

# DRAFT

Minutes of the Regular Meeting  
of the Planning Commission  
Tuesday, October 25, 2016

**1. Call to Order**

Chairman Tom Germayne called the regular meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

Chairman Tom Germayne led the Pledge of Allegiance.

**3. Roll Call**

Present: Chairman Tom Germayne, Vice-Chairman Stu Davis, John Lengemann (at 7:03 p.m.), Mike Romine, Ted Sadler and Jason Schwab

Absent: Mayor Walt Bargaen

Also Present: City Manager Tom Youatt; Zoning Administrator Jerry Edwards; Fairgrounds Manager Ian Kempf; Joseph Diller and Gina Kornack representing Cave Dwellers; and five members of the community.

**4. Approval of Agenda**

**Moved** by Davis, seconded by Schwab, to approve the agenda as presented. **Motion Carried 5 – yeas; 0 - nays**

**5. Approval of Minutes**

**Moved** by Davis, seconded by Romine, to approve the minutes of the Regular Meeting held Tuesday, September 27, 2016. **Motion Carried 5 – yeas; 0 – nays**

**6. Citizens From the Floor - None**

**7. Old Business – None**

**8. Public Hearing - Special Land Use – Adult Skilled Gaming Arcade, 1777 S. Cedar Street I19-85-221-040-00**

**Moved** by Davis, seconded by Romine, all notices and publications for the public hearing be made a part of the record. **Motion Carried 5 – yeas; 0 – nays**

Chairman Germayne opened the public hearing at 7:02 p.m.

Mr. Joseph Diller and Ms. Gina Kornack presented information regarding “Cave Dwellers”, the Adult Skilled Gaming Arcade they request be placed in the Kroger Plaza.

## DRAFT

The arcade was described as being comprised of several machines and big gaming tables where participants can win prizes and gift cards.

Commissioner Davis inquired as to whether the State of Michigan regulates this activity like the lottery or other state gaming. Mr. Diller responded there are no regulations in that regard. Commissioner Davis implored as to what makes this activity different. Ms. Kornack described the point system utilized whereby users would purchase points and each play or spin on a machine would require a varying amount of points, and winnings can be redeemed or used to purchase more points. Ms. Kornack described her experiences running a similar operation for six years in Lapeer, stating it is a fun and social atmosphere, and it is illegal to pay out cash.

Elaine Thayer, Imlay City, spoke in support of approving the operation, stating the social atmosphere is fun and you can play for a long time on a small investment.

Zoning Administrator Jerry Edwards inquired as to whether any liquor is involved with the arcade operation. Mr. Diller and Ms. Kornack responded no liquor is involved. Ms. Kornack noted that she always likes to offer something for the patrons to eat for free. Commissioner Davis noted that since the food is not offered for purchase, no food service license is required.

Zoning Administrator Jerry Edwards requested a copy of any licenses held by the operation.

Chairman Germaine closed the public hearing at 7:12 p.m.

Commissioner Lengemann questioned whether the Planning Commission had the authority to approve the Special Land Use Request under the zoning ordinance, having concerns regarding the definition of “similar places of assembly” in Section 10.3. Zoning Administrator Jerry Edwards noted that the application for a Special Land Use is located within the B-3 General Business District and as such the applicable section would be Section 11.3 C which specifically allows for arcades within the B-3 General Business District. Commissioner Lengemann concurred that if this is a B-3 General Business District, then the use is permitted.

**Moved** by Davis, seconded by Sadler, to approve the Special Land Use Request submitted by Joseph Diller of Cave Dwellers, for the purpose of having an adult skilled gaming arcade in a B-3, General Business District, located at 1777 S. Cedar Street, Imlay City, MI on property identified as I19-85-221-040-00.

### ROLL CALL VOTE

Yeas: Davis, Schwab, Sadler, Lengemann, Romine, Germaine

Nays: None

**Motion Carried 6 – yeas; 0 – nays**

## **DRAFT**

### **9. New Business**

#### **A. Discussion to Amend Article 10 – B-2 Central Business District, Section 10.2 P**

Zoning Administrator Jerry Edwards reported that, based on recent events, staff would like to amend Section 10.2 P. to restrict the number of residential dwellings above or behind a non-residential use to a maximum of two within the Central Business District.

Commissioner Davis inquired as to larger businesses that occupy more space and whether they would be allowed more residential units. Zoning Administrator Jerry Edwards responded that the amendment would limit the residential dwellings to two per building or structure.

Commissioner Sadler stated he is hesitant to reduce the business owners' rights to enhance their properties.

Commissioner Romine noted that the current housing trend is for smaller residential units and Chairman Germaine noted that regulations for square footage already exist.

Commissioner Lengemann inquired as to the intent of the proposed amendment. Zoning Administrator Jerry Edwards responded the intent is to minimize the impact on residents within the Central Business District in the event of a fire. Commissioner Davis stated that the Fire Department should inspect the buildings to identify any hazards. Some discussion took place regarding the differences between residential and commercial fire inspections and housing inspections.

**Moved** by Davis, to approve the amendment to Article 10 – B-2 Central Business District, Section 10.2 P., to include a maximum of two residential dwellings.

#### **Motion Failed for Lack of Support**

#### **B. Fairgrounds Signage Discussion**

Zoning Administrator Jerry Edwards reported that the current signage regulations pertaining to the Fairgrounds District are not operationally functional, noting signs hung on the outside of the fairgrounds fence continue in violation of the ordinance. Edwards further noted that this is the City's only Fairgrounds District and proposed to amend Section 14.8 as it currently allows only signs as permitted in Article 24 Signs.

Fairgrounds Manager Ian Kempf stated that he understands the issue is the temporary signs hung on the fairgrounds fence exterior and reiterated that the Fair Board is not requesting a change of the ordinance. Mr. Kempf further stated that event participants at the fairgrounds are notified of the regulation and directed to the City to obtain the necessary permits. Commissioner Lengemann noted that since a procedure is already in place to allow for these signs, no amendment is necessary.

## DRAFT

City Manager Tom Youatt noted that the reason this has come to light is in response to the fairgrounds event participants that do not remove their signs on the fence exterior and do not secure a permit from the City. Some discussion took place regarding enforcement and the part-time status of the Zoning Administrator.

Fairgrounds Manager Ian Kempf explained that allowable sized banners within the Fairgrounds District get lost within the size of the fairgrounds itself. Zoning Administrator Jerry Edwards reiterated that the signs are allowable inside the fence only, and he must ticket the property owner when a violation occurs.

Chairman Germaine noted the process in place for permitting and further noted that the Fair Board is not requesting a change.

### 10. Adjournment

**Moved** by Lengemann, seconded by Sadler to adjourn the meeting at 7:57 p.m. **Motion Carried 6 – yeas; 0 - nays**

Respectfully Submitted by:

\_\_\_\_\_  
Nicole F. Frost, City Clerk/Treasurer

Approved: \_\_\_\_\_