

Ishpeming Planning Commission
Meeting Minutes for September 09, 2019
(Agenda items are in bold text)
6:30 P.M. @ Ishpeming City Hall

A. Call to Order - for the Ishpeming Planning Commission was by Chairperson Gabe Seelen at 6:34 P.M.

B. Roll Call

Present: Larry Bussone, Mike Tonkin, Brooke Routhier, Gabe Seelen, and Diane Gauthier.

Absent: Angelo Bosio, Jim Bertucci, Bruce Houghton and Harry Weikel.

Public present: Joe DeRoche, Lindsay Bean, Dottie LaJoy of CUPPAD, Claudia Demarest, Matt Cody, Scott Taylor and Al Pierce, Zoning Administrator.

C. Public Comment:

Gabe clarified the agenda and the purpose of the public forum on recreational marihuana and the procedures to be followed. Public comment was closed at 6:36 P.M.

D. Approval of Agenda – The agenda was approved unanimously as presented upon a motion by Larry Bussone supported by Diane Gauthier.

E. Approval of Previous Meeting Minutes – The meeting minutes of 08-05-2019 were unanimously approved as presented upon a motion by Brooke Routhier supported by Larry Bussone.

F. Presentations – None.

G. Public Hearings

1. Public Forum on Recreational Marihuana

Bonnie Hoff, City Attorney, presented the highlights of this voter-initiated legislation. It's now up to the State Legislature to adopt the rules and legislation to implement the Act. The municipal role is to regulate the act (if they opt in) for each jurisdiction as they deem appropriate for their constituents. There are now 3 legislative acts for Marihuana – **MMMA** (Michigan Medical Marihuana Act) circa 2008, **MMFLA** (Medical Marihuana Facilities Licensing Act) circa 2008, and **MRTMA** (Michigan Taxation and Regulation of Marihuana Act) circa 2018. Types and numbers of participating facilities vary by municipal unit throughout the State. Monies available to participating units throughout the State are quite variable. Generally, Cities opt into marihuana, while Townships and Village usually opt out. Ishpeming has opted out to-date. The revenue stream presently is variable as the State agencies responsible for regulation get funded first. Local control involves many zoning issues affecting the numbers and types of licenses. Medical marihuana is pre-empted from local control. Changes to the Federal banking system have been made and there, as yet, have been no effects on units receiving Federal financing, as long as the State involved has adopted Marihuana licensing by statute. The State legislature is presently developing medical / recreational controls. They must define under the influence / impairment as these are undefined under State law and the nature of licenses to be considered is rather daunting.

Gabe opened the Public Forum, 7:10 P.M., by stating that the Planning Commission has recommended to the City Council in the past that Ishpeming should opt out of medical and recreational marihuana and the Council has concurred. Scott Taylor questioned the permitting process and types. Gabe re-directed Scott's question to Bonnie who stated that on a statewide basis, small areas have deferred to cities to pioneer implementation / regulation. Scott Taylor, 138 Summit, urged recreational acceptance by the City, Lindsay Bean, 141 Vine, indicated that she had voted "No" on the ballot initiative, had toured the County jail, observed a substantial drug problem, and indicated that it may be time to consider legalization. Joe Derocha, 1746 Fish Lake Rd.

Champion, encourages “grow” operations and desires to continue their initial dialogue with the City. The Public Forum finished at 7:18 P.M.

Planning Commission discussion commenced with Gabe stating that he had no strong opinions and that received income was questionable. Joe Derocha indicated that the KBIC had interest in this issue and that a community benefit agreement would protect the City. Larry felt a slow and easy approach was warranted, would protect the City and that locations for this activity should be specified. Brooke indicated that it was not something that many people would want in the City, that the potential for regulated shops and known quality was a desirable development. Mike interjected that he was not in favor of marihuana for the community at present, that it's still illegal on the Federal level and that we should wait for things to shake out before proceeding farther.

The meeting deteriorated with several members of the public speaking determinedly at once. Al explained that he can only take meeting minutes with one person at a time speaking.

Lindsay shared her experiences on Facebook and indicated that many members of the public are interested in exploring the recreational aspect of Marihuana. Diane felt there was no need to hurry into this evolving legislation and that approaching it in a more measured approach was prudent. Larry also urged delay and questioned the types of use that may be controlled. Gabe questioned what would be the most effective for the City to respond to MRTMA. Brooke advanced the idea of implementing Zoning Controls and Dottie expanded on that concept by promoting the Master Plan process as a control vehicle. Brooke also mentioned the ongoing Ishpeming Community Assessment process as a source of ideas. Joe Derocha indicated that he is aware of a developer looking for an industrial processing footprint rather than agricultural. He also stated that Ishpeming has changed over time. Humboldt Township has prospered from the Eagle Mine and he encouraged review as time and location are important to developers. Diane questioned why not delay a decision till October. Bonnie also felt that it was prudent and worthwhile to allow for continuation of deliberations.

As the discussion closed, a motion was made by Brooke Routhier and supported by Larry Bussone that the Commission recommend to the City Council that they remain opted out of the current MRTMA but allow time for rules to be made, re-evaluated and re-considered at some time in the future when there is a track record and a way of evaluating the effect of recreational Marihuana upon the City of Ishpeming. The motion passed 5 ayes, 0 nays and with no abstentions.

H. New Business

1. Master Plan Proposal by CUPPAD

Dotty LaJoye, Executive Director, presented the proposed scope of work for a complete Master Plan (MP) rewrite for the City of Ishpeming. The current Master Plan was adopted in March, 2010, and with a 5-year lifetime, is out of date. MEDC guidelines to be a Redevelopment Ready Community require the plan to be updated.

The MP is initially scheduled for Nov. 2019 thru June 2021 and includes 9 task milestones from team establishment through adoption. It will be compliant with Michigan Economic Development Corporation (MEDC) guidelines and in addition to the MP will require a Downtown Plan and public input through community surveys, web responses, and Ishpeming Community Assessment group ideas and participation.

The City will be responsible for approximately \$18,000 in costs over the projected project schedule and Zoning will require a greatly increased presence in the City web site. There will also be additional requirements for staff hours and accountability throughout this Rewrite process.

A motion by Diane Gauthier supported by Brooke Routhier that the Planning Commission recommend to the Ishpeming City Council that CUPPAD be awarded an approximately \$18,000 contract, with credits, for a full Master Plan rewrite based upon the proposal task milestones and MEDC guidelines passed on 5-0 vote.

G. 2. Public Hearings for 3 Proposed Rezoning's:

RZ 2019-02 LOT 63 AND PART OF S. SALISBURY ST. OF THE ASSESSOR'S PLAT OF THE SALISBURY LOCATION IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 15, T47N-R27W - FROM MINING TO GENERAL RESIDENTIAL &;

RZ 2019-03 LOT 1 THRU LOT 7 AND EAST NEW YORK ST. OF THE ASSESSOR'S PLAT OF EAST NEW YORK ST. LOCATED IN THE W $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 2, T47N-R27W - FROM DEFERRED DEVELOPMENT TO GENERAL RESIDENTIAL &;

RZ 2019-04 LOTS 19-27 OF THE ASSESSOR'S PLAT OF THE NEBRASKA LOCATION AND EAST BANK STREET, PART OF THE NE $\frac{1}{4}$ OF SEC. 10, T47N-R27W - FROM INDUSTRIAL TO GENERAL RESIDENTIAL.

Al presented the issues for the proposed rezoning's of these three areas to the Commissioners. All three of these plats were recorded in 1978, with the houses all being leased from a mining company for many years and pre-existing the present City Zoning ordinance. The Industrial and Deferred Development zoning districts provide for residential homes on a Conditional Use basis, while the Mining District does not provide for residential use at all. At the present time, all buildings are classified as a Class B non-conforming structures and permits can't be issued for repair or re-construction in the event of a catastrophe. The Zoning Administrator feels this is an untenable situation for him to be in and that it's not fair to current landowners to be treated differently from their neighbors who were in a similar situation but located in a proper Zoning District for residential use. He asked for Commissioners to rectify this situation by recommending to the City Council the rezoning of these lots and streets for residential use.

Proposed Findings of Fact for RZ 2019-02, 2019-03, and 2019-04

RZ 2019-02: LOT 63 AND PART OF SOUTH SALISBURY ST. OF THE ASSESSOR'S PLAT OF THE SALISBURY LOCATION IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 15, T47N-R27W **FROM MINING TO GENERAL RESIDENTIAL;**

Also

RZ 2019-03: LOT 1 THRU LOT 7 AND EAST NEW YORK ST. OF THE ASSESSOR'S PLAT OF EAST NEW YORK ST. LOCATED IN THE W $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 2, T47N-R27W **FROM DEFERRED DEVELOPMENT TO GENERAL RESIDENTIAL;**

Also

RZ 2019-04: LOTS 19-27 AND EAST BANK STREET OF THE ASSESSOR'S PLAT OF THE NEBRASKA LOCATION, PART OF THE NE $\frac{1}{4}$ OF SEC. 10, T47N-R27W **FROM INDUSTRIAL TO GENERAL RESIDENTIAL.**

1. All notification and publication requirements of the Zoning Ordinance have been met. The present owners of the lots and all statutory required mailings have been made. The structures have been located on the lots in question for many years and all are believed to have been established prior to any Zoning Ordinance.
2. The above parcels have all been zoned as noted above since at least February 08, 1984. All single-family homes and associated accessory structures on the lots were either not permitted in the zoning district they were located in or required special zoning approval (Public Hearings). All structures are considered to be Class B Non-conforming Structures with repairs being restricted by the ordinance and replacement, in the event of destruction, either being limited or not permitted.

3. The Ishpeming Planning Commission desires to bring these facts and this situation to the attention of the City Council and recommends that the affected parcels be rezoned to provide property owners with the same rights and responsibilities enjoyed by their appropriately zoned neighbors.

A motion by Diane Gauthier supported by Larry Bussone that the Planning Commission recommend to the Ishpeming City Council that the lots and streets be rezoned for Residential use as requested passed on 5-0 vote.

I. Old Business

1. Status of Updated Ishpeming Zoning Ordinance – 2019 Version

Al reported that staff was still not available for typing.


2. Proposed Inspiration Zone project on the North side of Hematite Drive between First & Second Streets

Al indicated that the project now consisted only of removal and replacement of the concrete walk this construction season.

J. Correspondence – none.

- K. Meeting Adjournment** was unanimous upon a motion by Diane Gauthier supported by Larry Bussone at 9:00 P.M.

By:


Alan K. Pierce, Zoning Administrator