

**Village of Mackinaw City
Regular Meeting
Planning Commission
October 27, 2011
Approved Minutes**

Members: Rob Most (Chairman), John Riemer, Bo Whipkey, Florence Tracy, Mary Clark,
Paul Allers, and Nancy Dean

Staff: Jeff Hingston, Interim Village Manager/Village President and Jeff Lawson, Ex-Officio Village
Manager

Guests: Dick Moehl, Chris Brown, Rosada Mann, Matt Mikus, David McFarland, Gary Maxfield

PUBLIC HEARING	
	<p>Call to Order and Welcome Chairman Most opened up the Public Hearing at 7:01 p.m. Planning Commission members present were Clark, Dean, Tracy, Allers and Most. Absent – Riemer and Whipkey.</p>
1	<p>Special Use Permit, 2011-SU-001, Lieghio TBWC Family Limited Partnership-Zip Line Mackinaw Bay Trading Company submitted a Special Use Permit to develop an open air business/ amusement (zip line) at 312 S. Huron Avenue, Mackinaw City, Michigan. No Public comments were received.</p>
2	<p>Special Use Permit, 2011-SU-002, Shepler Development-Temporary Boat Line Parking Shepler Development submitted a Special Use Permit to construct temporary and seasonal unpaved boat line parking on Nicolet Street. One public comment was received concerning the Trail easement.</p>
	<p>Motion Dean seconded Allers to close the Public Hearing at 7:05 p.m. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</p>
REGULAR MEETING	
1	<p>Call to Order and Welcome</p>
2	<p>Roll Call The meeting was called to order at 7:05 p.m. by Chairman Most. Roll call members present: M. Clark, N. Dean, F. Tracy, P. Allers and R. Most Members Absent: J. Riemer and B. Whipkey</p>
3	<p>Pledge to Flag</p>
4	<p>Approval of Minutes Motion Allers seconded Dean to accept the Planning Commission minutes for the meeting held on August 25, 2011, as presented. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</p>
5	<p>Public Comment Dave McFarland expressed his thanks to the Planning Commission for adopting the Master Plan. Dick Moehl informed Commissioners of an initial meeting with Central Michigan University Archeological Department to assist in the implementation of an archeology plan and museum research site in Mackinaw City. A meeting will be held at 11:30 a.m. at Audies Restaurant on October 28, 2011.</p>
6	<p>New Business</p>
6a	<p>Annual Election of Officers Motion Dean to nominate Rob Most as Chair. Most accepted the nomination. Motion Dean seconded Tracy to elect Rob Most as Chair. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</p> <p>Motion Tracy to nominate Paul Allers as Vice Chair. Allers accepted the nomination. Motion Dean seconded Tracy to elect Paul Allers as Vice Chair. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</p> <p>Motion Dean to nominate Mary Clark as Secretary. Clark accepted the nomination. Motion Dean seconded Allers to elect Mary Clark as Secretary. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</p>

6b	<p>Special Use Permit, 2011-SU-001, Lieghio TBWC Family Limited Partnership-Zip Line Applicant requested the approval of a Special Use Permit to develop an open air business/ amusement (zip line) at 312 S. Huron Avenue, Mackinaw City, Michigan. The following provisions were reviewed:</p> <ul style="list-style-type: none"> -Parcel exceeds the minimum lot area of 1 acre. -Parcel width exceeds 200’. -Development provides a minimum of 500 sq. ft. of floor area for office use for the operation of the Open Air Business. -Open air zip line launch and receiving areas are elevated to provide safety area during launch and landing with a landscaped berm area to provide ground safety. <p>Based on the plans submitted and findings of fact, the proposed development conforms to the Special Use Permit Requirements in the Village’s Zoning Ordinance.</p> <p>The following was discussed and/or addressed:</p> <ul style="list-style-type: none"> -The tower height meets zoning requirements. -Lighting would be similar to existing lighting. -LED lighting will be utilized. -Business is seasonal. -Zip line would not go over Village sidewalks. -Bonding is not necessary as construction costs are minimal for this project. -Project construction completion date (construction completion dates will be discussed at a future meeting). -Safety issues. -State and/or County inspection permits and Zip line construction permits. -Zip line landscaping design and berm. -Plans indicate a berm with shrubbery. -Height of shrubbery and elevation of platform decking. -Shrubbery will be planted up to the pond area. <p>Whipkey arrived at 7:26 p.m.</p> <p>Motion Dean seconded Whipkey to grant Special Use Permit, 2011-SU-001, as requested by Lieghio TBWC Family Limited Partnership-Zip Line. Voice Vote – all ayes. Absent – Riemer. Motion carried.</p>
6c	<p>Site Plan Review, 2011-SP-002, Lieghio TBWC Family Limited Partnership Applicant requested approval of an amended Site Plan to construct a 450 square foot retail space addition on the Mackinac Bay Property and platforms for a zip-line landing area. The amended Site Plan does not modify or change any other development components approved under the existing Site Plan approved in 2007 and amended in 2009. The proposed Plan provides for:</p> <ul style="list-style-type: none"> -All proposed uses are permitted in the district. -Development requires 448 parking spaces and plan provides for 467 spaces. -Does not modify surface drainage from previous site plan. -Revisions conform to the Village’s greenspace requirements. -Construct a 450’ square foot addition to the Mackinac Bay Property along a paver entry area. -Construct an elevated zip line landing area with a landscaped berm area to provide safety. -Construct a temporary dumpster enclosure building. -Construct an open air business/amusement. <p>Based on the plans submitted and the findings of fact, the proposed amended Site Plan meets the requirements of the Village’s Zoning Ordinance.</p> <p>Motion Dean seconded Clark to recommend to the Village Council approval of Site Plan Review, 2011-SP-002, Lieghio TBWC Family Family Limited Partnership. Voice vote – all ayes. Absent Riemer. Motion carried.</p>

	<p>Riemer arrived at 7:58 p.m.</p>
<p>6d</p>	<p>Special Use Permit, 2011-SU-002, Shepler Development-Temporary Boat Line Parking Applicant requested the approval of a Special Use Permit to construct temporary and seasonal unpaved boat line parking on Nicolet Street. The following provisions were reviewed: -Property is located in the BC Zoning District. -Plan identifies 50% of all transportation corridors as landscaped with berm and landscaping as required by Section 23, 134, C, of the Village’s Zoning Ordinance. -Parking lot does not exceed one acre in size.</p> <p>Based on the plans submitted and findings of fact, the proposed development conforms to the Special Use Permit Requirements in the Village’s Zoning Ordinance.</p> <p>The following was discussed and/or reviewed: -Bike path crossing and safety issues. -Easement rights at the location between Shepler Drive and Lake Street. -Reviewed approval guidelines for special use permits and site plans. If the requirement for 50% of the berm is met, there is some latitude on discussing how the landscaping of the 50% berm is laid out. However, if all specific zoning requirements are met, plans and permits cannot be denied. -A review of crossing requirements rest with the approval of the DNR. -The DNR should accept input from the Village on what the crossing would look like. -The Planning Commission can identify their concerns to the DNR. - The DNR through their agreement with Mr. Shepler would make the final determination of what the crossing would look like. -The DNR owns the trail system and approves all Trail crossings. The Village has a Use Agreement with the DNR. -The DNR granted the crossing in the 90s.</p> <p>Most called for public comments. The following comments were received: -R. Mann expressed concerns with regard to safety issues on the Trail and provided Trail crossing observations. -C. Brown indicated that there are private driveway crossings that run along the Trail in Cheboygan County.</p> <p>Motion Allers seconded Dean to grant Special Use Permit, 2011-SU-002, as requested by Shepler Development-Temporary Boat Line Parking. Ayes - Clark, Dean, Tracy, Allers, Most, and Riemer. Nays – Whipkey. Motion carried.</p>
<p>6e</p>	<p>Site Plan Review, 2011-SP-003, Shepler Development Applicant requested approval of Site Plan to construct temporary and seasonal unpaved boat line parking on Nicolet Street. The proposed Plan provides for: -Proposed use is permitted in BC District. -Gravel parking area is less than one acre. -Fifty percent of parking area adjacent to public transportation corridor will contain a landscaped berm. -Development accommodates up to 126 spaces. -Parking area provides drainage to existing catch basis and is constructed of pervious material. -Meets greenspace requirements. -Construct gravel parking that is less than one acre.</p> <p>Based on the plans submitted and the findings of fact, the proposed Site Plan meets the requirements of the Village’s Zoning Ordinance.</p> <p>Motion Dean seconded Allers to recommend to Village Council approval of Site Plan Review, 2011-SP-003, Shepler Development as it meets all zoning ordinances. Voice vote – all ayes. Motion carried.</p>

6f	<p>Site Plan Review, 2011-SP-005, Mackinaw Crossings Applicant requested approval of Site Plan to remove the existing canvas roof and replace it with a fixed roof and remove 50 square feet of greenspace and replace it with a 50 square foot concrete patio. The proposed Plan provides for:</p> <ul style="list-style-type: none"> -Proposed development is permitted in the district. -Construct 50 square foot patio. -Parking does not change. -Concrete addition has no significant impact on drainage. -Greenspace requirements have been met. <p>Based on the plans submitted and the findings of fact, the proposed Site Plan meets the requirements of the Village’s Zoning Ordinance.</p> <p>Motion Allers seconded Dean to recommend to Village Council approval of Site Plan Review, 2011-SP-005, Mackinaw Crossings. Voice vote – all ayes. Motion carried.</p>
	<p>Most called for recess at 8:33 p.m. Meeting called to order at 8:41 p.m.</p>
7	<p>Old Business</p>
7a	<p>Discussion – Sexually Oriented Business Ordinance (SOB) The most recent Sexually Oriented Business Ordinance prepared by Tom Evashevski was presented to Commissioners for review. The proposed language was set up so to be integrated into the Zoning Ordinance. The language sets the SOB as an allowable use in the Manufacturing Research District. The proposed language provides the basic provisions, findings and rationale, definitions and conditions of operation.</p> <p>The ordinance is integrated because it is a specific land use allowed in a specific district.</p> <p>Article XVI, MR Manufacturing Research, Section D, Item (10) Scierter (violations) was discussed. The language was tested under case law up to the United States Supreme Court.</p> <p>Commissioners directed Interim Village Manager Hingston to discuss the matter with the Attorney to determine the next course of action and provide Commissioners with an update.</p>
7b	<p>Closed Session – Medical Marihuana Regulations Most called for motion to recess the meeting and go into a closed session to discuss confidential attorney client privileged material concerning Medical Marihuana Regulations. A request was made by the the public to identify why the meeting was going into closed session in the motion.</p> <p>Motion Dean seconded Allers to recess the meeting to go into a closed session to discuss confidential attorney client privileged communication concerning Medical Marihuana Regulations.</p> <p>Motion was discussed as follows:</p> <ul style="list-style-type: none"> -Request was made by the public to identify the reasons why the matter had to be discussed in closed session. -It was explained the Board is allowed to have a private conversation with an attorney, or may review an attorney’s opinion letter, to consider pertinent information because it is an attorney client privilege. -Village President and Interim Village Manager conferred with legal counsel and received confirmation that the meeting could go into closed session to discuss the attorney’s opinion letter. -M. Mikus, St. Ignace News, protested the closed session, felt the matter should not go into closed session, and requested that his statement be reflected in the minutes. <p>Most called for roll call on the vote: Ayes – Riemer, Whipkey, Clark, Dean, Tracy, Allers, and Most. Nays – None. Motion carried.</p>

	Most called for a motion to end the closed session. Motion Dean seconded by Allers to end the closed t session. Voice vote – All ayes. Motion carried.
8	Commissioner Comments -Complaints were received by some businesses regarding language printed on t-shirts in window displays. -A request was made to discuss color/paining of buildings as it relates to the Master Plan and sense of place. -Jeff Hingston expressed his thanks to Jeff Lawson for his assistance with the Planning Commission meeting. -Discussed late request for first Gaylord marathon event (62 mile run) that occurred on the Trail.
9	Commissioner Calendar December 22, 2011 - Regular Meeting
10	Adjournment Motion Tracy seconded Whipkey to adjourn at 9:51 p.m. Voice vote – all ayes. Motion carried.

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary