

**Village of Mackinaw City
Regular Meeting
Planning Commission
September 23, 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: David McFarland, Rosada Mann, Pat West, Tom West, Dick Moehl, Mike Ayala

PUBLIC HEARING	
	<p>Call to Order and Welcome Chairman Most opened up the Public Hearing at 7:00 p.m. Planning Commission members present were Most, Riemer, Tracy, Clark, Allers and Dean. Absent – Whipkey.</p>
1	<p>Special Use Permit, 2010-SU-005, Straits Area Tour Company The Special Use Permit applies for the operation of a passenger boat ferry tour service at 201 South Huron Avenue, Mackinaw City.</p> <p>There were no public comments presented.</p>
	<p>Motion Dean seconded Tracy to close the Public Hearing at 7:04 p.m. Voice vote – all ayes. Absent – 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: R. Most, J. Riemer, F. Tracy, M. Clark, P. Allers, and N. Dean Members Absent: B. Whipkey</p> <p>Most called for a motion to change the Agenda to add “Memorandum to Council” as item 7, c, under Old Business.</p> <p>Motion Allers seconded Dean to change the Agenda to add Memorandum to Council as item 7, c, under Old Business. Voice vote – all ayes. Absent – Whipkey. Motion carried</p>
3	<p>Pledge to Flag</p>
4	<p>Approval of Minutes Motion Allers seconded Dean to accept the minutes of the meeting held on September 9, 2010, as revised. Voice vote – all ayes. Absent – Whipkey. Motion carried.</p>
5	<p>Public Comment Moehl provided a report on Mackinac Island City’s Council meeting he attended earlier. On a motion by the City Council, a reply will be sent to the Village’s letter; and, a letter will be sent to the ferry boat companies requesting how their services can better serve the Island.</p> <p>The Future Land Use Plan and Zoning Plan was modified to include “hotels” as part of Section 13 Mixed Office/Tourism Service descriptions as follows:</p> <p>Future Land Use Goals, 13, Commercial – Mixed Office/Tourism Service, second paragraph, 4th line, to read: “may include, but are not limited to hotels, restaurant, retail and office space. Multi-”.</p>

	<p>Zoning Plan, 13 Commercial – Mixed office/Tourism Service, second paragraph, 2nd line to read: “hotels, restaurant, retail and office space, multi-family apartment on the second floor of a retail”.</p> <p>Commissioners received copies of the minutes from the Trail Committee meeting held on September 22, 2010.</p>
6	New Business
6a	<p>Special Use Permit, 2010-SU-005, Straits Area Tour Company, Ferry Tour Operation Staff reviewed the definitions of Passenger Boat Ferries under Section 23-128 the Ordinance, which requires this operation obtain a Special Use Permit for the operation of a passenger boat ferry. The following findings of fact were addressed: -Property is located in the MC Marina Commercial District. -Ferry has the capacity to carry a total of 40 passengers. -Passenger tickets shall be sold on the premises used for docking ferries, embarking and disembarking passengers. Staff confirmed the applicant’s name is Chris West and the business will be located at the Arnold Line North Dock, at 201 S. Huron Avenue, Mackinaw City. Tom and Pat West, in the absence of and on behalf of Chris West, verified that permission was given and an agreement was granted by owners of the property. Also discussed was dredging, business location, parking, ticket booths, etc.</p> <p>Motion Dean seconded Riemer to approve Special Use Permit, 2010-SU-005, Straits Area Tour Company, as presented. There was no discussion. Most called for a roll call on the vote. Ayes – Clark, Dean, Riemer, Allers, Tracy, and Most Nays – None Absent – Whipkey Motion carried.</p>
6b	<p>Site Plan Review, 2010-SP-008, Straits Area Tour Company, Ferry Tour Operation Staff reviewed the Site Plan, which requests approval to construct 15 additional parking spaces for a passenger ferry boat operation by Straits Area Tour Company at 201 South Huron Avenue, Mackinaw. Staff indentified that the proposed developed is permitted in the MC District, there are no other building or dock additions, the plan provides for 15 additional parking space, the site provides for site drainage with a 10 year storm calculation with storage on site, and greenspace is unchanged. The findings of fact were reviewed: -Site Plan proposes the paving of 15 parking spaces for a passenger ferry boat operation. -The use is permitted in the MC District. -Design provides for 10 year storm water runoff. -The paving of existing gravel parking area does not change existing greenspace provided.</p> <p>Staff verified that the parking area will be paved.</p> <p>Motion Dean seconded to Tracy to recommend to the Village Council the approval of Site Plan Review, 2010-SP-008, Straits Area Tour Company, as presented. There was no discussion. Most called for a roll call on the vote. Ayes – Riemer, Allers, Dean, Most, Tracy, Clark Nays – None Absent – Whipkey Motion carried unanimously.</p>

