

CITY OF MACKINAC ISLAND

MINUTES

PLANNING COMMISSION

Tuesday, October 08, 2024 at 3:00 PM

City Hall – Council Chambers, 7358 Market St., Mackinac Island, Michigan

I. Call to Order

Straus called the meeting to order at 3:02 PM.

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Anneke Myers

Ben Mosley

Mary Dufina

Lee Finkel

Staff: Erin Evashevski, Dennis Dombroski, David Lipovsky

III. Pledge of Allegiance

IV. Approval of Minutes

a. September 10, 2024

Motion to approve as amended. Amendment is to correct the word "clarified" to "asked" in Benser Mr.B's agenda item.

Motion made by Martin, Seconded by Dufina.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

V. Adoption of Agenda

Motion to approve as amended. Amendments were to reverse a and b under section VI, and move h to the top of New Business.

Motion made by Myers, Seconded by Mosley.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

VI. Correspondence

a. Letter from HDC regarding Lighting

Straus read the letter aloud. Motion to place on file.

Motion made by Finkel, Seconded by Martin.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

b. Letter from James Murray re Master Plan Draft

Adam Young addressed the talking points in Murray letter. He could respond in more detail in writing if that is what the committee wants. Young mentioned that the letter confuses the Master Plan Future Land Use map and zoning classifications. The primary concern in the letter is that the Master Plan reduces future land use categories from 11 to 9. The future land use is different from zoning districts and there is no recommendation to delete or add any zoning districts. Table 8-1 addresses this. We have a complete draft in hand, next step is the state required review process. The City will now be officially notifying other entities of the official draft. A public hearing needs to be held, then adoption. Young stated Form Base zoning focuses on the form of a building. Use Space regulation focuses on the use of the building. Our plan has a combination of form and use space regulations. The Master Plan is a policy document and guide for future development in the community. Adopting the Master Plan does not make any changes to the Zoning Ordinance. Notices and public hearings are required to change the Zoning Ordinance. Evashevski had nothing to add other than this process will allow comments to keep coming in and be considered as we move forward. David Jurcak stated that in its current state it limits public comment. Jurcak stated they were not able to participate in the process. Straus reiterated that this is not the final draft and there is still plenty of opportunity for discussion. Murray asked if there will be an opportunity to meet with the Committee. Straus stated there is no plan to meet again but could meet if needed. Myers stated we can consider another meeting but will have to ask City Council for additional funding. Murray is requesting another meeting. Straus stated the Planning Commission ultimately makes the final decision on the draft. Myers stated she has no problem meeting again as long as the people writing the letter commit to attending the meeting. Dufina stated that if anyone has anything to address, now is a good time to bring them to the Committee. Myers stated you can still change the draft after the draft has been published. Young confirmed you do not have to publish for another 60 days after a change in the draft is made. Motion to place letter on file. Myers to discuss with City Council for a potential extra meeting funding. Young also to put his response to the letter in writing.

Motion made by Mosley.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

VII. Staff Report

a. HDC Meeting Summary

Finkel summarized the HDC meeting.

b. DPW Update

Burt was not present.

VIII. Committee Reports

a. Master Plan Committee Update

Myers gave the timeline for the plan adoption. The Committee is accepting the draft and forwarding on to City Council for review and requesting Council authorize distribution for review. Planning Commission secretary has to notify the surrounding communities.

IX. Old Business

Myers had concerns that Mr B's did not come back this month. The 60 day clock is running. Dombroski said deny today. Evashevski stated we are ok until next month but we should make sure it is on the November agenda so we can take action regardless of whether new information comes in or not. Straus asked if Evashevski was sure about dates. Evashevski pulled up the Ordinance to double check ,20.05b., 100 days.

Mission house is going before Council soon. Pereny to look to see if any others tabled need to be reviewed other than the two Benser projects in September.

X. New Business

a. R424-038-060 Kolatski New Window

Kolatski stated she would like to make this window change to increase her living space. Motion to approve.

