

## MINUTES OF THE PLANNING COMMISSION MEETING ON NOVEMBER 9, 2009

The meeting was called to order by Chairman Bacarella at 7:00 p.m. in the Council Chambers of East Tawas City Hall.

Members Present: Bacarella, Cotter, Eklund, Millard, O'Neil, Pehrson and Council Representative McMurray

Members Absent: Leslie

Staff Present: City Manager Leslie, Zoning Administrator Todd Torrey and Deputy Clerk/Treasurer Klinger

Cotter moved, Eklund seconded, CARRIED, to approve the minutes of the October 13, 2009 regular meeting as presented.

Pehrson moved, Eklund seconded, CARRIED, to approve the agenda as presented.

There were no public comments on non-agenda items.

The Public Hearing for proposed amendments to Article 2, Article 4, Section 623, Section 817, and Section 830 of the Zoning Ordinance regarding wind energy conversion systems was opened at 7:02 p.m.

Barbara Wasserman, 403 East Bay Street, shared that she is in favor of the wind energy conversion systems in the City and, while she is in favor of not limiting the exploration of new technology, she wanted to make sure there are specific controls in place to address issues such as noise. Richard LoPrete, 407 East Bay Street, shared that he is in favor of them as well and asked several questions about the regulation and noise. Chairman Bacarella shared that a copy of the proposed amendments are available at City Hall if he would like to see the proposed language.

The Public Hearing was closed to public comment at 7:09 p.m.

City Manager Leslie distributed information regarding height requirements for wind energy conversion systems from a class he attended that was facilitated by MSU Extension. Members discussed the information and decided to place a height restriction of 60 feet as measured from road grade on wind energy conversion systems. Deputy Clerk/Treasurer Klinger will make the necessary changes in the proposed amendments and have an updated draft ready for the next meeting.

City Manager Leslie reported that Don Wortman of Carlisle/Wortman Associates, Inc. plans to have a draft of preschool regulations available for review at the next meeting.

The sign permit application from Bay Party Store, 718 East Bay Street, 121-M10-000-008-00, was postponed from the October meeting pending additional information from the applicant. Chairman Bacarella again shared that he has a professional conflict of interest with the applicant and requested to abstain from the discussion and action regarding the application. O'Neil moved, Eklund seconded, CARRIED, to allow Chairman Bacarella to abstain from the discussion and action regarding the sign permit application for Bay Party Store.

Cotter moved, Eklund seconded, CARRIED, to appoint member O'Neil to serve as Chairman following the request to abstain from Chairman Bacarella and in the absence of Vice-Chairman Leslie.

As requested by the Planning Commission, Zoning Administrator Torrey contacted the owner, Steven Shaver, after the October meeting and gave him the application to apply for a separate Land Use Permit for Holy Smokes. Mr. Shaver never returned the application. Members discussed the Sign Permit requests and noted that there was still some information missing and that the signs exceeded what was allowed by the Zoning Ordinance in both number and size.

Pehrson moved, Cotter seconded, CARRIED, to deny the Sign Permit request for Bay Party Store, 718 East Bay Street, 121-M10-000-008-00, for a 175-square-foot wall sign along the public right-of-way facing Tawas Bay under Section 1008-A of the Zoning Ordinance.

After discussion about Mr. Shaver's options regarding the wall sign facing Tawas Bay, Pehrson moved, Cotter seconded, CARRIED, to rescind the previous motion to deny the Sign Permit request.

Pehrson moved, Cotter seconded, CARRIED, to approve the Sign Permit request for Bay Party Store, 718 East Bay Street, 121-M10-000-008-00, for a wall sign along the public right-of-way facing Tawas Bay provided the sign either be reduced to no more than 40-square-feet as required in Section 1008-A of the Zoning Ordinance or provided the applicant receive a variance from the Zoning Board of Appeals.

Pehrson moved, Cotter seconded, CARRIED, to deny the Sign Permit request for Bay Party Store, 718 East Bay Street, 121-M10-000-008-00, for three 37 ½-square-foot canopy signs under Sections 1008 and 1008-B of the Zoning Ordinance because the proposed signs exceed the Zoning Ordinance regulations in number and size and because the business already has a permitted wall sign that was approved in May 2002.

Members further discussed Mr. Shaver's options regarding the signs and agreed to again postpone action on the remaining Sign Permit requests pending a completed Land Use Permit request for Holy Smokes. Zoning Administrator Torrey will meet with Mr. Shaver prior to the next meeting to discuss the options prior to submitting the applications for approval at the next meeting.

Bacarella reassumed the chair.

Craig Parr was present on behalf of Carl Jennings and JGM Machinery Movers & Erectors, Inc. who is the new owner of the property located at 905 Cedar Street, 121-N10-009-001-00, and formerly known as Tawas Industries. Mr. Parr gave a background of the type of work that Mr. Jennings and JGM is involved in and their plans for the building. The property is located partially in East Tawas and partially in Tawas City and there are no structural renovations planned at this time. Millard moved, Eklund seconded, CARRIED, to approve a Land Use Permit request for Carl Jennings, 905 Cedar Street, 121-N10-009-001-00, for an industrial use that includes fabricated metal products, a jobbing and machine shop, plastic products forming and molding, and processing of machine parts under Section 411-4, 6, 8 and 10 of the Zoning Ordinance.

Cotter moved, Pehrson seconded, CARRIED, to approve a modification to the Land Use Permit

request for New Hope Church, 900 East Lincoln Street, 120-021-300-004-00, for a deck, steps and wheelchair ramp on the previously approved accessory structure under Sections 804 and 1105 of the Zoning Ordinance. It was noted that at the August 10, 2009 meeting, the applicants explained that the church will be holding two services so any parking spaces that will be taken up by the accessory structure will not be an issue.

O'Neil moved, Millard seconded, CARRIED, to approve a Sign Permit request for Tawas Bay Beach Resort, 300 East Bay Street, 121-O40-999-005-80, for a 24-square-foot LED sign to be attached under the existing freestanding sign under Section 1008-E of the Zoning Ordinance, provided the applicant supplies the necessary information regarding the light intensity to the Zoning Administrator as required in Section 1008-E, items 4 and 5 of the Zoning Ordinance.

Millard moved, O'Neil seconded, CARRIED, to approve a Land Use Permit request for Hometown Wireless Group, 724 East Bay Street, 121-M10-000-005-00, for a retail mobile electronics, satellite television and home security business under Section 408-10 of the Zoning Ordinance.

Eklund moved, Cotter seconded, CARRIED, to approve a Sign Permit request for Hometown Wireless Group, 724 East Bay Street, 121-M10-000-005-00, for a 27-square-foot wall sign under Section 1008-A of the Zoning Ordinance.

Cotter moved, Eklund seconded, CARRIED, to approve a Land Use Permit request from Bob Skoric, 211 Newman Street, 121-A30-019-003-00, for a hearing testing and hearing aid fitting and service business under Section 407-d-1 of the Zoning Ordinance.

Millard moved, Pehrson seconded, CARRIED, to approve a Land Use Permit request from New To You, 115 Newman Street, 121-A30-004-002-00, for a retail art, clothing and jewelry store under Section 407-b-3 of the Zoning Ordinance.

Millard moved, O'Neil seconded, CARRIED, to adjourn the meeting. Meeting adjourned at 8:54 p.m.

Ange Klinger, Deputy Clerk/Treasurer