7	Old Business
7a	<p>Master Plan – Zoning Plan</p> <p>Staff provided an overview of the Plan. This document provides topics for discussions for future revisions and changes. The detail discussions will commence after the Zoning Plan is completed. Staff reviewed the Future Land Use map. Each district will change specifically for each individual use based on past discussions and surveys. The Zoning Plan sets forth the plan for future changes.</p> <p>Rosada Mann addressed the current and proposed definitions for the B1, B2, and B3 Zoning Districts. Staff confirmed that hotels are included in the Commercial-Mixed Office/Tourism Service description. Ms. Mann asked if the labels on the Future Land Use Map and Zoning Plan would be consistent with each document. Staff explained the process is associated with rezoning. The label given to Commercial-Mixed Office/Tourism Service district resulted from discussions concerning the current use and proposed future mixed uses and will be a unique zone that will allow and encourages other uses.</p> <p>Most called for recess at 8:00 p.m. Meeting called to order at 8:05 p.m.</p> <p>The R4 district will remain.</p> <p>Section 8 General Commercial allows for single family residential uses within the commercial district. This allows the integration of single family uses within a general commercial use.</p> <p>Section 10 Commercial - Downtown Tourism provides for form based codes and customer service parking ratios in the district.</p> <p>Section 13 Commercial – Mixed Office/Tourism adds hotels within the district.</p>
7b	<p>Sexually Oriented Business Regulations</p> <p>Staff provided an overview of the proposed language. The district classification was discussed at length. Staff was directed to provided a district map for review that identifies the proposed district.</p> <p>Commissioners asked if the term “internet cafe” is defined within the Ordinance. Staff was directed to contact the attorney to determine how internet cafes can be regulated, i.e. electronic content or equipment.</p> <p>Section 2, 20, Specified Criminal Activity. Staff was directed to contact the attorney to verify if the eight year lapse criminal activity date is sufficient.</p> <p>Section 2, 22, Substantial. Staff explained the 30% definition for “substantial” items was based on case law and was recommended by the attorney. Staff will have the attorney provide clarification.</p> <p>Section 3, Location of Sexually Oriented Businesses. Commissioners discussed the distance from other zoning districts and will discuss the matter further after they have had an opportunity to review the proposed district map.</p> <p>Section 3, (e). Most asked why the employee is not included with the employer in the minimal criminal activity requirement. Section 2, 8, defines the “Influential Interest” and identifies that</p>

	<p>anyone who makes decisions on behalf of the business is included. Staff was directed to inquire with the attorney whether or not the requirement could include employees.</p> <p>Staff will contact the attorney to verify why defenses are provided within the ordinance under Section 4 (a) and (j).</p>
7c	<p>Memorandum to Council Commissioners reviewed the draft Memorandum for rental housing.</p> <p>Motion Dean seconded Clark to present the proposed Memorandum to Council, with a change in format, as stated. The motion was discussed in detail. Most asked why “Landlords entering their rental property without notice while it was occupied” was removed from the minutes. Staff explained that this was already an illegal activity. Voice vote – all ayes. Absent – Whipkey. Motion carried.</p>
8	<p>Commissioner Comments Most announced that Council reappointed Nancy Dean, Florence Tracey and himself to the Planning Commission for a 3-year term.</p> <p>Most asked if there would be a joint meeting with the Council concerning the proposed Medical Marihuana Ordinance. Staff explained that there is a case pending in the State of Michigan Court of Appeals and that the joint meeting will need to be postponed. The moratorium will be extended, if necessary, when it expires.</p> <p>Dean asked about the election of officers by ballot, which will be held at the October 28, 2010 regular meeting. Dean asked for an update on the proposed Boat Line Ferry and requested a copy of the letter sent to the City of Mackinac Island.</p>
9	<p>Commissioner Calendar</p> <p>October 14, 2010 – Work Session (Jeff will not be at this meeting) October 28, 2010 – Regular Meeting November 11, 2010 – Special Meeting December 9, 2010 – Special Meeting</p>
10	<p>Adjournment Motion Dean seconded Clark to adjourn at 9:15 p.m. Voice vote – all ayes. Absent – Whipkey. Motion carried.</p>

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary