

**Village of Mackinaw City
Work Session
Planning Commission
January 10, 2008
Approved Minutes**

Present: Rob Most (Chairman), Jeff Hingston, Doc Taylor, Mary Clark, Florence Tracy, Paul Allers and Nancy Dean

Absent: None

Staff: Jeff Lawson (Village Manager) and Leigh Ann Moscato (Staff Secretary)

Guests: R.E. Wallin (Village President), J. Leal, B. Shepler

WORK SESSION		Call to order
1	Work session was called to order at 7:01 p.m. by Chairperson Most. Roll call - members present: J. Hingston, D. Taylor, M. Clark, F. Tracy, R. Most, P. Allers and N. Dean. Members absent: None.	Roll Call
2	Pledge to Flag was recited.	Pledge to Flag
3	<p>Clark requested a revision to the Minutes to item number 6A, under Old Business, paragraph 1), third paragraph, by removing the second sentence “Clark asked if we need to address the fact that our waterfront is already developed and how buildings that become damaged from fire or storm and what would be required to rebuild the structures” with “Do we need to address the fact that our water front is already developed? In the event that buildings become damaged does our code include language stipulating when and how they can be they can be rebuilt?”</p> <p>Clark also requested clarification from N. Dean in the Minutes as to item number 6A, under Old Business, paragraph 1), third paragraph, the last sentence “ N. Dean indicated that the zoning language she provided does address this situation” and would like that sentence deleted and replaced with “N. Dean indicated that the zoning language provided in the packet that she provided for this evening’s meeting does address this situation”.</p> <p>Clark also requested a change to the Minutes as to item number 6A, Old Business, paragraph 2), third paragraph by deleting “Because patrons are transported in a bus and not bringing their personal vehicles, buses have park-through regular car parking spaces” and replacing it with “Because patrons are transported in a bus and not bringing their personal vehicles, buses park through regular car parking spaces.”</p> <p>Motion by Clark supported Taylor to approve the Special Meeting minutes for December 13, 2007, as corrected above. Voice vote – all ayes. Motion carried.</p>	Review and approval of minutes

	Most indicated it is ok to call staff to revise minutes prior to the meeting.	
4	Public Comment: There were no public comments.	Public Comments
5	New Business	New Business
	There was no new business presented at the meeting.	
6	Old Business	Old Business
6A	Staff reviewed the research and report to the Planning Commission with regard to zoning requirements for side yard setbacks in communities in northern Michigan.	Review Ordinance 138 Building Length in B2 Waterfront Commercial District-Height, Density and Setback Standards
	Chairman Most requested a motion to move to Agenda Item 6B under Old Business to accommodate Bill Shepler and return to Agenda Item 6A upon completion since there will a detailed discussion on that matter. Motion by Clark supported by Allers to amend the Agenda to address Item 6B, Old Business, Discussion of MC Zoning District Language prior to Item 6A Review of Ordinance 138 Building Length in B2 Waterfront Commercial District. Voice vote – all ayes. Motion carried.	Motion to move Agenda item 6B before item 6A
6B	Staff reviewed the current language within the MC Zoning District. Staff provided a summary of the development of the district’s regulations and identified that the district originally allowed for restaurant and retail businesses. The Planning Commission has been asked to review the district language to consider these uses. It was noted that the MC district is being considered for the rezoning of the Shepler parking lot. Taylor inquired on the differences between the B4 and MC district. Staff explained that there are two primary differences: 1) Is that living quarters and housing are allowed in the B4 district and are not allowed in the MC district; and 2) The B4 district does not allow stand alone commercial business parking, while the MC district permits this use in the downtown district. Chairman Most gave the opportunity to Bill Shepler to provide an overview of his requested uses for the MC district. Mr. Shepler stated that there was a hotel and bar located on his property called the Windemere and Carrier Bar around 1948. Allers inquired about current nonconformities in the MC district such as the Arnold line, Sheplers and Bell’s Fishery. Staff	Discussion of MC Zoning District and Language

	<p>indicated that the MC district currently has two nonconformities because retail was removed from the district: 1) Shepler’s boat repair facility; and 2) Bell’s Fishery. If retail and restaurant use were added back into the zoning, Bell’s Fishery would conform.</p>	
<p>6A</p>	<p>Staff provided an overview of the 7 communities researched in northern Michigan to compare side yard setback standards for districts similar to the Village’s B2.</p> <p>The areas most similar to the Village’s development along the waterfront include Acme Township, East Bay Township and Traverse City. Photographs were presented for reference.</p> <p>A balance needs to be determined as to what a business owner needs to construct a building while complying with zoning restrictions. An example is that some communities allow buildings to be constructed higher if wider setbacks are given. Most would like to eliminate a wall of buildings on the waterfront and suggested that percentages give builders an opportunity for flexibility when constructing a building by allowing a larger setback on either side of the building. Another concern was to address the length of buildings built on combined parcels in order to meet setbacks. The idea is to eliminate one property owner from combining multiple properties and constructing a building the entire length of the lots. A target length of 250’ has been suggested so that a drawing can be constructed to help visualize the proposed standard.</p> <p>The material provided by N. Dean with regard to Jupiter Florida was also discussed. Zoning regulations are based on Florida’s State Law and coastal construction codes, which are much more stringent than Michigan due to hurricanes and coastal flooding. Jupiter’s ordinance provides setback and design flexibility when the developer increases pedestrian access to the waterfront along the inland waterway.</p> <p>Most asked to focus on some numbers as they related to setbacks, height and length of buildings, including accessory buildings and landscape. What is the requirement for when a building is destroyed or receives fire damage before an owner would need to conform to new regulations? Staff indicated 50% for a nonconforming use. Building placement and the staggering of buildings also need to be identified so a view of the water can be addressed. The following regulations were identified for consideration so that a sample drawing could be developed to identify the effects of the new language.</p>	<p>Continue - Review Ordinance 138 Building Length in B2 Waterfront Commercial District-Height, Density and Setback Standards</p>

	<p><u>Landscape</u>: Most suggested ground cover less than 24” over 90% of the view shed and accent plants less than 48” over the remaining 10%. In order to keep the costs down for the plans, it would be better to establish a simple generic drawing to start from before getting into the finer details.</p> <p><u>Building length</u>: 250’ maximum building length.</p> <p><u>Side yard setbacks</u>: Based on lot size using a total of 20% side yard setbacks.</p> <p><u>Building height</u>: 45’ height (current).</p> <p><u>Accessory building - side yard setback</u>: A suggestion of 45’ was provided.</p> <p><u>Accessory building - height</u>: Was identified but not yet determined by the board.</p> <p><u>Staggering of buildings and building placement</u>: Ensure that view shed is not blocked.</p> <p><u>Parking spaces</u>: To have one layer using the current 1.1 parking size per room and a second layer shaded in to reflect 1.3 spaces. The first calculation is based on the size of a conventional room and the second based on a suite. This takes into account that suites are larger and can accommodate more guests.</p> <p>Staff will look at establishing square footage of rooms and suites to develop a parking standard. Employee parking has been reviewed and thus far 1.1 parking spaces have been effective in the past since many workers walk to work.</p> <p><u>Staff will look into fire regulations.</u> Once the final drawing is completed, the board will address the fire lanes, etc.</p> <p>The plan will reflect a top view and a side view showing the existing building height of 45’.</p>	
6C	<p>A sign for the Pizza Palace was placed on the building in the rear alley without a permit application being completed or issued. Mr. Scheerens indicated that the sign was moved based on a conversation he had with Steve before he left. Correspondence was sent to Mr. Scheerens identifying options to resolve the matter with regard to placing a sign without a permit: 1) Consider language change; 2) request an interpretation from the Planning Commission</p>	<p>Discussion of Sign Ordinance Language recognizing alleys as street frontage</p>

	<p>and Board of Appeals, 3) apply for a variance, or 4) remove the sign.</p> <p>Mr. Scheerens has asked the Board to change the zoning language to include alleys when calculating signage.</p> <p>Dean asked if there was zoning language for smaller signs that are used for delivery purposes. Staff indicated that zoning does allow small directional signs. It was the general consensus of the board not to amend the current language to allow for additional alley signage.</p> <p>Staff will send correspondence to Mr. Scheerens identifying the Board's decision and to provide his next course of action.</p>	
7	<p>Commissioner Comments:</p> <p><u>Most</u>: The Planning Commission will hold its Regular Meeting on the fourth Thursday of each month and a Special Meeting will meet on the second Thursday.</p> <p><u>Dean</u>: If in the future, a business had a nonconforming use that was dormant for a period of a year, if at that point the business would lose its nonconformity status. Determine how long a grandfathered use is allowed and how does it relate to building codes. She would also like to discuss the enforcement of ordinances.</p> <p><u>Most</u>: What percentage of a building that is damaged due to fire or storm, will require conforming to new zoning language.</p> <p><u>Most</u>: Language for off premise advertising and advertisement in windows.</p> <p><u>Most</u>: Appreciates attendance, please call the Village Hall if you cannot attend a meeting.</p> <p><u>Lawson</u>: Provided an update with regard to the Mellish sewer. The Planning Commission approved movement of sewer to a new location. The DEQ is reviewing the move and footings have been constructed. Construction is to be completed over a sewer line but it is scheduled to be moved during the cycle once the DEQ approves the engineering permit. If there is any problem prior to the DEQ permit approval, Mellish would be responsible for any repairs or to submit a plan that will meet the State's requirements.</p>	<p>Commissioner Comments</p>

	<p><u>Most</u>: Change on the Agenda: 1) add Call to Order and Welcome, 2) moved Roll Call to item 2; then 3) 4) 5) 6) 7) 8) Commissioner Comments. After Commissioner Comments, add an additional agenda item as Commissioner Calendar. Would also like to move Old Business before New Business. There were no objections.</p> <p><u>Most</u>: Liability insurance is afforded to Planning Commission members covered under the Village's general liability insurance and immunities are given under the public body.</p>	
	A Regular meeting is scheduled for Thursday, January 24, 2008 at 7:00 p.m. If an additional meeting is necessary, the Board will decide on having another a special meeting on January 31, 2008 at their next meeting.	Commissioner Calendar
8	Motion Tracy supported Hingston to adjourn at 9:25 p.m. Voice vote – all ayes. Motion carried.	Adjournment

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary