

**Village of Mackinaw City  
Special Meeting  
Planning Commission  
July 8, 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: Sandy Planisek, Jeff Hingston, Mike Ayala

<b>SPECIAL MEETING</b>	
<b>1</b>	<b>Call to Order and Welcome</b>
<b>2</b>	<p><b>Roll Call</b></p> <p>The meeting was called to order at 7:00 p.m. by Chairman Most. Roll call members present: R. Most, B. Whipkey, F. Tracy, M. Clark, P. Allers, and N. Dean Members Absent: J. Riemer</p>
<b>3</b>	<p><b>Pledge to Flag</b></p> <p><b>Agenda Changes and Additions</b></p> <p>The following changes/additions were made to the Agenda, under section 7, Old Business, items a, b, and c. Agenda as follows:</p> <ul style="list-style-type: none"> <li>a. Medical Marihuana Regulations/Smoking Paraphernalia</li> <li>b. Seasonal Boat Line Parking</li> <li>c. Sexually Oriented Business Regulations</li> </ul> <p><b>Motion Allers seconded Clark to modify the Agenda, under section 7, Old Business, items a, b, and c, to: a. Medical Marihuana Regulations/ Smoking Paraphernalia, b. Seasonal Boat Line Parking, and c. Sexually Oriented Business Regulations. Voice vote – all ayes. Absent – Riemer. Motion carried.</b></p>
<b>4</b>	<p><b>Approval of Minutes</b></p> <p><b>Motion Allers seconded Dean to accept the minutes of the meeting held on June 24, 2010, as presented. Voice vote – all ayes. Absent – Riemer. Motion carried.</b></p>
<b>5</b>	<p><b>Public Comment</b></p> <p>There were no public comments given.</p>
<b>6</b>	<p><b>New Business</b></p> <p>There was no new business presented.</p>
<b>7</b>	<p><b>Old Business</b></p>
<b>7a</b>	<p><b>Medical Marihuana Regulations/Smoking Paraphernalia</b></p> <p>Staff has provided an overview of the proposed ordinance. Currently the Village Council has adopted a memorandum placing a moratorium on the issuance of permits associated with this activity for a six month period.</p> <p>Communities have the following options: to not adopt an ordinance and follow Federal standards, which prohibits the medical use of marihuana; provide regulation and enforcement by establishing land use standards; or, to separately license an establishment. The law is new and no case law has been established. Many concerns were discussed concerning regulation and enforcement.</p>

	<p>Regulation and restrictions need be identified to provide for better regulatory control. Commissioners need to determine how restrictions will be regulated by land use or through the development of a licensing ordinance. Most called for a motion to postpone this matter due to the length of the discussion.</p> <p><b>Motion Tracy seconded Dean to table item 7, a. Medical Marihuana Regulations/Smoking Paraphernalia. Voice vote – all ayes. Absent – Riemer. Motion carried.</b></p>
<b>7b</b>	<p><b>Seasonal Boat Line Parking</b></p> <p>Commissioners discussed the Unpaved Seasonal Boat Line Parking Ordinance. Whipkey raised a concern with regard to berm distribution and berm elevation at Shepler’s parking lot on Nicolet Street and requested that detailed drawings be provided that identify the even distribution and the elevation of the berm. Staff indicated that elevation can be regulated within the site plan review process.</p> <p><b>Motion Whipkey seconded Clark to amend the Seasonal Unpaved Boat Line Parking Ordinance to clarify and include language that requires the even disbursement of the berm along the public transportation corridor. Commissioners discussed the amendment process and the original intent of the ordinance. Voice vote – all ayes. Absent – Riemer. Motion carried.</b></p>
	<p><b>Most called for recess at 8:05 p.m. Whipkey excused at 8:05 p.m. Meeting called to order at 8:08 p.m.</b></p>
	<p>Most directed Staff to provide draft language to amend the Seasonal Unpaved Boat Line Parking Ordinance that requires the even distribution of the berm.</p> <p>Most called for a motion to open the discussion on Medical Marihuana Regulations/Smoking Paraphernalia.</p> <p><b>Motion Clark seconded Allers to open the discussion on Medical Marihuana Regulations/Smoking Paraphernalia. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</b></p> <p>Commissioners requested a draft ordinance be prepared by the Village’s attorney for review by the Planning Commission. There was a lengthy discussion concerning the industrial processing, districts, dispensaries, manufacturing, storage, caregivers, how the law is being addressed in other States and the effects on local communities, etc. A request was made for Staff to find out how many people within the Village voted on the new law in 2008.</p>
<b>7c</b>	<p><b>Sexually Oriented Business Regulations</b></p> <p>The sample ordinance presented was drafted from the Emmet County Ordinance, which is not unique within the State. There are several Supreme Court and State cases concerning this topic to base this language and has been prepared based on case law. The proposed language would be inserted into the Village’s Ordinance under the B-2 District, Special Use Permit section.</p> <p>Additional legal research is being completed concerning the term “substantial” and if it is defined as less than 30%. The Village’s attorney is also researching the term to see if there has been any case</p>

	<p>law established. Also discussed was the percentage of land area that allows this use, the regulation within specific districts, footage between establishments, and setbacks. In larger communities, there are Federal standards that define how much land area allows this type of use.</p> <p>Also discussed was Section 4, (a) and (j) of the proposed ordinance where it provides for defense language. Staff will ask the Village’s attorney to research why this defense language was included.</p> <p>Emphasis was given on educating the public on what can and cannot be regulated under case law. Discussed were the types of businesses that fall outside the SOB regulations that do not fall under these regulations in the B2 District. Discussed was how to regulate businesses that do not fall under the SOB regulations that deter landlords from allowing these types of businesses by requiring the landlord to be responsible for installing surveillance cameras and to require all patrons to be carded. Restrictions could be incorporated within the proposed Business License Ordinance.</p>
<b>8</b>	<p><b>Commissioner Comments</b></p> <p>Most asked Staff for an update on the focal comparisons between the existing Master Plan and the proposed Plan. Staff provided an overview of the comparisons and the differences between the formats. Most also requested confirmation of the four dog friendly parks. Staff identified the dog friendly parks within the Village as Alexander Henry Park, Wawatam Park, Conkling Park, Marina, and Recreation Complex.</p> <p>Future topics for discussion would be the B-4 ratio and special use provisions. Commissioners would like to discuss this matter separately and not as a part of the Master Plan process. Once the Master Plan is completed, a zoning plan will be developed for action items that were addressed during the Master Plan.</p> <p>An update was requested on the Hot Dog Stand. The Council has asked for a review on developing stipulations for construction activity and progress on zoning permits. Staff provided an update on the request made by the Visitor’s Bureau for a fountain at Conkling Park. Staff also provided an update on the Ironworkers Walk of Fame.</p>
<b>9</b>	<p><b>Commissioner Calendar</b></p> <p>July 22, 2010, Regular Meeting  August 12, 2010, Special Meeting (if necessary)  August 26, 2010, Regular Meeting</p>
<b>10</b>	<p><b>Adjournment</b></p> <p><b>Motion Dean seconded Allers to adjourn at 9:21 p.m. Voice vote – all ayes. Absent – Riemer and Whipkey. Motion carried.</b></p>

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary