

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION HELD TUESDAY, SEPTEMBER 13, 2022 AT 4:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, MACKINAC ISLAND, MICHIGAN

Chairman Straus called a regular meeting of the Mackinac Island Planning Commission to order at 4:00 p.m.

PRESENT: Michael Straus, Lee Finkel, Anneke Myers, Jim Pettit, Ben Mosley (4:20), Trish Martin
ABSENT: Mary Dufina
STAFF: Zoning Administrator, Dennis Dombroski, Attorney, Erin Evashevski (via Zoom)

Motion by Myers, second to the Motion by Finkel to approve the minutes, as written, of the regular meeting on August 9, 2022. All in favor. Motion carries. The Benser minutes will have to be amended next month, when Dufina is present, to add additional language regarding the denial. *Steiner Motion*

Motion by Martin, second to the Motion by Myers, to approve the Agenda, as amended, and place on file. The amendments are to add letters from Steiner, Shea & Schueller, Croghan & Evashevski to *Correspondence*, remove Benser from *Old Business*, and add Steiner to *Old Business*. All in favor. Motion carries.

The Benser application was removed from the agenda because it was deemed expired by Evashevski. Benser requested a special meeting to submit a new application. Pereny is to try and set up a quorum for a special meeting. Rentrop stated that the HDC should do a ratification of HDC approval at the October meeting.

Correspondence

Jeff Steiner

Straus read aloud. Evashevski clarified that when Steiner asked if he could amend his application, Evashevski informed him that he could appeal the denial or submit a new application. Motion by Pettit, second by Martin to place the letter on file. All in favor. Motion carries.

Daniel Shea and Shannon Schueller re: Steiner Patio

Straus read the letter aloud. Motion by Myers, second by Martin to place the letter on file. All in favor. Motion carries.

Melissa Croghan re: Steiner Patio

Straus read, with Croghan's permission, parts of the letter aloud. Motion by Myers, second by Martin to place the letter on file. All in favor. Motion carries.

Evashevski Legal Opinion

Evashevski stated since the letter was considered privileged and confidential, she summarized the letter. Evashevski stated that the City, as owner of the right of way, has the right to take action regarding the patio. Steiner has requested the issue be tabled. Evashevski stated the Planning Commission can table the application as requested by Steiner, or discuss the removal of the structure. Whatever the Planning Commission decides should be reported back to the City Council.

Staff Report

HDC Meeting Summary

Finkel summarized the September 13, 2022 meeting

REU Update – Allen Burt

Burt stated that there are still no REU's available. He also wanted to clarify that the calculation for a boardinghouse is 1/2 REU per bedroom. Pettit asked if there was a funding update for the new water plant. Burt stated that EGLE has placed Mackinac Island in 24th place out of 42, for funding. Burt guessed that it would probably be a 50% grant.

Committee Reports

None

Old Business

R322-008-040

MICT – 4 Boardinghouse Buildings on Barnview Lot

There was a public hearing prior to this meeting to hear comments on this request. Motion by Myers, second by Martin to approve the application with the stated conditions submitted by MICT on July 27, 2022. All of the Standards in 19.06 were reviewed by the Commission, and all were met. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers. Nays: None. Pettit abstained. All in favor. Motion carries.

R422-051-049

Stonecliffe Properties – Demolition of Structure on 7th Street

Straus read the memo aloud from Dennis Bradley and Dennis Dombroski regarding the inspection of the structure. Straus read the letter aloud from Past Perfect LLC regarding the non-contributing classification of the structure. Stonecliffe provided an updated construction schedule. Doyle stated that they would like to start demolition on November 1. Motion by Finkel, second by Mosley to approve the application. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

HB21-001-099

Inn at Stonecliffe Amendment

Doyle presented the proposed changes to their approved plan which include stone pillars, a wood fence around the front lawn, a 13 x 20 gazebo that is white with a green roof, a 70' flag pole on the left side of the mansion, an adult only 12 x 25 pool, a hot tub and a black aluminum fence and paver patio by the wellness center. Straus asked for a picture of the black fence. Dennis Bradley stated the turning radius needs to be checked by the stone pillars for emergency vehicles by the fire hydrant. Burt stated a 3' clearance by our Ordinance. A 16' clearance is required at the road by ordinance. Doyle stated the pillars are greater than 16' apart. Martin asked where the hedge would be placed by the aluminum fence. Doyle stated the hedge is right inside the fence. The existing fence has been removed and will have to be reinstalled. The addition to the wellness center is for mechanical equipment. Myers noted that that change is not on the listed amendments and needs to be added. The Commission would like to see a picture of the proposed fence, the addition to the wellness center added to the description, the measurement of the pool fence to the Applewood property line, FAA approval, and the 16' distance for the pillars marked on the plan. Clements stated the distance to the property line is 14'. Motion by Myers, second by Finkel to approve all amendments except for the adult pool area. After some discussion regarding an existing scenic easement, Myers withdrew her motion. Daniel Musser stated that there is a scenic easement from the stone gates to the Woods and nothing can be placed there. Motion by Myers, second by Mosley to approve the 70' flagpole with FAA approval and the addition to the wellness center, only. The other items would need clarity on the scenic easement before they could be approved. Roll call vote: Ayes: Finkel, Mosley, Myers. Nays: Straus, Martin, Pettit. Motion fails.

CD22-003-012(H)

Steiner – Landscape Revision

Myers stated the City Council will have to address since the patio is in the City's right of way. Steiner apologized for not being present at the last meeting. Steiner went on to say that he installed the safety fence as soon as he was instructed to do so. The applicant is requesting a chance to provide a comprehensive plan to the Planning Commission and the City on his plans. Steiner stated they are defending the public park claim as a moot point. In addition, he has a claim in to Fidelity Title and has been issued a claim number. Steiner stated that a majority of the houses have something in the city's right of way. Steiner would like to be compliant and wants to be treated the same as anyone else that put something in the right of way. Myers informed Steiner he would need permission from the City to build something new in the City's right of way. Myers believes the patio should be torn down until he has that permission. The City Council would need to review the issue but she has never seen the City approve new construction in a right of way. The existing Use Agreement was for existing things on the property. No use was established on the other side of the road. Motion by Myers, second by Martin to recommend to City Council that they have the applicant remove the patio. The Planning Commission denied the patio in its August meeting. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

New Business

MD22-074-053(H) Beeck – Mini Split

Straus stated the unit would be placed on the second story wall. Straus confirmed the placement is safe with clearance around it. Dombroski stated he thinks the applicant and the contractor will deal with that. Pettit asked why the Planning Commission is reviewing this application. Dombroski stated the Commission reviews mechanical equipment and noise. Motion by Myers, second by Mosley to approve the application with the contingency that the unit be removed once obsolete. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

CD22-029-056(H) Barnwell, Sam – Patio

Straus stated the HDC has approved the application. The Planning Commission reviewed the lot coverage requirements, which are met. Motion by Myers, second by Mosley to approve the application. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

R322-012/015-057 Harbour View Housing – Lot Combination on Church Street

Dombroski stated the lot combination process is fundamentally a lot easier to do than a lot split. This combination would give the applicant more flexibility on what they may want to do in the future. Evashevski asked the applicant to clarify if the two lots are zoned differently. Dombroski and Barnwell stated they were zoned the same. Dombroski stated there may be an issue that there is not a special land use on the other lot. Barnwell stated that the lot being combined is so small it is almost an unbuildable lot. Combining the lots would make them less non-conforming. Myers stated she would like more information on what could be done with legal non-conforming. Myers asked Evashevski to research what can and cannot be done. Evashevski stated she also needs to research combining a lot with a special land use and a lot with no special land use. Barnwell requested to table the application for Evashevski to research and apply for special land use if needed. Motion by Myers, second by Mosley to table. All in favor. Motion carries.

R122-025-060 Eiseler – Deck Expansion

Rilenge stated that applicant would like to expand her deck to an 18' width with a roof. The new plan falls within the setbacks. Martin asked the size of the existing deck. Rilenge stated 8'. Myers asked the applicant to amend his application to show the correct spelling of the homeowners' name. Motion by Finkel, second by Mosley to approve the application. Roll call vote: Ayes: Straus, Finkel, Martin, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

ROS22-001-061 Grand Hotel – Partial, Conditional Rezoning ROS to HB for 6 Cottages

Jurcak stated they are requesting conditional, partial rezoning. Jurcak believes his application is in line with the factors for review in section 23.04. They have greatly reduced the density. Jurcak stated they have been in consultation with Dan Musser. In addition Jurcak stated the neighbor is OK with the project. Straus asked Jurcak if he had a letter to that effect. Jurcak stated he did not. Jurcak asked that the Commission schedule a public hearing. Musser stated that originally, he had looked at putting 20 units in the same place. The current Grand Hotel owner would like to just put 6 units up for the general public and part of the hotel experience. Gene Hopkins stated that the factors for review are included in the application. The Future Land Use map shows the proposed area as hotel use. The lot coverage is estimated at 12%. Straus asked about the infrastructure. Hopkins stated that nothing is needed from the City. The power and underground utilities are already on site. Half of the required REU's have already been purchased. Pettit clarified that the conditions in conditional zoning run with the property. Motion by Mosley, second by Martin to schedule a public hearing for December 13, 2022 at 10:00 AM. All in favor. Motion carries.

Anneke Myers stepped down from the table

C22-034-062(H)

A. Doud – Patrick Doud’s Alterations (Broken Spoke)

Doud requested that his application be tabled for October so that he may present more information. Motion by Mosley, second by Martin to table the application. All in favor. Motion carries.

Anneke Myers returned to the table.

PUBLIC COMMENT

Nikolas Lakas stated that they misunderstood what Stonecliffe wanted to do, and that he has no issue with the proposed wood fence and gazebo on the scenic easement. Lakas will provide this in writing and will supply a copy of the easement.

Lakas stated that he had been working with Evashevski on the Guarantee for the façade project. Lakas stated that his lender is not willing to provide a letter of credit on the project cost and the city having access to the funds if the project is not completed. Lakas would like to better understand what the concern of the City is. Lakas is willing to provide a letter of credit showing they have the ability to cover the project cost, but cannot provide a pool of money to dive in to. Myers reminded Lakas that he offered that guarantee. Evashevski clarified that at no time did the City ask for the money in its entirety. Myers stated that Lakas needed to continue working with Evashevski and Straus to come to a solution as required by the approval of the project. Dombroski stated that Lakas stated the bond will cost them money. All bonds cost money. The value of the bond could change each year as the value changes. After further discussion Lakas agreed to continue working with Straus and Evashevski to come to a solution.

Dan Shea clarified the motion on the Steiner project. Straus asked how long Steiner had to appeal the decision of the Planning Commission. Evashevski stated she would need to look in to that.

Kevin Doyle requested that the remaining items in his application now be reviewed, now that the Grand stated they had no issue with the items. Straus ^{respectfully} stated the business has already been addressed and we have moved on with the Agenda. The application will be on the October agenda.

With no further business there was a Motion by Mosley, second by Martin to adjourn the meeting. All in favor. Motion carries. The meeting was adjourned at 6:27 PM.



Michael Straus, Chairman



Katie Pereny, Secretary