

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

November 1, 2021

11-01.
OR
11-07.
?

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

Roll Call: Mark Felton, Russ Koeman, Bill Cousineau, and Marie Kelenske

Also, present: Sue Hobbs

Absent: Lenore Senter, Zoning Administrator Bill Matelski

Approval of Minutes from October 4, 2021

Motion by Cousineau second by Felton to approve minutes as written. Motion Carried

Citizen Comments on Non-Agenda Items: None

Open Public Meeting for Amendment to Zoning Ordinance

Felton opened the public meeting at 7:03 pm to amend the zoning ordinance to add the additional definition of a Kennel. (Ordinance enclosed).

Public Meeting closed at 7:05pm

Motion by Cousineau second by Kelenske to approve the amendment to the zoning ordinance.

Cousineau Yes

Koeman yes

Felton Yes

Kelenske Yes

Motion carried to amend ordinance.

New Business:

No New business.

Meetings for December and January have been cancelled.

Zoning Administrator report: Not in attendance.

Motion by Felton to adjourn seconded by Koeman. Motion passed

Meeting adjourned at 7:25 pm

Respectfully submitted

Marie Kelenske, Secretary

**BOYNE VALLEY TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN**

ORDINANCE NO. ____

**ORDINANCE AMENDING THE BOYNE VALLEY TOWNSHIP
ZONING ORDINANCE**

At a regular meeting of the Township Board of Boyne Valley, Township, Charlevoix County, Michigan, held at the Boyne Valley Township Hall on _____ at _____, Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend Section 2.02 of the Boyne Valley Township Zoning Ordinance to add a definition of 'kennel' under the Ordinance, to protect the health, safety and welfare of the residents of Boyne Valley Township.

BOYNE VALLEY TOWNSHIP ORDAINS:

Section 1. Amendment to Section 2.02. Section 2.02 of the Boyne Valley Township Zoning Ordinance shall be amended to add the following new and additional definition for "Kennel."

Kennel – Any lot or premises on which three (3) or more dogs, cats or other domestic animals over four (4) months old are permanently or temporarily kept for sale, boarding, breeding, training or as pets, whether or not for a fee. The keeping of three (3) or more dogs, cats or other domestic animals, whether or not for a fee, shall constitute a kennel.

Section 2. Effective Date. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance which shall continue in full force and effect.

Section 5. Savings Clause. Except as expressly amended or repealed by this Ordinance, the balance of the Boyne Valley Township ordinances, as amended, shall remain unchanged and in full force and effect.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED:

i

Sue Hobbs, Boyne Valley Township Supervisor

**NOTICE OF ADOPTION
BOYNE VALLEY TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN
ORDINANCE NO. _____
ZONING ORDINANCE AMENDMENT**

Please take notice that, on _____, 2021, the Township Board of Boyne Valley Township adopted Ordinance No. _____, which amends the Boyne Valley Township Zoning Ordinance add a definition for the term "kennel." Copies of the Ordinance may be obtained from the Township Clerk at PO Box 191, Boyne Falls, MI 49713.

The Ordinance has the following sections and catch lines: Section 1: Amendment to Section 2, Definitions; Section 2: Effective Date, which is seven (7) days following the date of this publication; Section 3: Repeal; Section 4: Severability; and Section 5: Savings Clause.

Published by Order of the Township Board of Boyne Valley, Charlevoix County, Michigan.

Lynn Sparks, Clerk
Boyne Valley Township
(231) 549-3130

Publication Date: _____, 2021

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Boyne Valley Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2021 pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Boyne Valley Township, on _____, 2021.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Charlevoix County Clerk on _____, 2021.

Lynn Sparks, Boyne Valley Township Clerk

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

October 4, 2021

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

Roll Call: Mark Felton, Russ Koeman, Bill Cousineau, Lenore Senter, and Marie Kelenske

Also, present: Zoning Administrator Bill Matelski, Sue Hobbs, and Sam Kosci

Approval of Minutes from September 7, 2021

Motion by Cousineau second by Koeman to approve minutes as written. Motion Carried

Citizen Comments on Non-Agenda Items:

Supervisor Hobbs reported that a housing development is in the planning stage for Boyne Mountain Property on M-75 S and Brenda Rejewski's property on M-75 S. The plan is for single family homes and apartment buildings. Sewer agreement will be addressed at a later date.

Open Public Meeting for Master Plan

Felton opened public hearing at 7:15 pm. In accordance with the Michigan Planning Enabling Act, Boyne Valley Township is holding a public hearing on its 2021 Master Plan.

Public Comment Hobbs noted that on page 1-4 The most recent prior Master Plan was adopted in 2016 not 2015.

Page 5-3 add non-motorized trail in the paragraph of Recreation Facilities.

Page 8-1 Public Hearing published in Charlevoix County News on September 16, 2021.

Closed Public Hearing 7:30 pm

Motion by Koeman seconded by Cousineau to incorporate any changes as a result of public hearing.

Motion by Felton second by Koeman to pass resolution of adoption

Motion passed to send to Township Board and request resolution of concurrence.

Resolution of Adoption

Boyne Valley Township Planning Commission

2021 BOYNE VALLEY TOWNSHIP MASTER PLAN

WHEREAS: Boyne Valley Township, Charlevoix County, Michigan re-established a Planning Commission under State of Michigan Public Act 33 of 2008, as amended, and;

WHEREAS: The Boyne Valley Township Planning Commission is required by Section 31 of P.A. 33 of 2008, as amended to make and approve a master plan as a guide for the development within the Township, and;

WHEREAS: The Boyne Valley Township Planning Commission, in accordance with Section 39(2) of the Act, notified the adjacent communities and the Charlevoix County Board of Commissioners of the intent to develop a plan and, in accordance with Section 41(2) of the Act, distributed the final draft to adjacent communities and the Charlevoix County Board of Commissioners for review and comment, and;

WHEREAS: The plan was presented to the public at a hearing held on October 4, 2021, before the Planning Commission, with notice of the hearing being published in the Charlevoix County News on September 16, 2021, in accordance with Section 43(1) of the Act;

NOW THEREFORE BE IT RESOLVED THAT,

The content of this document, together with all maps attached to and contained herein are hereby adopted by the Boyne Valley Township Planning Commission as the Boyne Valley Township Master Plan, prepared in conjunction with the Village of Boyne Falls, on this 4 day of October, 2021.

Motion: Mark Felton

Second: Russ Koeman

Ayes: Felton, Cousineau, Koeman, Senter and Kelenske

Nays: 0

Absent: 0

Certification

I hereby certify that the above is a true and correct copy of the resolution adopted at the October 4, 2021, meeting of the Boyne Valley Township Planning Commission.

Mark Felton, Chair

H. Marie Kelenske, Secretary

New Business:

Discussion to amend zoning ordinance regarding dog kennels.

Zoning Administrator report: Matelski reported a few pole buildings being built.

Discussion of fence on Mike Berta's property on Croizer Rd and burned residence on M-75 S now owned by Don Wright.

Motion by Felton to adjourn seconded by Kelenske. Motion passed

Meeting adjourned at 7:50 pm

Respectfully submitted

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

September 7, 2021

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

Roll Call: Mark Felton, Russ Koeman, Bill Cousineau and Marie Kelenske

Absent: Lenore Senter

Also, present: Zoning Administrator Bill Matelski, Sue Hobbs and Rick Deuell

Approval of Minutes from June 7, 2021

Motion by Cousineau second by Koeman to approve minutes as written. Motion Carried

Old Business:

Reviewed the Master Plan and recommendation sent to Planning Commission by the Charlevoix County Planning Commission. Also worked on updating the maps. Recommendation packed included from the County.

Citizen Comments on Non-Agenda Items: None

New Business:

Recommend to Township Board the addition to the ordinance on dog kennel.

Motion by Felton to adjourn seconded by Kelenske. Motion passed

Meeting adjourned at 8.15 pm

Respectfully submitted

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

June 7, 2021

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

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

Absent: None

Also, present: Zoning Administrator Sue Hobbs, Bill Matelski, Bill Cousineau, Russ Koeman, Ed and Cindy Grice, Gary Rea, and Tyler Prange

Approval of Minutes from May 3, 2021

Motion by Felton second by Kelenske to approve minutes as written. Motion Carried

Old Business: Refer Master Plan to Township Board for their approval

Motion by Felton that the Boyne Valley Planning Commission, in accordance with Michigan Planning Enabling Act will transmit the draft Boyne Valley Township Master Plan to the Boyne Valley Township Board and request their approval to distribute the plan for community and agency review and comment. Additionally, the Planning Commission will transmit the draft plan to the Village of Boyne Falls and request their support. Second by Kelenske. Motion carried.

Citizen Comments on Non-Agenda Items: None

New Business: Site Plan review: Pedestrian Suspension Bridge located in Boyne Mountain Resort Parcel number 15-002-017-011-30

This bridge will be the longest in the world 1,025 feet and will be gated at both ends. there will be a charge of \$25-\$30 per person to cross the bridge. Customers will take a chair lift to the top to enter the bridge to walk then take a chair lift back down or walk the many trails down the mountain. Plans are to have the bridge walk open all year. Snow will be brushed off the metal grates it will be lighted also.

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.

Yes, zoned Resort Commercial

- 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.

Span on Boyne's property from one hill to another 1025 feet.

- 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.

No changes soil all sand. There will be a patio and restrooms at each end of the span. A snack shack available on each end of the Bridge Walk

- 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. **N/A**

- 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.

This property is all zoned resort commercial and is included in Boyne Mountain

- 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.

There are roads available for ambulance service and fire trucks to reach top of the mountain in the event of an accident.

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

There will be trails for emergency equipment.

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

This is all property owned by Boyne Mountain.

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

N/A

- 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.

Lighting will be the same as the lighting for skiing. There will be lights on the Bridge which will meet Township Zoning Ordinance section 3.11 regarding outdoor lighting.

- 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 bridge walk will be 8 foot wide and will be non-motorized. Will not be handicapped accessible.

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

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.

All parking will be in the compound of Boyne Mountain.

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.

N/A

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.

All utilities are currently underground. Have moved snow guns to make room for Bridge.

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.

Will have all permits from the State and county.

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.

N/A

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. **N/A**

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. **N/A**

Bridge can support up to 500 people at one time walking. Will be sound enough to withstand winds up to 120 miles per hour. In case of extreme weather for example freezing rain or tornado it will be shut down. Boyne Mountain Staff will be accessible at each end for questions or assistance. Eagles Nest will be open for restrooms and refreshments.

Motion by Kelenske to approve the site plan for the Pedestrian Suspension Bridge located on parcel 15-002-017-011-50 second by Senter. Motion Carried.

Motion by Kelenske to adjourn seconded by Felton. Motion passed

Meeting adjourned at 7:45 pm

Respectfully submitted

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

May 3, 2021

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

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

Absent: None

Also, present: Zoning Administrator Sue Hobbs, Joe Blachy, and David Matelski
Zoom Meeting Boyne Mountain Steve Matthews. Melissa Kelly, and construction contractor.

Approval of Minutes from April 5, 2021

Motion by Skop second by Hodack to approve minutes as written. Motion Carried

Old Business: Ms. Hobbs reported that a groundbreaking did take place on May 3, 2021 for the new building and headquarters of Daifuku Webb. It will be completed by July 2022. This will be a great asset in the community and increase the job market.

We are currently working with Economic Alliance and the Northern Michigan Housing Commission on trying to get affordable housing in the area. Currently the housing market is so small that we are in need of new housing. There may be an area along M-75 S that may be developed but it is in the planning stage at this time. Also, along Topolinski Road would be another area for housing.

As a Board we need to look at our Zoning for 1- or 2-acre lot for commercial use. We will be reviewing our Zoning Ordinances.

Citizen Comments on Non-Agenda Items: None

New Business:

Site Plan Review and amend Special Use Permit - (Heartwood Mills) 15-002-011-0219-20 Joe Blachy Listing Broker

Self-Storage buildings and vehicle storage.

Mr. Blachy is requesting approval for special use permit for self-storage units.

Driveway will need to be cleared of logs and debris before the asphalt driveway is installed. Screening would have to be installed along Skop Road in front of the storage buildings. Need to clean up all the 36 acres. Still do not have a complete site plan.

Mr. Blachy said that most of the buildings will be used for storage and new doors will be installed on the buildings without them. The heated buildings will be available for storage of items that cannot be left out in the cold. The building on Skop Road is not in compliance with the setbacks but the Planning Board approved the use of the building only if there is screening placed, trees planted and maintained.

Must do a review of where the storm water is going and if necessary, put in a drainage pond so this will not impact the neighbors. Lights to be installed on the ends of each building along with lights along the buildings. These will be motion lights and in the downward position.

A description of each building 1 – 10 is enclosed. Most of these buildings will be used for storage with doors added.

Motion by Skop to approve special use permit for existing structures and recreational vehicle parking lot with lighting plan that incorporates motion and soft lighting for special use. Any future structures or changes in use would require detailed site plan for final review. Seconded by Hodack. All approved. Motion Carried.

Skop and Felton will meet with Blachy at the site to discuss the list for recommendation, Larry Organic has white pines to plant for screening.

Site Plan review for Solar Energy Boyne Mountain 15-002-016-003-00

Boyne Mountain is planning on a 1.7-megawatt solar field to help reduce their electrical needs.

FAA has no problem with this field being placed at the north side of the airport runway. The panels are non-glare, and a study has been conducted.

A Fence will be installed around the solar field and flowers will be planted under panels. Panels will be 9 feet from ground the fence will be 8 foot high.

Need M-Dot approval for road coming off M-75 S and Wetland Delineation Report before we can approve the site plan. Also, need a 18 inch berm around the north side of the proposed panel and silt fence to be place so no runoff will get into the Boyne River. Must have road accessible for emergency services and construction vehicles.

All power lines will be placed underground and bored under M-75 S to Boyne Mountain Switch station located near the Consumer Energy Substation. The exact location to be determined.

Felton motion to approve a special use permit for parcel number 15-002-009-025-00 Boyne Mountain USA owner and ES Service to construct the solar panels with the following conditions need M-Dot approval, silt fence, berm that is 18 inches on three sides of panels, increase the fence from 6 feet 8 feet. Seconded by Hodack. Motion passed.

Motion by Kelenske to adjourn seconded by Skop. Motion passed

Meeting adjourned at 8:45 pm

Respectfully submitted

Marie Kelenske, Secretary

aBOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

April 5, 2021

Call to order: Meeting called to order at 7:00 pm by Mike Skop

Roll Call: Mike Skop, Laurie Hodack, Lenore Senter

Absent: Mark Felton and Marie Kelenske

Also, present: Zoning Administrator Sue Hobbs, Joe Blachy, Lawrence Czerkies, Lesley & Todd Tarsi, Kurt Price, David Matelski, Darren Czerkies, and Larry Organek

Approval of Minutes from March 11, 2021

Motion by Skop second by Hodack to approve minutes as written. Motion Carried

Old Business: none

Citizen Comments on Non-Agenda Items: None

New Business:

Site Plan review for Kurt Price 15-002-009-019-20

Question: on Septic and Well separate from old archery building on M-75 S.

Pending Health department approval. Using the driveway on right already accessible. Zoned: Commercial - C 2

Discussion: Campground to the right may be doing upgrade in the future. Skop suggested driveway on the right & hedges to be planted.

Motion by Hodack to approve site plan pending Health Department approval of well and septic. Seconded by Skop Motion carried.

Site Plan Review and amend Special Use Permit - (Heartwood Mills) 15-002-011-0219-20 Joe Blachy Listing Broker

Self-Storage buildings and vehicle storage.

Mr. Blachy is requesting approval for special use permit for self-storage units.

Open floor to public hearing: No comments. Public hearing closed.

Driveway will need to be cleared of logs and debris before the asphalt driveway is installed.

Lights appear to be issue. Motion Lighting suggested.

Parcel was zoned industrial in 1973.

Tentative closing on May 11, 2021. will install Up & Down Gates with security To move forward with approval pending existing storage and structures for self-storage special use with lighting plan and a detailed plan for future uses.

Motion by Skop to approve special use permit for existing structures and recreational parking lot with lighting plan that incorporates motion and soft lighting for special use. Any future structures or changes in use would require detailed site plan for final review. Seconded by Hodack. All approved. Motion Carried.

Skop and Felton will meet with Blachy at the site to discuss the list and site for recommendation. Larry Organic has white pines to plant for screening.

Site Plan review Solar Energy Boyne Mountain 15-002-016-003-00 tabled until May Meeting.

Meeting adjourned at 8:30pm

Respectfully submitted

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

March 24, 2021

Call to order Mike Skop called the meeting to order at 7:03 p.m.

Roll Call: Laurie Hodack, Mike Skop, and Marie Kelenske

Absent: Lenore Senter, Mark Felton

Also, present: Zoning Administrator/Supervisor Sue Hobbs, Marilyn Cousineau and Richard Deuell

Review of chapters 6,7 and 8 of the Master Plan. Reviewed the Goals and future land use and implementation sections. Reviewed the Map and made changes. Ric will have new maps for the board in April.

Planning Commission will review the completed draft at the April meeting, then recommend the Master Plan to the Township Board after the April 5 meeting.

Marilyn will present to the Village Board in April

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

Meeting adjourned 8:30 pm

Next meeting will be held on April 5, 2021

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

March 11, 2021

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

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

Also, present: Zoning Administrator Sue Hobbs, Adam Nordman from Performance Engineers, Inc., Jeff Gabos and Mike Gabos

New Business: none

Citizen Comments on Non-Agenda Items: None

New Business:

Amending approved site plan for Gabos Storage Buildings located on 375 M-75 S . Boyne City, MI 49712 Phase II to build three larger storage buildings in the front of the property.

Mr. Skop discussed the problem with the water retention pond and drainage. The water should be diverted to the rear of the property, currently it is flowing to the neighbors and the drainage ditch on the west side of the property. Also, want to have trees planted to screen the buildings. This would also help with the water. Trees should be 5 – 6 feet tall to help screen buildings.

Motion by Senter to approve the building of three storage buildings in the front of the property seconded by Hodack. Motion carried. Signed site plan is on file.

Discussion on enforcing the ordinance on trees being planted at the Deer Lake Storage (Phil Lewin) buildings. Site plan did show trees planted. It this time landscaping is not completed.

Need to have landscaping plans included in all the new site plans.

Motion to adjourn meeting by Felton seconded by Senter. Meeting adjourned at 8:15pm

Respectfully submitted

Marie Kelenske, Secretary

Respectfully submitted by:
Marie Kelenske
Planning Commission Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

January 7, 2021

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

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

Also, present: Zoning Administrator Sue Hobbs, Rick Deuell, and Steve Shunk Northern Logistics

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

Rezone property numbers 15-002-006-017-10 (266 M-75 S), 15-002-~~0126~~^{. 006 -}017-20 (306 M-75 S) from Commercial 2 to Industrial and parcel 15-002-006-018-00 (306 M-75 S) from RR1 to Industrial. Boyne City is the owner of this property. They are requesting a 425 agreement on this property to sell the property to Daikfucu (Jervis Webb) to build a new plant.

Mr. Skop sees a benefit for our community on granting this rezone. Not enough room in the current industrial park but need to have restrictions in place so Boyne City cannot acquire more land and take tax dollars away from Boyne Valley Township. Also, want to have a say in color of building and grounds with trees and entrance into plant area. All in agreement with this.

Ms. Hobbs wrote a memo to the Planning Commission the following on the rezone: The City has purchased the old Robinson property adjacent to what is known as Phase II of the Industrial Park. The City had Annexed this property (Moll Property at the time), but the Township filed a complaint in Circuit Court to stop the annexation. Following this, with the Court agreeing with the township that the Annexation was illegal, in 2002, the City of Boyne City and Boyne Valley reached an Agreement for a 425 Contract by which both entities would share the tax base

from property (shown in red on the attached map). The City had proceeded to Annex, in order to expand their existing Industrial Park.

Along with this, to assist Boyne Mt. with expansion plans, and receive Economic Development funds for Boyne Mountain expansion of sewer service from Boyne City to the Mountain. They would need to allow the City's sewer line to go through the Township right of ways. This required a Sewer Agreement. This is quite complex and is something that will be discussed during the meeting.

More than a year ago, we learned that Pat O'Brien, realtor, had purchased approximately 40 acres of the old Robinson property from three different individuals. Two weeks later, O'Brien sold it to the City.

About three months ago, Michael Cain notified Lynn and I that he would like to meet with us. During that meeting, we learned that a factory wanted to locate there but was not told who they were. About a month ago, Mike and a representative from Daikfucu, (Jervis Webb) attended a Township Meeting and outlined the plans for that factory, which is currently located on Boyne Avenue across from the Road Commission) to construct a larger facility on the 40 acres the City recently purchased. Daikfucu's plan is to construct a larger plant to enable them to move their factories in Harbor Springs, Pellston, and Boyne City into one plant.

The City was not aware that the eastern boundary of the City will not move to include Phase II until the end of the current 425 Agreement. This will be another approximately 30 years.

This opened the possibility of another 425 agreement. The response from Boyne City regarding the Townships offers for a 425 Agreement on the City owned property adjacent to Phase II of the Industrial Park. Negotiations began.

Although there was no indication (counteroffer) that the City was interested in working with us to reach an agreement, in the best interest of our citizens, it was suggested that we make an offer to try to resolve the impasse. Bill Fahey (Township attorney) suggested that we come back with an offer to allow the Township to amend the Phase II 425 agreement to state that they cannot expand beyond current boundaries.

The Township has made three or four offers to the City since that time, but each time the City does not seem to be interested in responding in a positive manner, in what we consider to be fair offers for a 425 agreement. During studies of the court cases as well as negotiations for the Phase II 425 Agreement in 2000 to 2002, I have learned that the Township is allowed to expand the sewer all along M75, 300 feet on either side.

We had thought Daifuku could move ahead with planned expansion, leave the property as is, in the Township jurisdiction, and provide them the needed sewer service. Boyne City stated that they would not sell the property to Jervis Webb unless the Township agreed to a 425.

During a recent zoom meeting, Jervis Webb stated they would find another location for their plant unless the City and Township could reach agreement by January 15. This would be a huge loss of tax base and jobs to this area. Yet we cannot let the City continue to move their boundary to the east and end up with more of the Township disappearing.

We believe it is necessary to rezone this property to industrial in order that, as an agreement is reached, Daikfucu could start immediately on construction to not hold them up.

Only one person objected to this proposal and that was David Matelski. He did not want to have a lot of traffic In and out of the proposed plant interfering with his house across the street. (A lot of head lights at night)

Criteria for Rezoning

1. Consistency of the proposed zoning with the goals, policies, and Land Use Map of Boyne Valley Township Land Use Plan.

This property meets all criteria.

2. The compatibility of the site's physical, geological, hydrological, and other environmental features with the hose of used permitted in the proposed zoning district.

Yes, flat land and the Industrial park is close by. DEQ will have to be involved with this project because it is close to the Boyne River.

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.

In the Master Plan. It does not matter if house is close, will not change property value. Shows road close to Bike Trail the road is to stop at the end of the building.

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, 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.

The 425 agreement will be part of the Industrial Park to be rezoned. If we cannot reach an agreement with Boyne City Daikfucu could install their own septic system and water on site but Boyne City would not sell the site to them unless an agreement is reached.

5. The capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

David Matelski has opposed the rezone because of traffic. Proper permits would have to be obtained from M-dot. M-dot would have to approve the entrance to the plant. Possible entrance could be from the existing Industrial Park.

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. Do not have a lot of industrial land. Looking for additional land to rezone industrial in the Township.

7. All of 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.

Plant does have a second shift so headlights could be a problem for those across the street. Storm water will be addressed in the site plan. There is not a lot of noise pollution and lights will be addressed at the site plan review.

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.

The parcel is large enough and may need to rework the placement of plant.

9. If rezoning is appropriate the requested zoning district shall be more appropriate from the Township's perspective than another zoning district.

Not enough places in Township to rezone industrial.

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.

Got enough support to build the plant.

Public meeting adjourned at 8:00 p.m.

Motion by Felton to rezone 266 M-75 S parcel number 15-002-006-017-10 and 300 M-75 S parcel number 15-002-006-017-20 from Commercial 2 to Industrial and 306 M-75 S parcel 15-002-006-018-00 from Rural Residential to Industrial. These three parcels to be combined into one parcel. Motion seconded by Kelenske. Motion passed.

We will be working on the Master Plan as soon as we are able to meet in person.

Motion to adjourn meeting by Hodack seconded by Skop. Meeting adjourned at 8:30pm

Respectfully submitted

Marie Kelenske, Secretary

Respectfully submitted by:
Marie Kelenske
Planning Commission Secretary