Motion made by Myers, Seconded by Martin.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

b. C24-029-063 Mustang Lounge Removal of Usage Restriction

Dennis Cawthorne stated he is here to get clarification and or correction on the 2nd and 3rd floor apartments. Cawthorne doesn't know if the LCC or the City put the restrictions on the apartments. The Liquor Control Commission approved his request at the August meeting. Cawthorne is asking the Planning Commission and City Council to do the same that the LCC has done giving no objection to who uses the property. Cawthorne has a suggested Motion. Evashevski clarified that this was a variance back in 2007 to allow for additional dwelling units. With that the restriction on the use of the units to only owners or employees of the mustang. This will need to go through same process for a variance and ultimately to ZBA for their decision. Straus asked if it said why the restriction was put on there. Decision was made and then at a follow up meeting the restriction was placed on the use. It did coincide with some action by the LCC. It does not connect the use restriction to the LCC action but It did happen at the same meeting. Evashevski read the motion aloud. Cawthorne stated there were two separate variances issued for density and who could use the apartments. The City Council minutes dated 10/24/2007 stated that the LCC realizing this restriction on only owners being able to use the apartments reclassified the use from Resort Class B to Resort Class C which eliminated the potential for rental income to third parties. The prohibition does not exist anymore so that is why the LCC took the action they did at their August meeting. Cawthorne requested the removal of any restrictions on use. He does not know of any other properties on the island that have these restrictions. Straus stated Planning Commission can make a recommendation to the ZBA for their review. Pettit asked if the density rules have changed since 2007. Dombroski stated it was already nonconforming. Its actual density only allowed one apartment. The variance was done for the 2nd apartment and restriction because you had access to the bar, to enter the apartment. Myers stated we don't have the minutes in front of us and don't understand the reasoning. Density variance was not necessarily tied to the LCC. Dombroski thinks it was tied to both but can't recall ZBA's reasoning. Dombroski remembers both the owners or their managers intended to live there. Myers asked for the LCC removing the restrictions in writing. Cawthorne stated that city attorney in 2007 was instructed to record the restriction but that was never done. Myers asked about the non-transient language. Evashevski read aloud the minutes from that meeting. Use must be non-transient was part of that language. Myers asked how you enter the apartment. Brodeur stated there are a couple of entrances around back, one to kitchen and one to coat room that leads up stairs to an apartment. We have doors that can now restrict access to the bar from upstairs, unless they are a key holding employee. Straus stated we need all the information such as the minutes October 10 and October 24 2007 and the information from LCC. Motion to move to ZBA without recommendation and they get the information and access to the minutes, LCC approval in writing, and statement from Brodeur. Planning Commission did not have access to that information at our meeting. Evashevski read aloud the minutes from 2007.

Motion made by Finkel, Seconded by Dufina.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

c. CD24-025-064(H) McKeon Patio and Fire Pit

This was approved at the HDC meeting. No setback or fire issues. It is 12' from the barn to the outside of fire ring. Fire pits must be approved by the Fire Chief. Mosley defers to the chief to inspect the fire pit. Motion to approve contingent on the approval by the Fire Chief for open fire use.

Motion made by Myers, Seconded by Dufina.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

d. HB24-041-016 Jaquiss Demo and New Home

Murray stated he believed the only change was the fireplace. Dickinson homes used the wrong plans when they made the amendment drawings. That is being sorted out with HDC. Because of the timing the environmental remediation is any day now. The demo will be right after that. They are seeking zoning approval knowing the plans are very workable minor changes. Staging will be done at Mission Point. Liz Ware stated she would put that approval in writing. Straus wanted to clarify that for PC it is the location of the house and the logistics of the demolition and new construction. Myers asked if he reviewed 20.06 and section p. There is an extensive list of criteria for demolition that need to be addressed. Myers went through the seven criteria. In regards to the retaining wall, Murray stated he did not think it was being removed, but would inquire. Ryan Spencer shared the timeline he submitted, but could not be read in the packet. Spencer went over the timeline with the Commission. The project is scheduled to run from November 2024 to May 2026. Mosley asked about the size of the modulars. They are larger than the allowed size and Murray stated they will be asking City Council for permission to move the larger modulars. When going over the amendments it was determined that the plans show the correct footprint, but not elevations. The height shown on the plan is not the correct height. Spencer stated they would not be going higher than the HDC approved height. Straus stated this was tabled at the HDC. Dufina asked about the fences. Murray did not know whose property the fence is on and will they be coming down. Dufina also suggested looking at section 2.00 it has all the items that the Commission needs to have in writing. Mosley asked can we request something other than chain link fence [yes] and since this is a multi-year project do we want to ask for a guarantee? The Commission agreed that this project is scheduled to be done in a year and a half and that a guarantee isn't required. Myers stated we need to see the stormwater management on the site plan. Under 15 the construction staging plan is required. We need to understand the plan for both the modulars and all the other materials. Equipment, trash and vehicles also need a staging plan. Motion to table pending the requested information including height, criteria details in writing, Ware letter, fence information, and stormwater management plan.

Motion made by Myers, Seconded by Mosley.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

e. C24-042-065(H) Douds Hotel

Andrew Doud stated the project is to rebuild the entire building which will be a long project. There is a lot of shoring up to do and eventually replace the building board by board. This is expected to be a three year process. This year they would like to do the engineering and shore up the building, take Nadia's down to the studs, and work on the electrical plan. The entrance to the hotel will be where Nadia's is now with a wheel chair lift. The existing employees now living in the building will be moved to Hoban Hill and the Mission Street house. The staging area will be the State Park land behind the building. Bike parking is shown on the site plan up against the hotel wall. There will be no electricity provided to charge ebikes. They do not want to allow ebikes due to the density of the area. Garbage removal will go through Doud's, as it does now. Pettit asked what siding will be used. Doud stated a combination of wood and cement. Dufina clarified that Nadia's is not coming off. The porch will eventually come off, but not this year. The back staircase and fire escape are going away. As far as the materials and dumpsters, Dufina clarified that will be staged in back. Doud stated yes and it will be in the winter so bike parking will not be a problem. Doud would like to be able to start interior work on the 2nd floor by May. Motion to approve as presented.

Motion made by Pettit, Seconded by Myers.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

f. R124-003-066 Wenzel Dream Home Properties LLC New Home

Steve Rilenge stated this is for a new house on lot 3 in Forest Bluff. Pettit asked if there was an issue with the airport here. Rilenge stated that was a different house. Neil Hill provides the aeronautic information but he has not supplied that yet. Pettit confirmed this house connects to the strange septic system. REU is not required. They will only need water. Pettit asked if it is a prefab. Rilenge stated It is a Jack Armstrong prefab and Rilenge is doing the foundation and finishing work. Myers asked for a plan on the mods. The last house he did sat at British Landing for a couple of months. Myers stated that situation did not sit well with the State Park. Myers stated Rilenge as the GC has to make sure that doesn't happen again. Dufina asked about the sections of the house. Myers asked if that is listed out on the plan. Myers would like the modular size listed in the application. Rilenge pointed out the modulars in the plans. The Commission would like the other set of plans so they have both on file. Mosley asked how he is going to stage the crane. Rilenge stated there is a 15' easement where the vehicles and crane will be staged. Myers asked about vehicles. Belonga will need to excavate. Dombroski pointed out the simple math for the foundation will not work on this lot. It is about 1/2 foot off. Planning Commission does have the ability to waive that requirement. Split face

block will be used for the exposed foundation. Straus stated since it is a slope will it be an issue? After some discussion it was decided the slope was not an issue. Motion to approve with the contingencies of aeronautics approval, modular section sizes in writing, the number of vehicles and route their route, permission from State Park if you need to cross their property, and the vehicle staging in writing. The Commission is willing to waive the foundation height requirement.

Motion made by Pettit, Seconded by Mosley.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

g. R424-070-067 MICT Barn Expansion

Andrew McGreevy stated MICT would like to add 8 additional stalls to the dray barn in Harrisonville. Stalls 41-45 will be where the oat bins are currently . They will be bumping the wall out for 3 additional stalls in the new structure. They will be fixing the plumbing. They will not be increasing the height or any setbacks. This won't have any effect on the neighbors. Motion to approve addition to the barn.

Motion made by Myers, Seconded by Martin.

Voting Yea: Martin, Straus, Myers, Mosley, Dufina, Finkel

Voting Abstaining: Pettit

h. Adoption of the Master Plan

Motion to pass on to City Council to review and to authorize distribution to other communities in accordance with Michigan Planning Enabling act.

Motion made by Mosley, Seconded by Finkel.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

XI. Public Comment

Pettit wondering what the State Park is doing. Myers stated expanding field office and sprinkling the scout barracks.

Dufina asked for a set of plans for review at the meeting if needed. Straus stated there are at least three at the table each meeting.

XII. Adjournment

Motion to adjourn at 5:25 PM.

Motion made by Myers, Seconded by Pettit.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina, Finkel

Michael Straus, Chair

Katie Pereny, Secretary