoning approvals granted and/or permits issued in connection with this application.

I hereby give permission for Boyne Valley Township officials to enter the property related to this zoning application for the purposes of inspecting the property related to this zoning application, to ensure compliance with the Township Zoning Ordinance, and/or any conditions and regulations imposed in connection with any approvals granted and/or permits issued as a result of this application.

I hereby agree to comply with the provisions of the Zoning Ordinance of the Township of Boyne Valley in the installation, construction, alteration, addition, or demolition herein, and if not the applicant, I hereby certify that the proposed work is authorized by the property owner, and that I have been empowered by the owner to complete and submit this application as his/her selected agent.

Owner or Authorized Agent
Signature

Date

FOR OFFICE USE ONLY

Planning Commission Motion:

Planning Commission Chair:

Date

Township Board Approval:

Date

Expiration Date:

REV 12-2013

BOYNE VALLEYTOWNSHIP

Information to be included with an
application for a zoning ordinance
amendment

The Applicant shall submit three (3)
copies of the following applicable
information to the Zoning Administrator.

A fully completed application
for a zoning ordinance
amendment.

If the requested zoning
ordinance amendment seeks to
alter/repeal the existing text of the
zoning ordinance or to add new text
to the zoning ordinance, then the
Applicant shall provide the following
information:

The section or subsection of the
zoning ordinance that the Applicant
seeks to alter/repeal or the location
within the zoning ordinance for any
proposed new text is:

B. The proposed language of the altered or new section or subsection is (attach additional sheets, if necessary):

If the zoning ordinance amendment seeks to rezone one or more parcels of land, then the Applicant shall provide the following information:

- A. The proposed new zoning district for the property: c-2 Commercial
- B. The reasons for rezoning the property (attach additional sheets, if necessary): To develop a 9100 sq. ft Dollar General store.
-

c. Answers to the following questions (attach additional sheets, if necessary).

1 . Is the proposed rezoning reasonably consistent with surrounding uses?

Surrounding uses are Railroad R/W to the west, residential to the east and a cemetery at the south.

(warehouse) is - residential nearby

2 If the property is rezoned as requested will there be an adverse physical impact on surrounding properties?

The proposed development will be situated such that the Dollar General store faces the Railroad and Street. The grading of the store will also be lower than the residential area to the east. Also, no other structures would be constructed north of the Dollar General site which maintains a large undeveloped portion of property. With these factors, the

development will no have an adverse impact on surrounding properties.

3. If the property is rezoned as requested will there be an adverse effect on property values in the adjacent area?

The rezoning and development should not reduce property values.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify the requested rezoning?

No significant changes were noted. The proposed store would serve the local population with cost effective products and would be a reliable source for shopping needs.

5. Will the requested rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

No deterrents for adjacent development are anticipated.

6. Will the requested rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will the requested rezoning result in spot zoning)?

Due to the location of businesses to the west of the railroad, this would not appear to be spot zoning.

7. Are there substantial reasons why the property cannot be used in accordance with its

present zoning
classifications?

Proximity to the Railroad might be the deterring
factor for Residential use.

8. Is the requested rezoning
in conflict with the
planned use for the
property as reflected in
the master plan?

The applicant would need to review the master plan to
confirm.

9. Is the property served by
adequate public
facilities for the
Applicant's intended use
after any rezoning, or is
the Applicant able to
provide them?

The applicant will extend water service from the
south in order to the serve the development.
Sewer service is proposed as septic. Other
utilities appear readily available.

10. Is there property nearby
already properly zoned
that can be used for the
Applicant's intended
purposes?

Other zoned properties of suitable size or
availability were not found during the site
investigation.

Discussion about the speed on Thumb Lake Rd and a potential cross walk must
work with the Charlevoix County Road Commission to address these concerns.
Mr. Carson said there is a possible sidewalk to be constructed on Railroad Street
for ease of walking to this store.

Joe Organek sent a letter approving the rezone but concerned with the speed of
Thumb Lake Rd and suggested a cross walk and signs indicating pedestrians.

Also, Skop asked that the company consider a larger parking area for cars or
trucks with motor homes and or boats to be able to turn around. The concern is

that the individuals would park on Thumb Lake Road and this store will be very convenient for a lot of people.

Skop asked that the air condition and heating on the roof would be pointed to the west with a buffer built on the roof for the consideration of the neighboring house. And the lighting to be pointed down.

Geneva Towne expressed the need for a reduced speed limit to be placed on Thumb Lake Rd for safety of people walking to store or those that a turning into the store or on to Railroad Street. This will be addressed in the site plan review and with Charlevoix County Road Commission.

Motion by Senter to rezone property 15-002-010-008-00 from RR 1 to C 2 seconded by Skop.

Senter Yes

Skop Yes

Felton Yes

Hodack Yes

Kelenske Yes

Motion passed to rezone property on Thumb Lake Rd from RR 1 to C-2

Motion by Senter to close public hearing Second by Kelenske Motion carried.
Public Hearing closed at 7:45 pm.

New Business

Zoning Administrator Report

Hobbs reported the Recreation Plan has been approved. Have applied for a Grant to black top some of the parking lot on Dam Rd Park.

Old Business:

Adjournment

Motion by Felton to adjourn seconded by Skop. Motion passed

Meeting adjourned at 8:00 pm

Next meeting will be March 2nd

Respectfully submitted by:

Marie Kelenske, Secretary