

**Village of Mackinaw City  
Regular Meeting  
Planning Commission  
March 25, 2010  
Approved Minutes**

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

Staff: Jeff Lawson (Village Manager)

Guests: Dick Moehl, Rosada Mann, Sandy Planisek, David McFarland, Paul Michalak, Tim Boyko

<b>PUBLIC HEARING</b>	
	<p><b>Call to Order and Welcome</b></p> <p>Chairman Most opened up the Public Hearing at 7:00 p.m. Planning Commission members present were Riemer, Whipkey, Tracy, Clark, Allers, Most and Dean.</p>
<b>1</b>	<p><b>Amendment to Zoning Ordinance 138, Article XI, 11-102, I; XVI, 16-102, F; XVIII, 18-102, J; XXIII, 23-134, A, B, C, D; IV, 4-111, E; and, IV, 4-111, F</b></p> <ul style="list-style-type: none"> <li>- <b>Temporary and Seasonal Unpaved Boat Line Parking</b></li> <li>- <b>Landscaping Requirements for Parking Areas</b></li> </ul> <p>Chairman Most reviewed the proposed amendment language.</p> <p>The following public comments were received:</p> <p>Rosada Mann commended Commissioners on their hard work in completing the amendments. Mrs. Mann had hoped to have seen one renewal period instead of two. She felt that it was a conditional use permit and time periods should be limited if possible.</p> <p>Dave McFarland thanked Commissioners for their hard work in modifying the language.</p>
	<p><b>Motion Dean seconded Clark to close the Public Hearing at 7:08 p.m. Voice vote – all ayes. Motion carried unanimously.</b></p>
<b>REGULAR MEETING</b>	
<b>1</b>	<b>Call to Order and Welcome</b>
<b>2</b>	<b>Roll Call</b>
	<p>The meeting was called to order at 7:09 p.m. by Chairman Most. Roll call members present: J. Riemer, B. Whipkey, F. Tracy, M. Clark, P. Allers, R. Most, and R. Dean. Members Absent: None</p>
<b>3</b>	<b>Pledge to Flag</b>
<b>4</b>	<b>Approval of Minutes</b>
	<p><b>Motion Tracy seconded Dean to accept the minutes of the meeting held on February 25, 2010, as presented. Discussion on the motion. Most requested verification on the spelling of the word “standalone” and requested staff to determine accuracy for future use. Voice vote – all ayes. Motion carried unanimously.</b></p>
<b>5</b>	<b>Public Comment</b>
	<p>Rosada Mann asked for Trail Committee reports to be provided to Commissioners. Staff indicated that the Trail Committee is a subcommittee of the Council and updates can be provided for purposes of information sharing. There were no objections received by the Commissioners for updates. Most welcomed attendance by Council members.</p>

	<p>Tim Boyko introduced himself at the meeting and informed Commissioners that he is running for State Representative for the 105<sup>th</sup> District. Mr. Boyko gave a brief overview of his experience.</p>
<b>6</b>	<b>NEW BUSINESS</b>
<b>6 a</b>	<p><b>Amendment to Zoning Ordinance 138, Article XI, 11-102, I; XVI, 16-102, F; XVIII, 18-102, J; XXIII, 23-134, A, B, C, D; IV, 4-111, E; and, IV, 4-111, F</b></p> <ul style="list-style-type: none"> <li>- <b>Temporary and Seasonal Unpaved Boat Line Parking</b></li> <li>- <b>Landscaping Requirements for Parking Areas</b></li> </ul> <p>Most asked Commissioners to take Mrs. Mann’s comments under consideration and called for comments, concerns or any further discussions on the proposed amendment language. Staff reviewed prior discussions on the 9 year renewal period determination. This takes into consideration the current economic downturn and allows for a green parking area, which provides an opportunity for the development of other potentially higher end uses within the corridor by not requiring a more permanent paved area. Most questioned the height of shrubby. Commissioners agreed to delete the word “total” in the 5<sup>th</sup> line of Section 23-134, paragraph C.</p> <p><b>Most called for recess at 7:52 p.m.</b>  <b>Meeting called to order at 8:03 p.m. by Most.</b></p> <p>Most called for a motion on the amendments to Zoning Ordinance 138.</p> <p><b>Motion Dean seconded Clark to recommend to the Village Council amendments to Zoning Ordinance 138 adding temporary and seasonal unpaved parking as a special use in the B1, MR and BC Zoning Districts. These amendments also create special use provisions under Section 23-134 for such parking as well as landscape requirements for parking areas as specified under Section 4-111. These amendments are consistent with the Village’s existing Master Plan.</b></p> <p><b>Verified during discussion was the term “special use” and “conditional use” as interchangeable terms, which have the same meaning under zoning requirements.</b></p> <p><b>Most called for a roll call on the vote.</b>  <b>Ayes – Allers, Riemer, Dean, Whipkey, Clark, Tracy, and Most.</b>  <b>Nays – None.</b>  <b>Motion carried unanimously.</b></p>
	<b>OLD BUSINESS</b>
<b>7 a</b>	<p><b>Wind Turbine Generator Ordinance - Discussion</b></p> <p>Mr. Riemer provided a review of the proposed Wind Turbine Generator Ordinance. The language marked “reviewed items” were discussed based on comments provided by Commissioners. After three meetings, the Committee suggested that these items remain unchanged and determined the ordinance already in existence covers this language. The items marked “to be discussed” and circled need to be discussed further by the entire Board. The Committee approved the items marked “approved” in green.</p> <p>Most requested a revised version of the Wind Turbine Ordinance prior to the next discussion.</p>
<b>7 b</b>	<p><b>Ordinance Nonconformity – Discussion, Lighting, Signage, and Dumpsters</b></p> <p>Staff explained that the Council’s Ordinance Committee discussed the various topics and requested clarification of what Commissioners want to address specifically on each topic.</p> <p>Lighting – Staff provided a review of the language that was discussed in 98 by the Council to develop a standalone lighting ordinance. The Council’s primary concern was with enforcement between residential and commercial properties. Case law identifies that a standalone ordinance is not a land use ordinance. Therefore, when a lighting ordinance is applied such as shielding, it cannot discriminate</p>

	<p>between zones. The current zoning clearly states that lighting cannot shed light onto another parcel. What becomes difficult under a new standalone ordinance is enforcing lighting issues due to the number of lighting fixtures in town, determining when lighting was installed, the complications that arise when determining the immense details for the types and density of lighting, and the enormous amount of time it would take personnel to establish and implement this type of enforcement, etc. It was the general consensus of Commissioners to address lighting on a case-by-case basis.</p> <p>Dumpsters and Screening – Land use regulations for dumpsters are currently based on approved site plans. Disposal is either on site or removed from site due to the availability of spacing. Dumpster and screening provisions can be regulated under the Blight Ordinance. Dumpsters have been identified within the Village and can be addressed more specifically under the Blight Ordinance. Another consideration is the cost to implement the regulation and how trucks can get to dumpsters for removal. It was the general consensus of Commissioners to encourage the Village Council to pursue the enclosure of existing dumpsters under the Blight Ordinance.</p> <p>Signs – Commissioners discussed their concerns with nonconforming signs. The Village’s attorney will have to complete research concerning the issuing of variances and possible removal of variances given in the past. Commissioners agreed to turn this over to Staff and the Ordinance Committee for further research and recommendation. The Council’s Ordinance Committee recommended a sign audit to identify nonconforming signs.</p>
<b>7 c</b>	<p><b>Master Plan Discussion</b></p> <p>Staff provided the proposal from Rowe Professional Services to Commissioners for review and consideration.</p> <p>Allers questioned when the 1998 Plan would be readopted. Readoption will be placed on the next agenda.</p> <p>EDC will be meeting on March 31, 2010 and will provide some goals and objectives language for the Master Plan as it relates to economic goals.</p>
<b>8</b>	<p><b>Commissioner Comments</b></p> <p>Most reviewed upcoming training seminars.</p>
<b>9</b>	<p><b>Commissioner Calendar</b></p> <p>April 8, 2010 – Special Meeting  April 22, 2010 – Regular Meeting  May 13, 2010 – Special Meeting  May 27, 2010 – Regular Meeting</p>
<b>10</b>	<p><b>Motion Dean seconded Allers to adjourn at 9:23 p.m. Voice vote – all ayes. Motion carried unanimously.</b></p>

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary