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February 12, 2026

Via Email and FedEx
kep@citymi.org
dipovsky@cityofmi.org

City of Mackinac Island Zoning Board of Appeals
c/o City Planning Commission and Building
Department
7358 Market Street
Mackinac Island, MI 49757

Re: GMHI Resort Holdings, LLC - PID: 49-051-630-098-00

Dear Sir/Madam:

Enclosed for filing with the Zoning Board are the following documents on behalf of GMHI Resort Holdings, LLC:

1. Filing fee in the amount of \$1,000 (check no. 465954);
2. Application for Zoning Action dated February 12, 2026;
3. Five (5) copies of the original application filed on October 10, 2025; and
4. An appeal of the denial of special land use dated, February 12, 2026.

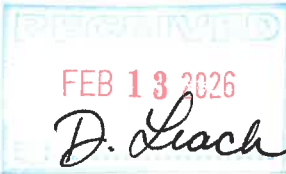
Thank you.

Sincerely,

Dykema Gossett PLLC

Benjamin E. Bayram

Encls.



CITY OF MACKINAC ISLAND
PLANNING COMMISSION & BUILDING DEPARTMENT
APPLICATION FOR ZONING ACTION

www.cityofmi.org kep@cityofmi.org 906-847-6190 PO Box 455 Mackinac Island, MI 49757

APPLICANT NAME & CONTACT INFORMATION:

DYKEMA GOSSETT PLLC / BENJAMIN BAYRAM
39577 WOODWARD AVE, STE 300, BLOOMFIELD HILLS, MI 48304
248-203-0862 BBAYRAM@DYKEMA.COM
Phone Number Email Address

Please complete both sides of application.
The Fee and five (5) copies of the application, plans and all required documents must be submitted to the Zoning Administrator fourteen (14) days prior to the scheduled Planning Commission Meeting.

Property Owner & Mailing Address (If Different From Applicant)

GHME RESORT HOLDINGS, LLC; KSL CAPITAL PARTNERS LLC
100 ST. PAUL ST. STE 800, DENVER, CO 80206

- Is The Proposed Project Part of a Condominium Association? NO
- Is The Proposed Project Within a Historic Preservation District? NO
- Applicant's Interest in the Project (If not the Fee-Simple Owner): ATTORNEY / REPRESENTATIVE
- Is the Proposed Structure Within Any Area That The FAA Regulates Airspace? NO
- Is a Variance Required? NO
- Are REU's Required? How Many? NO /

Type of Action Requested:

- Standard Zoning Permit
- Appeal of Planning Commission Decision
- Special Land Use
- Ordinance Amendment/Rezoning
- Planned Unit Development
- Ordinance Interpretation
- Other _____

Property Information:

- A. Property Number (From Tax Statement): 051-630-098-00
- B. Legal Description of Property: ASSESSOR'S PLAT OF HARRISONVILLE LOT 9B # OLD NO. 625 019 00**
- C. Address of Property: CADOTTE AVE, MACKINAC ISLAND, MI 49757
- D. Zoning District: R-4 HARRISONVILLE RESIDENTIAL
- E. Site Plan Checklist Completed & Attached: YES
- F. Site Plan Attached: (Comply With Section 20.04 of the Zoning Ordinance) YES
- G. Sketch Plan Attached: YES
- H. Architectural Plan Attached: YES
- I. Association Documents Attached (Approval of project, etc.): N/A
- J. FAA Approval Documents Attached: N/A
- K. Photographs of Existing and Adjacent Structures Attached: YES

Proposed Construction/Use:

- A. Proposed Construction:
 - New Building
 - Alteration/Addition to Existing Building
 - Other, Specify _____

B. Use of Existing and Proposed Structures and Land:

Existing Use (If Non-conforming, explain nature of use and non-conformity):

Proposed Use: _____

C. If Vacant:

Previous Use: VACANT LOT

Proposed Use: BOARDINGHOUSE

STATE OF MICHIGAN)
COUNTY OF MACKINAC) ss.

AFFIDAVIT

The applicant agrees that the permit applied for, if granted, is issued on the representation made herein and that the permit issued may be revoked without further notice on any breach of representation or conditions.

The applicant further understands that any permit issued on this application will not grant any right of privilege to erect any structure or to use any premises described for any purposes or in any manner prohibited by the Zoning Ordinance, or by other codes or ordinances or regulations of the City of Mackinac Island.

The Applicant further agrees to furnish evidence of the following before a permit will be granted:

- A. Proof of ownership of the property; and/or other evidence establishing legal status to use the land in the manner indicated on the application.
- B. Proof that all required federal, state, county, and city licenses or permits have been either applied for or acquired.
- C. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator in accord with provisions of the Mackinac Island Zoning Ordinance.

The Applicant further agrees to notify the Zoning Administrator when construction reaches the stage of inspection stated on the permit, if granted. Upon completion of construction to the structure(s) or land the Zoning Administrator shall inspect the premises for compliance with the Mackinac Island Zoning Ordinance and the terms of this permit. Upon determination of compliance, an occupancy permit may be issued. It is further understood that pursuant to the City of Mackinac Island Zoning Ordinance, No. 479 and amendments, adopted November 2013, unless a substantial start on the construction is made within one year, unless construction is completed within one and one-half years from the date of issuance of the permit, this permit shall come under review by the Planning Commission and may either be extended or revoked.

The undersigned affirms that he/she or they is (are) the applicant and the ~~Attorney/Plaintiff~~ specify: **owner, Lessee, Architect/Engineer, Contractor or other type of interest** involved in the application and that the answers and statements herein attached are in all respects true and correct to the best of his, her or their knowledge and belief. The applicant hereby further affirms that he/she or they has read the foregoing and understands the same. **If the applicant is other than the owner, then a notarized affidavit from the owner, giving the applicant permission to seek the requested zoning action on their behalf, shall also be submitted with this application.**

Benjamin Bayram
Signature

SIGNATURES _____
Signature

BENJAMIN BAYRAM
Please Print Name

Please Print Name

Signed and sworn to before me on the 12th day of February



Emily S. Villajuan
Notary Public

Oakland County, Michigan
My commission expires: 8/19/2029

FOR OFFICE USE ONLY

Zoning Permit Issued: _____

Inspection Record:

	Inspection	Date	Inspector	Comments
1.				
2.				
3.				

Occupancy Permit Issued _____

Revised October 2023

OFFICE USE ONLY

FILE NUMBER: _____

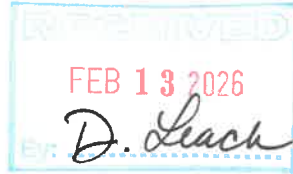
FEE: \$1,000.00

DATE: 2.13.2026

CHECK NO: 465954

INITIALS: F. Leach

Revised October 2023



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Suite 300
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Direct Dial: (248) 203-0862
Direct Fax: (866) 520-9427
Email: BBayram@dykema.com

February 11, 2026

City of Mackinac Island Zoning Board of Appeals
c/o Planning Commission and Building Department
PO Box 455
Mackinac Island, MI 49757
kep@cityofmi.org
dlipovsky@cityofmi.org

Re: GHMI Resort Holdings, LLC -- Appeal of Special Land Use Denial (Real Property located at 4th Street and Cadotte Avenue, Mackinac Island, Michigan 49757; PID: 49-051-630-098-00)

Members of the Zoning Board of Appeals:

I am counsel for the applicant, GHMI Resort Holdings ("GHMI") in connection with this appeal of the denial of special land use to the Zoning Board of Appeals (the "Board"). On or about October 10, 2025, GHMI submitted an amended application to the City of Mackinac Island (the "City") Planning Commission ("Planning Commission") for special land use and site plan approval for a Boardinghouse facility (the "Project")¹ on the above-described Property, which is located on the southeast corner of Cadotte Avenue and 4th Street, and consists of 0.344 acres of land. Pursuant to the City's Zoning Ordinance ("Zoning Ordinance"), the Property is zoned R-4 (Harrison Residential). As of the date of the Planning Commission's review of GHMI's application, Boardinghouses are permitted in the R-4 zone as a special land use². This project involves construction of a 12 unit Boardinghouse facility for GHMI management level employees on a non-permanent basis. I am enclosing herewith the Zoning Board of Appeals Application. Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Zoning Ordinance or GHMI's application for special land use and site plan.

¹ GHMI previously submitted an application for special land use and site plan approval for a Manager Housing facility, as a multi-family project, on or about June 24, 2025; however, due to project considerations, GHMI amended said application as described above before it was considered by the City's Planning Commission.

² On January 21, 2026, the City amended the Zoning Ordinance to exclude Boardinghouse use in the R-4 zoning district.

A. Background.

GHMI acquired the Property for the sole purpose of constructing management level employee housing and commenced this process by participating in a pre-application meeting with City staff. GHMI has worked diligently and in good faith to address any comments raised throughout the review process. A summary and explanation in support of the Project is set forth in the application and Request for Special Land Use, dated October 10, 2025, from Tamara Burns of Hopkins Burns Design Studio (Project Manager) to the City's Planning Commission, attached as **Appendix 1**. Importantly, the Project meets the definition of Boardinghouse, as defined in Section 2.08 of the Zoning Ordinance, which states: "The terms shall be considered synonymous for purposes of this ordinance. They are defined as a building, or portion thereof, with or without cooking facilities or access thereto, occupied by persons not consisting of a family as defined in section 2.24³ as their residence. Tourist accommodations, such as a hotel or bed and breakfast, are excluded from this definition."

The Project was considered at a preliminary plan review by the Planning Commission at a public hearing on October 14, 2025.

The sole concern raised by the Planning Commission, and the entire discussion that followed, related not to the site plan or the proposed development, but rather, the classification of GHMI's proposed use. GHMI's amended application proposed a Boardinghouse use; however, the City's attorney arbitrarily determined that GHMI's proposed use was Multi-Family instead.

During the preliminary plan review hearing, the City's attorney stated in pertinent parts, "the applicant is contending this is a boardinghouse use", "it is multi-family, not boardinghouse", and "the applicant is aware of the opinion of the city attorney as is the Planning Commission." GHMI's representatives asked about the differences between GHMI's proposed Boardinghouse and other nearby Boardinghouses that had been approved by the Commission. Neither the Commission nor the City attorney provided any reasonable explanation other than to distinguish this Project from other Boardinghouses solely on the basis that they were located in different zoning districts, which bears no relevance to use classification. Still, the City's attorney arbitrarily categorized the Project as a multi-family development as opposed to a Boardinghouse. Since this was merely a preliminary plan review, no formal action regarding the application and site plan could be taken and a motion was made and passed to set the Special Land Use hearing for December 9, 2025. (See October 14, 2025, Planning Commission meeting minutes at p.3-4, attached as **Appendix 2**.)

On December 9, 2025, a public hearing was held and the matter was considered by the Planning Commission. At the hearing, GHMI presented the Project and otherwise demonstrated that the proposed Boardinghouse use met all of the objective requirements of the Zoning Ordinance. After its presentation, GHMI's representatives engaged in much back and forth with members of the

³ Section 2.24 does not define "family"; rather, it references the Michigan Condominium Act - Michigan Public Act No. 59 of 1978, as amended (MCL 559.101 et seq.). Importantly, the term "family" does not appear anywhere in the Michigan Condominium Act.

Planning Commission and the City's attorney regarding the intended occupants of the proposed Boardinghouse. GHMI's representative clarified that the intended occupants would be employees and that the Project was designed as a Boardinghouse and not an apartment building or a Multi-Family housing project. GHMI also raised other comparable and nearby Boardinghouses that were recently approved by the Planning Commission; however, the City's attorney again distinguished the projects, stating "the other application was in a different zoning district" and that she "was not going to discuss all the different scenarios." The City attorney insisted "what you are requesting is 12 dwelling units". The City attorney also read the definition of "family" (See Sec. 2.37 of the Zoning Ordinance) in an attempt to classify GHMI employees as a "family", which, if true, would lend support to her otherwise arbitrary determination that this was a Multi-Family project instead of a Boardinghouse. However, as discussed further below, the clear and unambiguous language comprising the definition of "family" indicates that GHMI employees do not meet such definition and in fact, are expressly exempt from same.

Nevertheless, the Planning Commission ultimately denied GHMI's special land use application based on the arbitrary and erroneous determination that GHMI's proposed was a Multi-Family project. Of the six criteria that must be satisfied to obtain special land use approval (See Sec. 19.06(1)-(6)), the Planning Commission found that two were satisfied⁴ and that four were not⁵. Notably, the four criteria that the Planning Commission deemed not satisfied, were largely⁶, if not entirely, based on the arbitrary determination that the proposed use was Multi-Family; as such, the proposed "Multi-Family" project exceeded the density requirement set forth in the Zoning Ordinance. If, however, the Planning Commission had properly accepted GHMI's application as submitted and considered the Project as a Boardinghouse use, then the objective density requirements would have been met. In other words, *if* the Planning Commission considered the special land use as proposed by GHMI (as a Boardinghouse), all six criteria would have been deemed satisfied and the Planning Commission would have been required to grant special land use approval.

No other specific objections were raised by members of the Planning Commission and it is clear that, but for, the Planning Commission's arbitrary decision to classify the Project as Multi-Family, without competent or material evidence on the record, the site plan and Project met all of the objective requirements of the Zoning Ordinance, including the density requirements set forth in Section 7A.04(E). Other than this arbitrary conclusion, there were no findings to support the denial of GHMI's special land use application. Nevertheless, a motion to deny the special land use passed by a vote of 5 - 0. (See December 9, 2025, Planning Commission meeting minutes, attached as **Appendix 3**.)

⁴ Section 19.06(4) and (5).

⁵ Section 19.06(1),(2),(3), and (6).

⁶ Letters objecting to the Project, mainly focusing on employee behavior, were submitted by nearby property owners; however, there was support for the Project from other neighboring property owners as well and as noted in Appendix 1, GHMI planned to have on-site staff to supervisor its temporary occupants.

At the Planning Commission meeting held on January 13, 2026, a prepared “statement of findings and conclusions” (collectively the “Findings”) was read into the record, for the first time, and subsequently signed by Planning Commission member Michael Straus. (See January 13, 2026, Planning Commission agenda packet and meeting minutes, attached as **Appendix 4**.)

Pursuant to Section 19.10 of the City’s Zoning Ordinance, “[u]pon denial of an application for a special land use determination by the planning commission, the applicant may appeal to the board of zoning appeals.” Although the Zoning Ordinance is silent as to the standard of review the Board must follow, it references the Michigan Zoning Enabling Act and under Michigan law, the circuit court reviews the decisions of a zoning board of appeals to ensure that, *inter alia*⁷, the decision is supported by competent, material, and substantial evidence on the record, and it represents the reasonable exercise of discretion granted by law to the zoning board of appeals. *Szluha v. Charter Township of Avon*, 128 Mich App 402, MCLS § 125.3606, MCR 7.122.

GHMI contends that its application for special land use approval of a Boardinghouse satisfies each of criteria set forth in Section 19.06 of the Zoning Ordinance and that the arbitrary determination that the Project constitutes a multi-family use, and not a Boardinghouse use, is not supported by competent, material, and substantial evidence on the record, nor does it represent a reasonable exercise of discretion by the Commission. Therefore, GHMI respectfully asks this Board to reverse the decision of the Planning Commission and approve the special land use as proposed.

B. Relevant Definitions.

Boardinghouse: Pursuant to Section 2.08 of the Zoning Ordinance, titled “Boardinghouse/rooming house/employee house”, Boardinghouse is defined as “The terms shall be considered synonymous for purposes of this ordinance. They are defined as a building, or portion thereof, with or without cooking facilities or access thereto, occupied by persons not consisting of a family as defined in section 2.24⁸ as their residence. Tourist accommodations, such as a hotel or bed and breakfast, are excluded from this definition.”

Multi-Family: Pursuant to Section 2.33 of the Zoning Ordinance, titled “Dwelling, multiple-family” “A building or portion thereof, used or designed as a residence for three or more families living independently of each other having their own cooking facilities therein. This definition includes three-family houses, townhouses, four-family houses and apartment houses.”

Family: Pursuant to Section 2.37 of the Zoning Ordinance, “Family” is defined as:

⁷ Other factors for circuit court consideration include whether the decision complies with the constitution and laws of the state and whether it is based upon proper procedure. The substance of this appeal focuses on the two factors set forth above.

⁸ Section 2.24 does not define “family”; rather, it references the Michigan Condominium Act - Michigan Public Act No. 59 of 1978, as amended (MCL 559.101 et seq.). Importantly, the term “family” does not appear anywhere in the Michigan Condominium Act.

- A. One or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or
- B. A collective number of individuals living together in one house under one head, whose relationship is one of a permanent and distinct domestic character, and cooking as a single housekeeping unit. *This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor shall it include a group of individuals whose association is temporary and resort/seasonal in character or nature.*

Based upon the foregoing definitions, the Project clearly meets the definition of a Boardinghouse. Furthermore, the intended occupants of GHMI's proposed Boardinghouse cannot possibly satisfy the definition of a "family" under the City's own Zoning Ordinance. And even assuming, *arguendo*, that GHMI's employees did somehow satisfy the definition of "family", pursuant to Sec. 2.37(B), they would be exempt because "[t]his definition shall not include any...group...or organization, which is not a recognized religious order, *nor shall it include a group of individuals whose association is temporary and resort/seasonal in character or nature*", which is precisely what GHMI's intended occupants would be. Thus, by the City's own definition, the Project constitutes a Boardinghouse.

C. **GHMI Satisfies Each of the Criteria for Special Land Use Approval.**

While we will address the Commission's arbitrary determination, which formed the sole basis for denial of GHMI's special land use application, below is a summary of the Standards for Special Land Use Approval and the general response for each:

Pursuant to Section 19.06 of the City's Zoning Ordinance, the Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements.

1) That the establishment, maintenance or operation of the special land use will not be detrimental to or endanger the public health, safety or general welfare?

Response: The following description of operations demonstrates that the granting of the special land use will not be detrimental to or endanger the public health, safety or general welfare.

Description of Operations:

A GHMI supervisor is responsible for overseeing maintenance, upkeep, and landscaping of all GHMI housing properties, including this site. This supervisor will have a maintenance specialist on the team that will manage all maintenance issues and will designate a member of the groundskeeping team to maintain all landscaping at the property.

Rules and expectations for behavior and upkeep in the building will be posted in each Boardinghouse room, and quiet hours will be enforced after 10pm.

A GHMI manager residing in one of the Boardinghouse rooms will be designated to serve as the on-site point of contact for the property. This person will ensure all rules are being followed. He/she will be the "go-to" person for the other managers living at the site and for members of the community that have questions/concerns about the property.

2) That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair the property values within its neighborhood?

Response: The development of this property should enhance property values within the neighborhood because it would be an aesthetically pleasing, new construction development that would bring added infrastructure in the form drain/sewer lines paid for by GHMI. Further, the property would be well-managed, with on-site administration/staff/oversight, no pets would be allowed, and GHMI's team would meticulously maintain the Boardinghouse. Lastly, there are other larger Boardinghouses in the nearby vicinity.

3) That the establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

Response: The proposed Boardinghouse is located completely on and within the confines of the Property so that there is not impact on adjacent and/or surrounding properties.

4) That adequate utilities, access roads, drainage and necessary facilities are being or will be provided?

Response: The Property is already connected to roads and all utilities except for sewer. However, a sewer line would be built (and paid for by GHMI or potentially in partnership with other property owners) to connect the Property with the force main at the west end of 4th Street. The addition of a sewer line would be a substantial benefit to the surrounding properties since they are currently serviced by septic tanks. Once the sewer line is built, surrounding property owners could connect to the new line or wait until their septic tank fails or requires maintenance. The new sewer line would be a substantial benefit to the City because more properties could connect and contribute to the City sewer system, which would increase property values thereby generating additional revenue in the form of taxes and sewer charges.

5) That adequate measures are being taken or will be taken to provide ingress or egress so designed to minimize congestion in the public streets?

Response: Ingress and egress to the Property is adequate and no additional access points would be required. Current access along the public roads provides for sufficient access for waste services, utility service, and emergency vehicles. In addition, a trash enclosure will be added

on 4th Street and bicycle charging stations would be provided on site, remote from the building. As a result, there would be no added congestion along the public roads.

6) That the special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedure as specified in article 20?

Response: The Boardinghouse would, in all other respects, conform to the regulations of the R-4 Harrisonville Residential District including the density requirement set forth in Section 7A.04(E).

Despite satisfying all standards for special land use approval, the Planning Commission denied GHMI's application.

D. The Commission's decision was not supported by competent, material, and substantial evidence on the record.

The Planning Commission's decision was erroneous because it was not supported by competent, material, and substantial evidence on the record.

A decision is supported by substantial evidence only if a "reasonable mind would accept as adequate to support a decision," meaning it must be more than mere scintilla but less than a preponderance. *VanZandt v State Emples Ret Sys*, 266 Mich App 579, 584. It is insufficient for the Commission "to merely repeat the conclusory language of the zoning ordinance without specifying the factual findings underlying the determination." *Reenders v Parker*, 217 Mich App 373, 378-379.

Here, the Commission failed to articulate an adequate factual basis for its denial of GHMI's special land use application. Although a "vote was taken with regard to each standard," there was not "sufficient evidence or indication of the reasoning employed to support the determination with respect to standards" 1, 2, 3 and 6. *Reenders*, 217 Mich App at 381.

In short, the Commission's Statement of Findings contains only findings regarding the classification of the proposed structure as a multi-family dwelling. It includes no findings of fact addressing the applicable special land use standards. Even with respect to classification, the Commission's Statement of Findings is largely conclusory: it recites the definition of a multi-family dwelling but provides no factual analysis and cites no evidence that the proposed structure meets that definition.

With respect to Standard 1, the Commission concluded that the proposed use would be detrimental or endanger the public health, safety, or general welfare because the operation would not comply with the ordinance. However, it identified no supporting facts and made no findings connecting the proposed use to any actual detriment to public health, safety, or welfare.

With respect to Standard 2, the Commission concluded that the proposed use would be injurious to the use and enjoyment of other property in the vicinity because the operation would not comply

with the ordinance. Yet the Commission cited no record evidence and made no specific findings regarding impairment of neighboring property values or interference with the use and enjoyment of surrounding properties.

With respect to Standard 3, the Commission concluded that the proposed use would impede the normal and orderly development and improvement of the surrounding property because the operation would not comply with the ordinance. Again, however, the Commission identified no supporting facts and made no findings explaining how the proposed operation would obstruct the development of adjacent properties.

Finally, with respect to Standard 6, the Commission concluded that the proposed use does not meet the regulations of the district and, if treated as a multi-family use, it would not satisfy the applicable density requirements meet the density requirement. The Commission, however, cited no calculations, data, or other record evidence demonstrating that the proposal exceeded the permitted density.

Each of the Commission's conclusion relies on circular reasoning devoid of factual support. Merely asserting that the proposed use does not comply with the ordinance is not competent, material, or substantial evidence. Accordingly, the Zoning Board "cannot affirm a decision where the record is devoid of factual or logical support," as is this case here." *Reenders*, 217 Mich App at 381.

E. **The Commission's decision does not represent the reasonable exercise of discretion granted by law to the zoning board of appeals.**

In addition, the Commission's decision does not represent a reasonable exercise of discretion. "An abuse of discretion occurs when a decision is so grossly illogical that it demonstrates passion or bias." *Norman Corp v City of E Tawas*, 263 Mich App 194, 205. A decision also constitutes an abuse of discretion when it falls outside the range of principled and reasonable outcomes. *Elher v Misra*, 499 Mich 11, 21.

Here, the Commission's decision was based solely on its erroneous interpretation that the proposed structure was a multi-family dwelling, despite GHMI's application expressly stating otherwise. In reaching that conclusion, the Commission ignored both the stated purpose of the structure and the Ordinance's definition of a "Boardinghouse." At the time GHMI's application was submitted, the term Boardinghouse was defined as "a building, or portion thereof, with or without cooking facilities ... occupied by persons not consisting of a family ... as their residence."

The Commission's Statement of Findings neither references this definition nor explains why it does not apply to the proposed structure. Instead, the Commission summarily concluded that the structure must be classified as a multi-family without analyzing whether it more properly fell within the Ordinance's Boardinghouse classification. Even if a proposed structure could arguably satisfy more than one definitional category, the Commission was not free to disregard the applicant's stated classification or to ignore the applicability of another expressly defined use. Its failure to articulate any reasoned basis for rejecting the Boardinghouse classification—beyond asserting

that the structure met the definition of a multi-family dwelling—demonstrates that the decision was not the product of principled reasoning.

Moreover, when GHMI's representatives asked the Commission to explain the distinction between the proposed Boardinghouse and other Boardinghouses previously approved by the Commission, neither the Commission nor the City Attorney offered a substantive justification. The only proffered distinction was that the previously approved Boardinghouses were located in different zoning districts. But zoning location is relevant to whether a use is permitted in a particular district—not to how that use is defined or classified in the first instance. The Commission's reliance on location to justify a different in use classification reflects arbitrary reasoning and further confirms that the decision fell outside the range of reasonable and principled outcomes.

Accordingly, the Commission's decision did not constitute a reasonable exercise of discretion because it lacked any logical or principled basis.

F. Conclusion

GHMI's application and site plan meet the objective standards for special land use approval and the Planning Commission's decision was erroneous. Furthermore, the Planning Commission's arbitrary determination that the Project only constitutes a multi-family use, and not a Boardinghouse use, is not supported by competent, material, and substantial evidence on the record, nor does it represent a reasonable exercise of discretion by the Commission. Therefore, GHMI respectfully asks this Board to reverse the decision of the Planning Commission and approve the special land use and allow the Project to move forward.

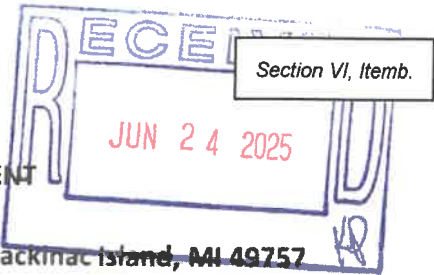
Thank you,

Dykema Gossett PLLC



Benjamin E. Bayram

APPENDIX 1
Application and Site Plan



CITY OF MACKINAC ISLAND
PLANNING COMMISSION & BUILDING DEPARTMENT
APPLICATION FOR ZONING ACTION

www.cityofmi.org kep@cityofmi.org 906-847-6190 PO Box 455 Mackinac Island, MI 49757

APPLICANT NAME & CONTACT INFORMATION:

Tamara Burns
113 S. Fourth Ave, Ann Arbor, MI 48104
734-604-9312 tamara.burns@hopkinsburns.com
Phone Number Email Address

Please complete both sides of application.
The Fee and five (5) copies of the application, plans and all required documents must be submitted to the Zoning Administrator fourteen (14) days prior to the scheduled Planning Commission Meeting.

Property Owner & Mailing Address (If Different From Applicant)

GHMI RESORT HOLDINGS LLC; KSL CAPITAL PARTNERS LLC
100 ST PAUL ST. STE 800, DENVER, CO 80206

Is The Proposed Project Part of a Condominium Association? NO
Is The Proposed Project Within a Historic Preservation District? NO
Applicant's Interest in the Project (If not the Fee-Simple Owner): ARCHITECT
Is the Proposed Structure Within Any Area That The FAA Regulates Airspace? NO
Is a Variance Required? YES
Are REU's Required? How Many? NC /

Type of Action Requested:

Standard Zoning Permit
 Special Land Use
 Planned Unit Development
 Other _____
 Appeal of Planning Commission Decision
 Ordinance Amendment/Rezoning
 Ordinance Interpretation

Property Information:

A. Property Number (From Tax Statement): 051-630-098-00
B. Legal Description of Property: ASSESSOR'S PLAT OF HARRISONVILLE LOT 98 *OLD NUMBER 625 019 00*
C. Address of Property: CADOTTE AVE, MACKINAC ISLAND, MI 49757
D. Zoning District: R-4 HARRISONVILLE RESIDENTIAL
E. Site Plan Checklist Completed & Attached: YES File No. RL25 098 052
F. Site Plan Attached: (Comply With Section 20.04 of the Zoning Ordinance) YES Exhibit A
G. Sketch Plan Attached: YES Date 6.24.25
H. Architectural Plan Attached: YES Initials KP
I. Association Documents Attached (Approval of project, etc.): N/A
J. FAA Approval Documents Attached: N/A
K. Photographs of Existing and Adjacent Structures Attached: YES

Proposed Construction/Use:

A. Proposed Construction:
 New Building
 Alteration/Addition to Existing Building
 Other, Specify _____

B. Use of Existing and Proposed Structures and Land:

Existing Use (If Non-conforming, explain nature of use and non-conformity):

Proposed Use:

C. If Vacant:

Previous Use: Vacant Lot

Proposed Use: Multi-family Housing - 12 Units

STATE OF MICHIGAN)
COUNTY OF MACKINAC) ss.

AFFIDAVIT

The applicant agrees that the permit applied for, if granted, is issued on the representation made herein and that the permit issued may be revoked without further notice on any breach of representation or conditions.

The applicant further understands that any permit issued on this application will not grant any right of privilege to erect any structure or to use any premises described for any purposes or in any manner prohibited by the Zoning Ordinance, or by other codes or ordinances or regulations of the City of Mackinac Island.

The Applicant further agrees to furnish evidence of the following before a permit will be granted:

- A. Proof of ownership of the property; and/or other evidence establishing legal status to use the land in the manner indicated on the application.
- B. Proof that all required federal, state, county, and city licenses or permits have been either applied for or acquired.
- C. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator in accord with provisions of the Mackinac Island Zoning Ordinance.

The Applicant further agrees to notify the Zoning Administrator when construction reaches the stage of inspection stated on the permit, if granted. Upon completion of construction to the structure(s) or land the Zoning Administrator shall inspect the premises for compliance with the Mackinac Island Zoning Ordinance and the terms of this permit. Upon determination of compliance, an occupancy permit may be issued. It is further understood that pursuant to the City of Mackinac Island Zoning Ordinance, No. 479 and amendments, adopted November 2013, unless a substantial start on the construction is made within one year, unless construction is completed within one and one-half years from the date of issuance of the permit, this permit shall come under review by the Planning Commission and may either be extended or revoked.

The undersigned affirms that he/she or they is (are) the applicant and the ARCHITECT _____ (specify: owner, Lessee, Architect/Engineer, Contractor or other type of interest) involved in the application and that the answers and statements herein attached are in all respects true and correct to the best of his, her or their knowledge and belief. The applicant hereby further affirms that he/she or they has read the foregoing and understands the same. **If the applicant is other than the owner, then a notarized affidavit from the owner, giving the applicant permission to seek the requested zoning action on their behalf, shall also be submitted with this application.**

[Signature]
Signature

SIGNATURES _____
Signature

TAMARA E.L. BURNS, PRINCIPAL
Please Print Name

Please Print Name

Signed and sworn to before me on the 20th day of June, 2025.

LUIS ESCUDERO-FLORES
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires 10/23/2026
Acting in the County of Washtenaw

[Signature]
Notary Public

Washtenaw

Washtenaw County, Michigan
My commission expires: 10/23/2026

FOR OFFICE USE ONLY

Zoning Permit Issued: _____

Inspection Record:

	Inspection	Date	Inspector	Comments
1.				
2.				
3.				

Occupancy Permit Issued _____

Revised October 2023

OFFICE USE ONLY

FILE NUMBER: R425-098-052 FEE: 2650 -

DATE: 6-24-25 CHECK NO: 6179 INITIALS: KD

Revised October 2023

...
...
...

City of Mackinac Island

7358 Market Street
P.O. Box 455
Mackinac Island, MI 49757

Site Plan Review Checklist Please Submit With The Application for Zoning Action

As a minimum, the following information shall be included on the site plan submitted for review and processing; more complex plans may require additional information as noted.

NOTE: The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the City of Mackinac Island Zoning Ordinance (Ord. No. 479, effective November 12, 2013), which can be obtained via the City's website at www.cityofmi.org.

Site plan review requirements are primarily found within Article 4, General Provisions, and Article 20, Site Plan Review of the City Zoning Ordinance. References are provided whenever possible for the section of the Zoning Ordinance that deals with a particular item. When in doubt, refer to the Zoning Ordinance directly for required information.

For further information, contact Mr. Dennis Dombroski, City Building Official/Zoning Administrator, at (906) 847-4035.

Optional Preliminary Plan Review Informational Requirements (Section 20.03)

<u>Item</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Sketch drawings showing tentative site plans, property boundaries, placement of structures on the site, and nature of development	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Site Plan Informational
Requirements (Section 20.04, B and C)**

<u>General Information</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership. For condominium subdivision project site plans, also include the name and address of the planner, design engineer or surveyor who designed the project layout and any interest he holds in the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Name and address of the individual or firm preparing the site plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Scale of not greater than one 1 in = 20 ft for a development of not more than three acres and a scale of not less than 1 in = 100 ft for a development in excess of three acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Legend, north arrow, scale, and date of preparation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Legal description of the subject parcel of land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Area of the subject parcel of land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Present zoning classification of the subject parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Written description of the proposed development operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Written description of the effect, if any, upon adjoining lands and occupants, and any special features which are proposed to relieve any adverse effects to adjoining land and occupants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. A freight hauling plan shall be shown to demonstrate how the materials, equipment, construction debris, and any trash will be transported to and from the property, what, if any motor vehicles may be needed for the project. (Applicant is responsible for ensuring frost laws do not delay necessary actions of this plan).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | |
|---|-------------------------------------|-------------------------------------|
| 12. A construction staging plan shall be shown to demonstrate where and how materials, equipment, construction debris, trash, dumpsters and motor vehicles will be stored and secured during construction. This plan shall ensure the site is kept clean, show how construction debris and trash will be controlled, and how safety issues will be secured including any necessary fencing or barriers that will be needed. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Proposed construction start date and estimated duration of construction. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14. Other information pertinent to the proposed development, specifically required by the Zoning Ordinance, and/or as may be determined necessary by the City Planning Commission | <input type="checkbox"/> | <input type="checkbox"/> |

Natural Features

Provided

Not Provided
or Applicable

- | | | |
|---|--------------------------|-------------------------------------|
| 15. Location of natural features such as wood lots, streams, wetlands, unstable soils, bluff lines, rock outcroppings, and similar features (see also Section 4.26) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Topography of the site with at least two- to five-foot contour intervals | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Proposed alterations to topography or other natural features | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18. Earth-change plans, if any, as required by state law | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Physical Features

Provided

Not Provided
or Applicable

- | | | |
|---|-------------------------------------|--------------------------|
| 19. Location of existing manmade features on the site and within 100 feet of the site | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Location of existing and proposed principal and accessory buildings, including proposed finished floor and grade line elevations, height of buildings, size of buildings (square footage of floor space), and the relationship of buildings to one another and to any existing structures on the site | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 21. For multiple family residential development, a density schedule showing the number of dwelling units per acre, including a | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

dwelling schedule showing the unit type and number of each such units

- | | | |
|--|-------------------------------------|--------------------------|
| 22. Existing and proposed streets, driveways, sidewalks and other bicycle or pedestrian circulation features | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 23. Location, size and number of on-site parking areas, service lanes, parking and delivery or loading areas (see also Section 4.16) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 24. Location, use and size of open spaces together with landscaping, screening, fences, and walls (see also Section 4.09 and Section 4.21) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 25. Description of Existing and proposed on-site lighting (see also Section 4.27) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Utility Information

See note regarding "Potential Demand" on cover sheet

Provided

Not Provided or Applicable

- | | | |
|--|--------------------------|-------------------------------------|
| 26. Written description of the potential demand for future community services, together with any special features which will assist in satisfying such demand | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 27. Proposed surface water drainage, sanitary sewage disposal, water supply and solid waste storage and disposal (see also Section 4.13) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 28. Location of other existing and proposed utility services (i.e., propane tanks, electrical service, transformers) and utility easements (see also Section 4.13) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 29. Written description and location of stormwater management system to be shown on a grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention features (see also Section 4. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Site Plan Informational (Demolition)
Requirements (Section 20.04, D)**

<u>Demolition</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Site plan of property where demolition is going to take place. This plan shall include structure(s) being demolished, location of utilities, septic tanks, an itemized statement of valuation of demolition and restoration work to be performed, or other such items as may be required by the building official.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Copy of asbestos survey if required by EGLE or other state department.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Results of a pest inspection and, if necessary, a pest management plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Plans for restoring street frontage improvements (curb closure, sidewalk replacement, street patch, or other items as required by the building official). These items will not be required if building permits for redevelopment have been applied for or if redevelopment is planned within six months. In such case, the cash bond will be held until building permits for redevelopment are issued or improvements are complete. Completion shall not be deferred more than six months. Temporary erosion control and public protection shall be maintained during this time.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. A written work schedule for the demolition project. Included in this may be, but are not limited to, street closures, building moving dates, right-of-way work, or other items as required by the building official.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Acknowledgment that if any unknown historic or archeological remains discovered while accomplishing the activity authorized by a permit granted by the City, all work must immediately stop and notification of what was discovered must be made by the applicant to the City as well as any other required offices. The City will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Architectural Review
Informational Requirements (Section 18.05)**

<u>Item</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Drawings, sketches and plans showing the architectural exterior features, heights, appearance, color and texture of the materials of exterior construction and the placement of the structure on the lot, and any additional information determined necessary by the planning commission to determine compliance with the architectural standards (see also Section 18.06)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Photographs of existing site conditions, including site views, existing buildings on the site, streetscape views in all directions, and neighboring buildings within 150 feet of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

October 10, 2025

Commissioners
Mackinac Island Planning Commission
Mackinac Island, MI

RE: Request for approval for a Special Land Use of Boardinghouse

Dear Commissioners,

GHMI Resort Holdings, LLC and KSL Capital Partners LLC respectfully request approval for a Special Land Use of Boardinghouse at the proposed project at the southeast corner of 4th Street & Cadotte Avenue, parcel # 051-630-098-00.

An amended and notarized application and a modified set of drawings, dated October 10, 2025 are attached, The modification on the application changes the Proposed Use to Boarding House to align with the amended drawings, dated September 25, 2025. The modification on the drawings corrects the terminology on the same set of amended drawings (dated September 25, 2025).

In considering this request, please note that:

- This is an undeveloped lot.
- This structure will be used for Employee Housing.
- All units will house Managers or equal of Grand Hotel.
- Each unit is expected to house 1-2 employee occupants.
- No minors will be allowed to live in these units.
- No pets will be allowed.
- The proposed structure will meet all current fire, zoning, building and safety regulations when built.
- Landscape Buffers are planned between all adjoining residential lots

This request meets all standards for a Special Land Use in the R-4 district:

- 1) That the establishment, maintenance or operation of the special land use will not be detrimental to or endanger the public health, safety or general welfare.

The following description of operations demonstrates that the granting of this Special Land Use will not be detrimental to or endanger the public health, safety or general welfare.

a. Description of Operations:

- i. **A Grand Hotel supervisor will be responsible for overseeing maintenance, upkeep, and landscaping of all Grand Hotel housing properties, including this site. This supervisor will have a maintenance specialist on the team that will manage all maintenance issues and will designate a member of the groundskeeping team to maintain all landscaping at the property,**

c. Bike charging stations will be provided on site, remote from the building.

6) That the special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedure as specified in article 20.

a. This use conforms to all regulations of the R-4 Harrisonville Residential Zone.

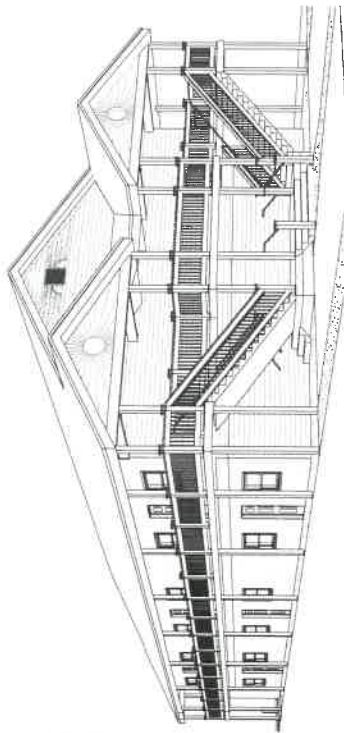


Tamara E. L. Burns, FAIA

Principal

GRAND HOTEL - MANAGER HOUSING

SUBMITTAL FOR PLANNING COMMISSION - AMENDED, REVISED



Sheet List

- 00 COVER
- 01 SURVEY
- 02 SITE PLAN
- 03 FIRST FLOOR PLAN
- 04 SECOND FLOOR PLAN
- 05 EXTERIOR ELEVATIONS
- 06 EXTERIOR ELEVATIONS
- 07 SITE PHOTOS
- 08 SITE PHOTOS



Legal Description

ASSESSOR'S PLAT OF HARRISONVILLE LOT 98 *OLD NUMBER 625 019 00*

Zoning

ZONING DISTRICT: R-4 HARRISONVILLE RESIDENTIAL
 USE GROUP: SPECIAL LAND USE: BOARDINGHOUSE

Utilities/Services

- POTENTIAL DEMAND FOR:
- WATER
 - SEWER
 - TRASH

UTILITY PLANS MEETING JURISDICTIONAL REQUIREMENTS WILL BE PROVIDED UPON APPROVAL OF THE PROJECT.

Historic District

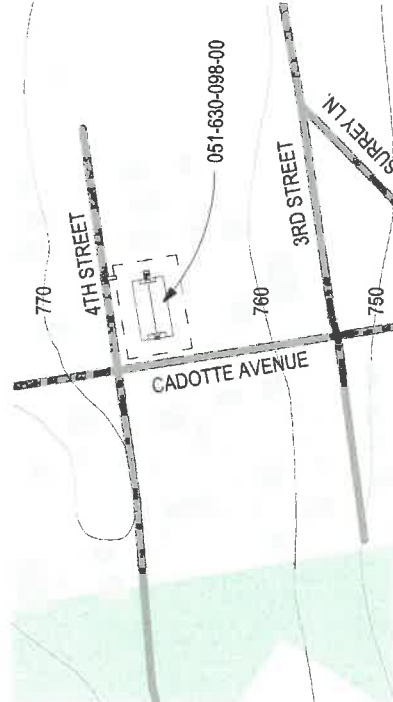
NONE

Construction

PROPOSED CONSTRUCTION START DATE: NOV. 2025
 ESTIMATED DURATION OF CONSTRUCTION: 6 MONTHS

ARCHITECT

HopkinsBurns Design Studio
 113 S Fourth Ave.
 Ann Arbor, Michigan 48103
 (734)424-3344
 www.hopkinsburns.com



AREA PLAN
 1" = 200'-0" SCALE

OWNER: GHMI RESORT HOLDINGS LLC
 KSL CAPITAL PARTNERS LLC

PROPERTY ADDRESS: CADOTTE AVE.
 MACKINAC ISLAND, MI 49757

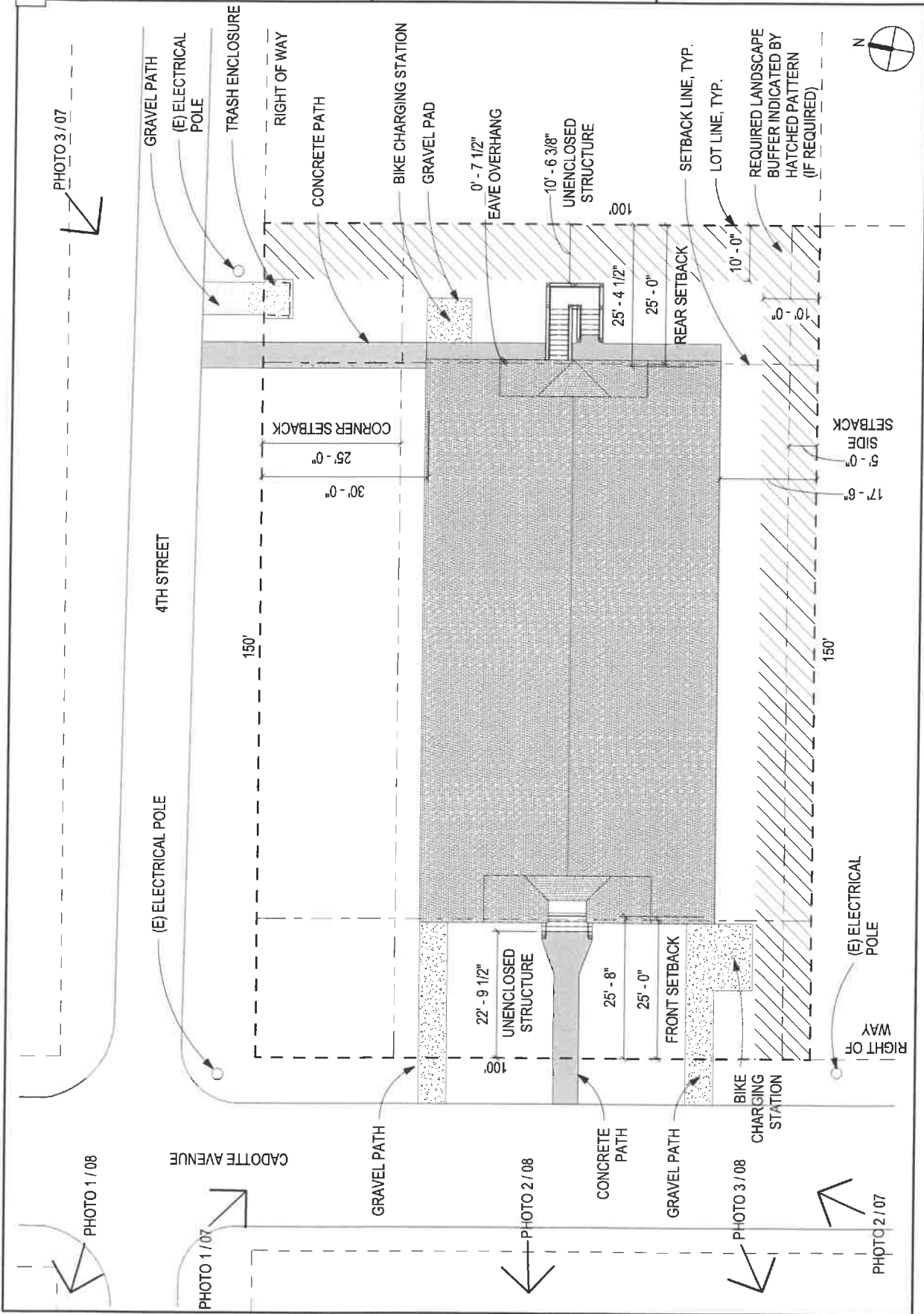
PARCEL #: 051-630-098-00

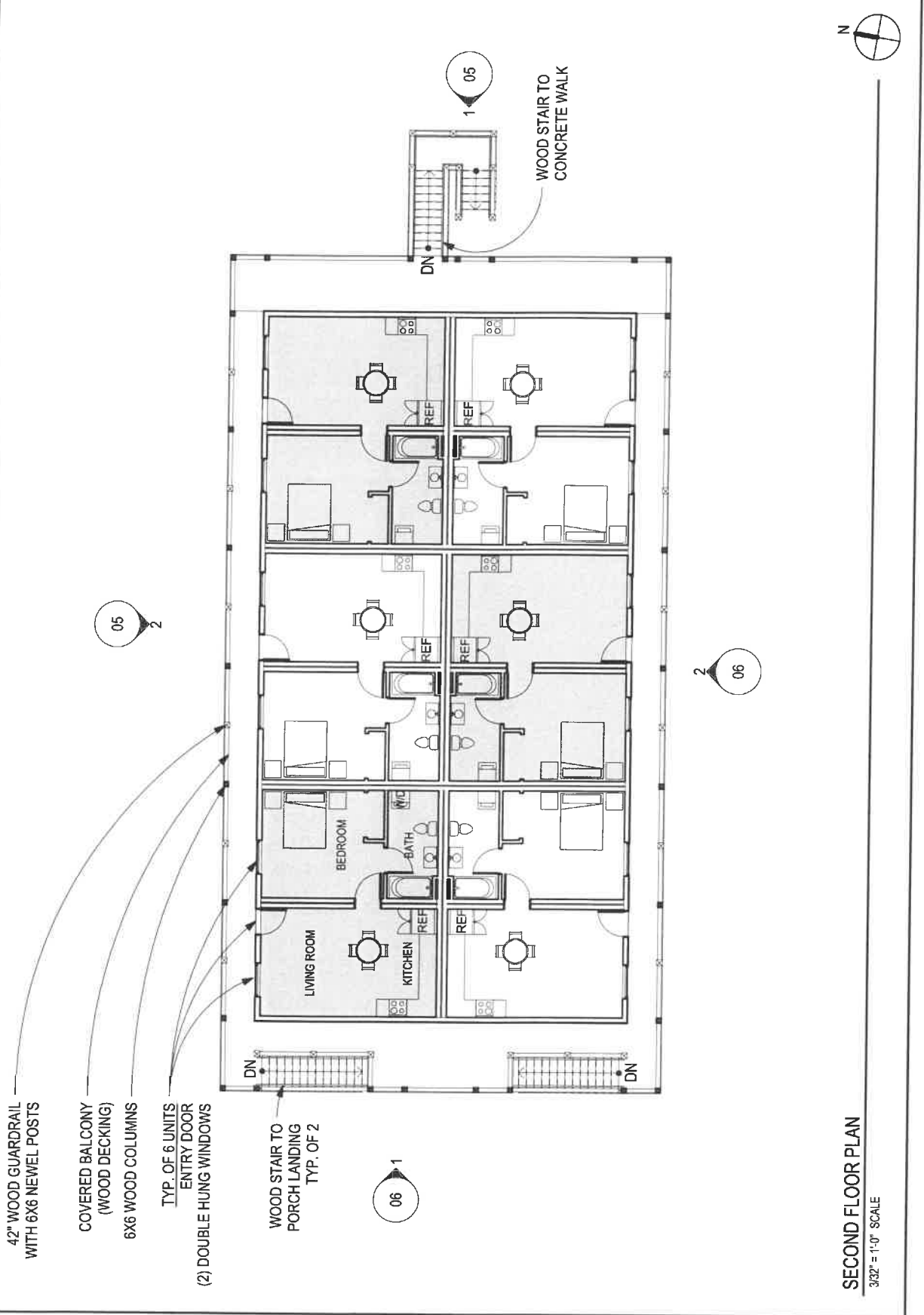
Project Description

The project involves the construction of a boardinghouse containing 12 single-bedroom units, each with front doors out to shared balconies and concrete walks. The East end will have covered bike parking for all occupants and an electrical/mechanical room. Two charging stations will also be provided for electric bikes/scooters.

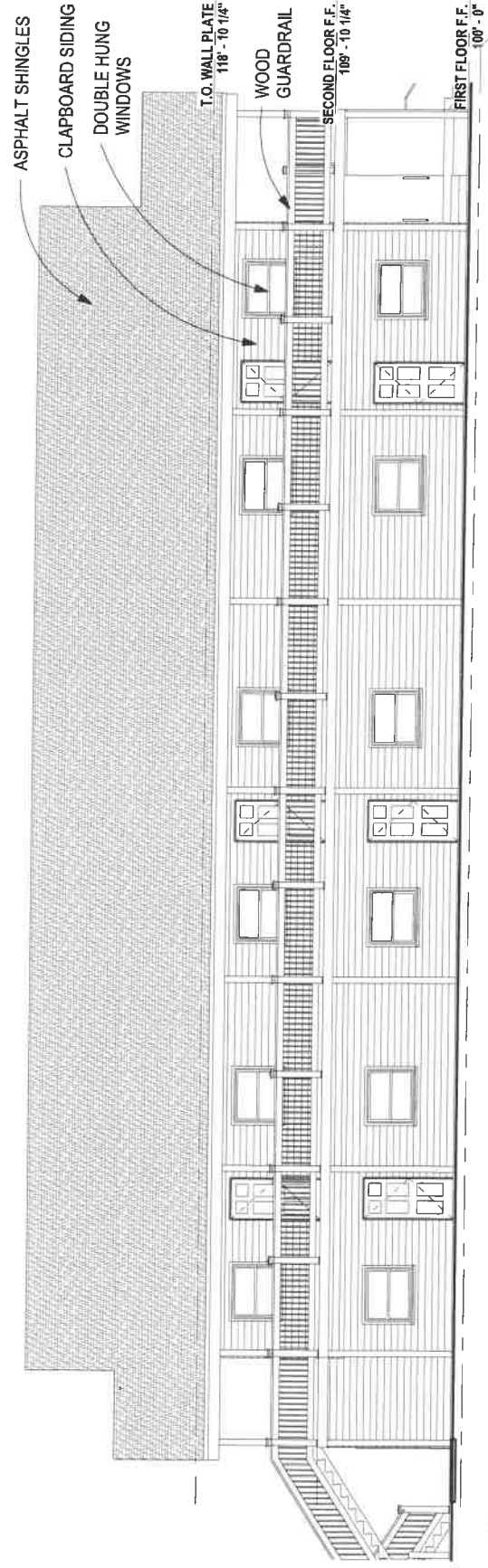
Requirements

DENSITY OCCUPANTS: (PER SECTION 7A.04 E: 1 OCCUPANT PER 500 S.F.)	ALLOWED	PROPOSED
30	30	24
LOT SIZE	REQ'D	EXISTING
10,000 SF	10,000 SF	15,000 SF (0.344 AC.)
SETBACKS	REQ'D	PROPOSED
FRONT YARD	25'	25' - 8"
FRONT YARD (CORNER)	25'	30'
SIDE YARD	5'	17' - 6"
REAR YARD	25'	25' - 4 1/2"
HEIGHT	ALLOWED	PROPOSED
STORIES MIN.	1	2
STORIES MAX.	2.5	2
FEET MIN.	12'	31' - 6 1/2"
FEET MAX.	35'	31' - 6 1/2"
LOT COVERAGE	ALLOWED	PROPOSED
SQ. FT. (INCLUDING PORCHES AND DECKS)	6,000	5,929
PERCENTAGE	40%	38.5%
GROSS SQUARE FOOTAGE		PROPOSED
1ST FLOOR		3,870
2ND FLOOR		3,120
TOTAL		7,890

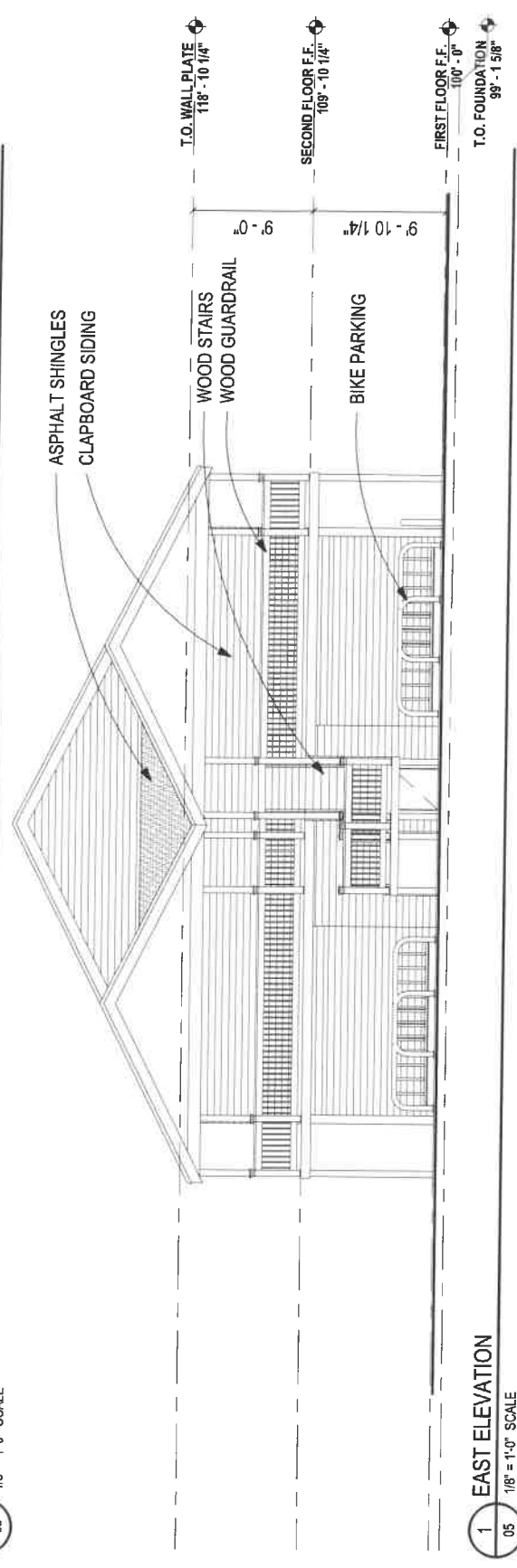




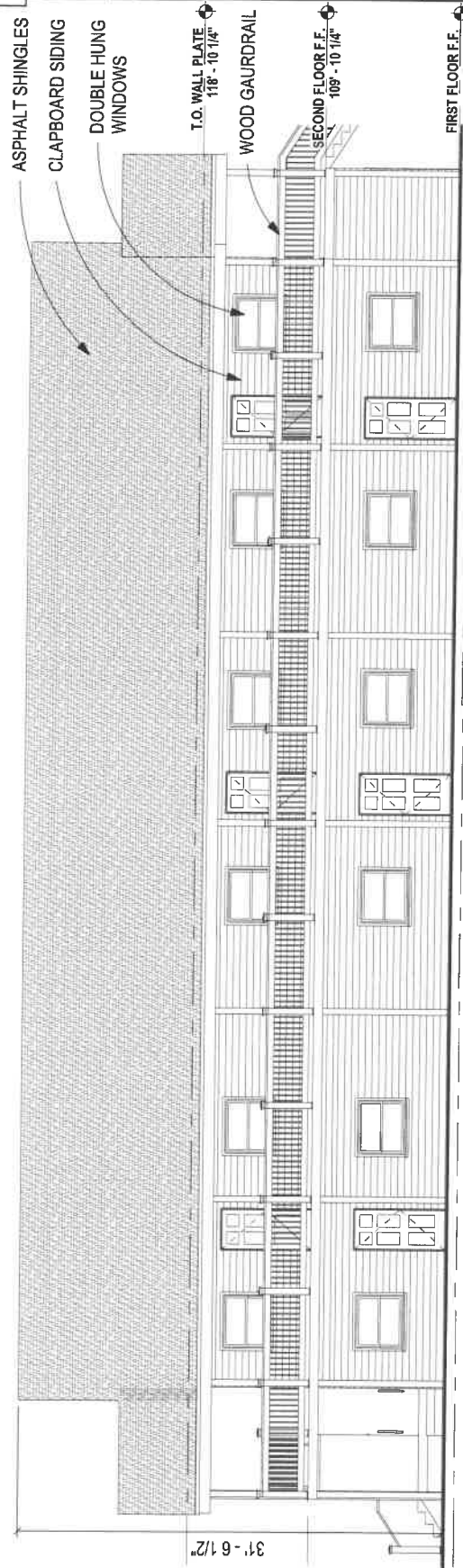
SECOND FLOOR PLAN
3/32" = 1'-0" SCALE



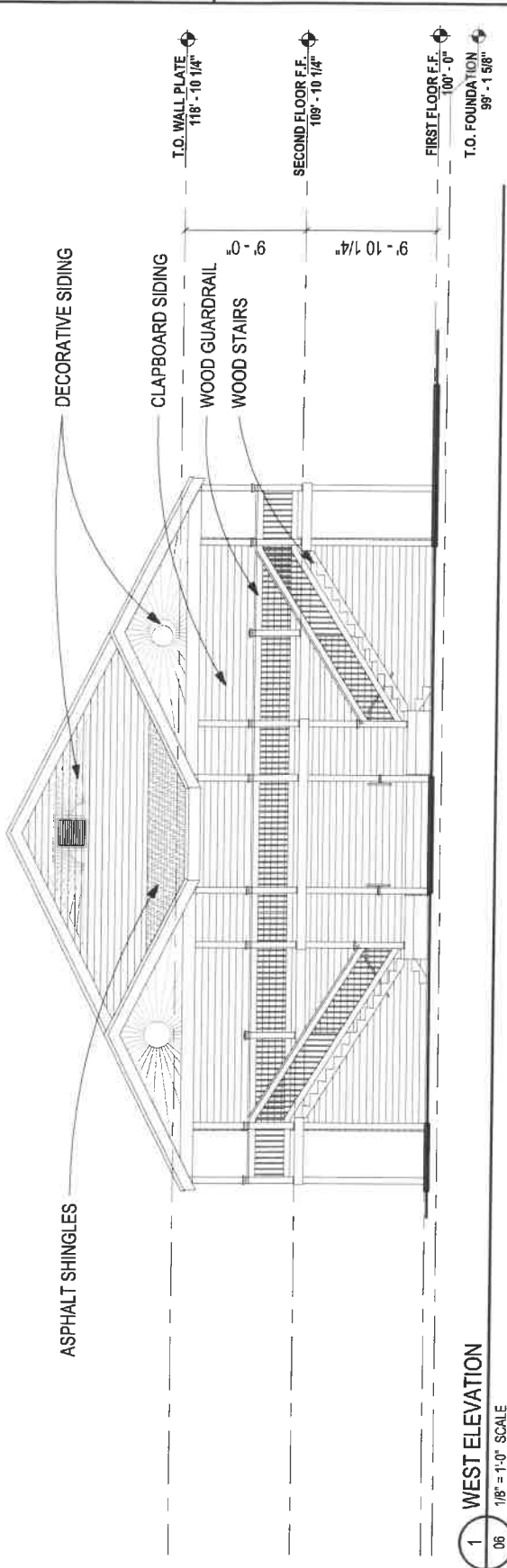
2 NORTH ELEVATION
 1/8" = 1'-0" SCALE



1 EAST ELEVATION
 1/8" = 1'-0" SCALE



2 SOUTH ELEVATION
 06 1/8" = 1'-0" SCALE



1 WEST ELEVATION
 06 1/8" = 1'-0" SCALE



EXISTING VACANT LOT
TOWARD NORTH-EAST
2
07
NO SCALE



EXISTING VACANT LOT
TOWARD SOUTH-EAST
1
07
NO SCALE



EXISTING VACANT LOT
TOWARD SOUTH-WEST
3
07
NO SCALE



4 CADOTTE - CONTEXT - NEARBY
08 NO SCALE



5 CADOTTE - CONTEXT - NEARBY
08 NO SCALE



1 CADOTTE - CONTEXT - NORTH-WEST
08 NO SCALE



2 CADOTTE - CONTEXT - WEST
08 NO SCALE



3 CADOTTE - CONTEXT - SOUTH-WEST
08 NO SCALE

APPENDIX 2

October 14, 2025, Planning Commission meeting minutes

CITY OF MACKINAC ISLAND

MINUTES

PLANNING COMMISSION

Tuesday, October 14, 2025 at 3:00 PM

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

I. Call to Order

Chairman Straus called the meeting to order at 3:03 PM.

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Anneke Myers

Mary Dufina

Lee Finkel

Staff: David Lipovsky, Erin Evashevski, Richard Neumann

III. Pledge of Allegiance

IV. Approval of Minutes

a. September 9, 2025 Special Meeting

Motion to approve as written.

Motion made by Martin, Seconded by Dufina.

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

b. September 9, 2025

Motion to approve as amended. Amendment was to correct 26b to 20.06

Motion made by Martin, Seconded by Dufina.

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

V. Adoption of Agenda

Motion to approve as submitted.

Motion made by Martin, Seconded by Dufina.

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

VI. Correspondence

- a. Letter from Moira Croghan re: Grand Hotel Housing

Straus read the letter in opposition to the Grand Hotel housing project aloud. Motion to place on file.

Motion made by Myers, Seconded by Martin.

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

- b. Letter re: Master Plan from Mackinaw City

Straus read the letter regarding Mackinaw City Master Plan aloud. Motion to place on file.

Motion made by Martin, Seconded by Dufina.

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

- c. Letter from Cristina Staats re: Grand Hotel Housing

Straus read the letter in opposition to the Grand Hotel housing project aloud. Motion to place on file.

Motion made by Martin, Seconded by Dufina.

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

- d. Letter from Christopher & Susan Dick re: Grand Hotel Housing

Straus read the letter opposing the Grand Hotel housing project aloud. Motion to place on file.

Motion made by Myers, Seconded by Martin.

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

- e. Letter from Jack Dehring Jr. re: Grand Hotel Housing

Straus read the letter opposing the Grand Hotel housing project aloud. Motion to place on file.

Motion made by Myers, Seconded by Martin.

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

VII. Staff Report

- a. HDC Meeting Summary

Finkel summarized the October 14th HDC meeting.

b. DPW Update

Allen Burt shared pictures of construction progress. Trickle towers are being demolished. The flat roofs are at the end of their life span and need to be replaced. Work is being done on the pipe gallery. Electrical work is being done. Blowers have been installed. Still on schedule to be done by late April. Pettit asked bottom line how much this is costing the City of Mackinac Island. Burt stated \$24,000,000.00.

VIII. Committee Reports

Straus reported that there was a public workshop for the housing zoning amendments. Adam Young is putting everything together for a special meeting in November. Schedule is to look at draft in November, hold a public hearing in December and submit to City Council in January. Motion to set the meeting on November 11, 2025, at 2:00 PM.

Motion made by Myers, Seconded by Martin.
Voting Yea: Martin, Pettit, Straus, Myers, Dufina, Finkel

IX. Old Business

a. R425-098-052 Grand Hotel 12 Dwelling Units Amendment to Boardinghouse

Straus stated the applicant is requesting boardinghouse use. A special land use would be required. Tamara Burns read aloud her special land use statement submitted with the amendment. Pettit asked if this would be on sewer. Burns stated it would require connection to the sewer. Fishbeck has confirmed there is capacity on the line. Pettit asked if there was discussion on kitchens. Straus stated they are requesting boardinghouse. The question is if this application is multi-family. Evashevski stated the applicant is contending this is boardinghouse use. Evashevski and Lipovsky stated it is multi-family, not boardinghouse. Evashevski stated the applicant is aware of the opinion of the city attorney as is the Planning Commission. The applicant can submit the special land use application and argue their case in the hearing. Jurcak argued that boardinghouse was approved for other applications. Straus pointed out that was R3, not R4. Pettit remembers in the DPW unit the REU's were calculated differently for each use in the building. Jurcak stated all the past applications they reviewed were labeled as boardinghouse and included kitchens. This included Hoban Hill. Burns is wondering the difference between the Hoban Hill boardinghouse and the proposed studio apartments. She wants to know where in the ordinance it is explained. Evashevski stated Hoban Hill is a mixed use multi-family and boardinghouse. Evashevski stated she doesn't know how they can discuss this without acknowledging the definition of dwelling unit. Evashevski read the definition aloud. She then read aloud the definition of boardinghouse. Straus stated in order to move forward a hearing must be scheduled. Myers asked about the section 18.08, Review Process. Reading this out loud it is clear it must go to the city architect for review. Motion to set the hearing for December 9, 2025 at 2:00 PM. The applicant accepts that today, October 14, 2025, starts the 100 day clock again.

Motion made by Straus, Seconded by Martin.
 Voting Yea: Martin, Pettit, Straus, Myers, Dufina, Finkel

b. R321-007-008 Hoban Hill Condominiumization

Andrew Doud gave an update on Hoban Hill progress. Benser still needs to build his building. They would like to move forward with condominiumization for the common space. Myers stated per section 24.03, each street shall have a paved driving surface of asphalt or other approved material. Pettit does not think crushed gravel should be approved. Myers requested the specific gravel they would like to use. Doud does not want asphalt at this time because there is another building to be built. Myers stated section 24.04 requires a maintenance plan. Doud stated he is bringing that to the next meeting. Evashevski stated an easement relocation is needed for the water line easement. The line has been relocated but the plat map does not show the change. An agreement needs to be done with the City and applicant for the water line easement. There are issues with a potential existing easement for access to the property. Neil Hill is working on this. Evashevski asked for the master deed. Doud did not have it. Myers wants to compare the approved site plan and what Doud submitted today. Burt asked about water for Benser's building. Evashevski asked about the general common elements. The road is a turn around. Motion to table for more information.

Pettit asked if the Hoban Hill lighting was addressed. Doud confirmed the lighting has been corrected. Pettit stated it is very bright. Doud said he has no problem with less light and will look into it.

Motion made by Martin, Seconded by Dufina.
 Voting Yea: Martin, Pettit, Straus, Myers, Dufina, Finkel

X. New Business

a. R425-055-56-081 Gough Barn Demo

Lipovsky stated this is a barn in disrepair and needed to be removed. Lipovsky allowed the applicant to take it down due to the safety issue. The applicant followed the 7 items in the ordinance. Motion to approve the demolition. Myers would like a finding from Lipovsky regarding the 7 items that needed to be followed in the demolition process.

Motion made by Martin, Seconded by Dufina.
 Voting Yea: Martin, Pettit, Straus, Myers, Dufina, Finkel

b. MD25-069-083(H) GHMI Twilight Building Fence

Straus stated this was approved by HDC. Hopkins stated they would like to build a fence that matches Windermere to create a street scape along Hoban. The goal is to provide connection between Main Street and Hoban and clean up the clutter in the area that has become a safety issue. The fence would be within their property lines. The gate swings in and there is a removable fence in the middle. Jurcak stated it is

set back so when they bring a bike out it is not on the sidewalk. The utility pole will be outside of the fence. Myers asked Lipovsky to address the bush with the City and Streets Committee. Pettit asked if there will be public parking allowed. Jurcak stated no. They are allowing their employees only, with a special section for e-bikes. Straus asked about people used to parking there, and they park against the fence, who is responsible for moving those. Straus anticipates a problem with sled parking as well. Motion to approve.

Motion made by Myers, Seconded by Martin.

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

c. C25-025-085(H) Verdes Enclose Patio

Straus stated the applicant would like to change their patio to an enclosed structure. Lipovsky stated it does meet all zoning requirements. Myers asked about the bottom lands. Green stated they own the bottom lands. Straus confirmed there will be an exit on the back side. It is not intended to be an entrance. Libby stated that exit is currently on the side. Straus confirmed it will not interfere with dock porter parking. Motion to approve. Myers asked about traffic during construction. Libby stated materials will be staged in the bike rental area. Myers confirmed there will be room for carriages and cars to turn around. Proposed start date is as soon as possible.

Motion made by Myers, Seconded by Martin.

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

XI. Public Comment

Ira Green commented that he would like to be on the list and would like to volunteer to landscape and maintain the area between the fence and the alley.

Angel Callewaert expressed support for Grand Hotel housing project. She stated she was an attorney and agreed that the use is boardinghouse.

Cristina Staats stated she is against the Grand proposal. She is against anything that changes the dwelling and variances that protect the neighborhood. She has another letter that she will submit today.

Dufina asked about Pierson approval. Pereny confirmed HOA and Grand approval was received.

Pettit stated he is disappointed. Employers say they are going to do things, and do not. Pettit believes we should have rental units registered and inspected by the City, just like St Ignace does. Pettit will no longer approve any more boardinghouse applications until we can prove our zoning ordinances are being followed. Dufina stated we have a section in our Ordinance regarding inspecting rentals but it just hasn't been done. Myers asked Evashevski to provide our ordinance to the Planning Commission. Pettit stated year-round residents are not happy with the City at all and are selling their homes and leaving the island. Burt stated Dombroski and Bradley used to do inspections. Myers stated we do

have a Fire Marshall and that would be his duty. Article 4, section 10 is our rental inspection ordinance. Evashevski stated this should be addressed with City Council. Myers asked Pereny to include the fact that as a Planning Commission alot of the city ordinances are not being followed as agreed to by owners, in the City Council update letter. Straus stated this also has to do with the penalty. If a penalty is too small they don't care. It was suggested a letter be sent to council regarding ordinances on the books aren't being followed, and the Planning Commission would like the city to develop a plan to reinstate rental/employee housing inspections. Also include deed restriction rules.


Dombroski, via Zoom, stated the Building inspector is done once occupancy is issued. It is intended for the fire department to do the inspections. The building inspector can go along if he wants. Pettit asked how Dombroski knew where to inspect. Dombroski stated the clerk is supposed to be informed of rentals. ~~[After checking with the Clerk, there is not a registry being kept at this time]~~

XII. Adjournment

Motion to adjourn at 4:43 PM.

Motion made by Martin, Seconded by Dufina.

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



Michael Straus, Chairman



Katie Pereny, Secretary

APPENDIX 3

December 9, 2025, Planning Commission Meeting Minutes

CITY OF MACKINAC ISLAND

MINUTES

PLANNING COMMISSION PUBLIC HEARING GHMI SPECIAL LAND USE

Tuesday, December 09, 2025 at 2:00 PM

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

I. Call to Order

Chairman Straus called the public hearing to order at 2:00PM.

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Mary Dufina

Lee Finkel

ABSENT

Anneke Myers

Staff: Erin Evashevksi, David Lipovsky

III. Pledge of Allegiance

IV. Adoption of Agenda

Motion to approve as presented.

Motion made by Martin, Seconded by Dufina.

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

V. Correspondence

Straus read the letters' sender names and whether for or against the request.

a. Letter from Cristina Staats

against

b. Letter from Jack Dehring Jr

against

c. Letter Opposing Housing

against

- d. Letter from Bobinsky's
against
- e. Letter from Surrey Ridge Condo Owners
against
- f. Letter from Lorma Kolatski
against
- g. Letter from Louann Mosley
against
- h. Letter from Tim Kolatski
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- i. Letter from Candace Smith
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- j. Letter from Cathy Arbib
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- k. Letter from Frank & Bernadine Bloswick
against
- l. Letter from Alice & Frank Bloswick
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- m. Letter from Kim Kolatski
against
- n. Letter from Wolfsen's
against
- o. Letter from Spoor
against
- p. Letter from Ben Mosley
against.
- q. Letter from Lorne Cowell
against

- r. Letter from Gwen Bagbey
against
- s. Letter from Gabe Cowell
against

VI. New Business

- a. Special Land Use Request from GHMI Resort Holdings LLC

David Jurcak submitted a packet for the Commissioners. Jurcak stated there are no changes from what was previously submitted. Jurcak had some comments in response to previous comments. The Use is an allowable Use with a Special Land Use. Jurcak stated they are asking for boardinghouse. 2.39 definition of family which excludes housing temporary in nature. As to density we were incorrectly told that kitchens could not be in each unit. There is a similar building in R3, with kitchens. Jurcak went through the history of meetings in relation to this application. We are here to ask for a boardinghouse in alignment with the current ordinance. Due to previous actions over last two years you should not have a reason to deny this request.

Straus opened it up to the public, present at the meeting. Angel Callewaert stated she is in support of the request. She agreed with Jurcak that businesses need housing. The big question is where we are going to go. It is limited and what is the plan for businesses. She personally has lived by seasonal employees who have been polite and never caused a ruckus or been unpleasant. She has lived next to City workers who are all very nice. She has lived next to year round residents and seasonal residents. They are all human beings, here to better their lives.

Straus opened the floor to people on Zoom. Cristina Staats wanted to reaffirm her opposition to this request. The quadrupling of the density makes a significant difference to the neighborhood. You have heard from residents that this is not acceptable to those that live there.

Dufina stated she is surprised by Angels message that perhaps we are not, as people that live here, not caring about the employees. She does not agree that is a problem. Management needs to make sure the house is run well. Some employees go to work at 5:00 pm, not 5:00 am. Large groups of employees coming home late at night together is very disturbing to families in the neighborhood. Harrisonville was started as a family area. When employee housing started coming in, it made a big difference with the area and the value. Jurcak stated that the people residing in the proposed building are highly compensated managers. In addition, you have approved two boardinghouses for Stonecliffe and Harborview. We are just asking for the same thing. This will probably be the quietest spot on the street.

Straus would like to go through the Statement submitted by GHMI.

Tamara Burns summarized the highlighted areas. It will be used for employee housing only. They will all be senior managers. There will only be 1 or 2 people in each unit, no minors and no pets. There are 6 standards they have responded to.

- 1-GH supervisor, living in one of the units, will be designated to oversee this.
- 2-This development will not diminish or impair property values.
- 3- No impact
- 4- utilities will be provided or already connected.
- 5-adequate ingress and egress will minimize congestion
- 6-This use conforms to all regulations. This is boardinghouse and would allow for 30.

Cathy Arbib asked for clarification about Jurcak's statement that it was always submitted as a boardinghouse. It was originally submitted as an apartment. Jurcak stated the approved use is single or two family in R4. There are three options for special land use. We have always intended it to be employee housing. We did offer the city 4 units initially. Arbib stated she still didn't understand. There was a public hearing scheduled for a 12-unit apartment. Jurcak denied this. Burns tried to explain by saying that the exact plan was preliminarily reviewed by Dombroski and since there were kitchens in it, it is an apartment building. We looked for ways to make this work. In the meantime they found out there was a boardinghouse across the street with kitchens in them. It was exactly what we are proposing. There is a piece of the zoning for an exemption for seasonal workers. Evashevski wanted to clarify on what constitutes a family. Evashevski read the definition aloud. To say that someone lives seasonally is not a family is not accurate. Jurcak argued the definition with Evashevski. Evashevski stated if you as the Grand Hotel house a single family in a house, you do not need employee housing for that. It is when the association between those individuals does not constitute a family. Jurcak argued that the same exact layout was approved as a boardinghouse. Jurcak insisted there must be consistency in actions. Evashevski again stated that the other application was in a different zoning district. She stated she was not going to discuss all the different scenarios. Evashevski insisted that what you are requesting is 12 dwelling units.

Straus stated the Commission has heard the information and he opened it to any other questions the Commission may have. Dufina confirmed the application being reviewed.

The clock started in October when the amendment was submitted. The Commission has 100 days to decide.

Cory Kaminen stated he doesn't have a letter. He is opposed to the application. He has lived in the Village for 30 years. Just about every boardinghouse or employee housing has problems. Not so much with single family. Cory stated employees have been told not to call the police with any problems, that the employer would like to handle it. He does not want any more of that.

- b. R425-098-052 Grand Hotel 12 Dwelling Units Amendment to Boardinghouse

VII. Public Comment

VIII. Adjournment

Motion to adjourn at 2:47 PM

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

CITY OF MACKINAC ISLAND

MINUTES

PLANNING COMMISSION

Tuesday, December 09, 2025 at 3:00 PM

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

I. Call to Order

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Mary Dufina

Lee Finkel

ABSENT

Anneke Myers

Staff: Erin Evashevski, David Lipovsky

III. Pledge of Allegiance

IV. Approval of Minutes

a. November 11 Special Meeting

Motion to approve as written.

Motion made by Dufina, Seconded by Pettit.

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

b. November 11 Regular Meeting

Motion to approve as written.

Motion made by Pettit, Seconded by Dufina.

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

V. Adoption of Agenda

Motion to approve as amended. Add Pettit statement to Correspondence.

Motion made by Martin, Seconded by Dufina.

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

VI. Correspondence

Jim Pettit read aloud a statement regarding a statement from a previous meeting. Motion to place on file.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

VII. Staff Report

a. HDC Meeting Summary

Finkel summarized the HDC meeting.

Pettit commented about the equipment on top of the roofs. Pettit wonders if there is a way to make it nicer.

b. REU Update

Allen Burt shared his desktop to show current pictures of the project. Installing 2nd half of media. Microorganisms grow on the media. 9 connex boxes of media are being installed. Stairways, handrails and doors have been installed. Removal of unneeded equipment has begun. Finkel asked if the weather has changed the schedule at all. Burt stated it has not, but it has been difficult for the trucks to get to the site with all the snow.

c. Historic District Maps

Motion to approve the maps with Proposed removed. Evashevski stated if this is part of the zoning ordinance it should be included in the final proposed amendments. Motion to include the maps in the zoning ordinance with the changes.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

VIII. Committee Reports

None.

IX. Old Business

a. R425-098-052 Grand Hotel 12 Dwelling Units Amendment to Boardinghouse

Straus stated we just finished the public hearing and heard several comments. Straus turned it over to commissioners. Straus has a document from Evashevski referring to the statement of findings. Evashevski stated she has provided an opinion letter and today an opinion letter from Fraser Trebilcock was submitted. Evashevski stated you the commissioners are to make the decision. This requires a special land use and it is up to you to make a decision. Findings of fact need to be made for an approval or denial. Any conditions of an approval would need to be part of the statement of conditions. Pettit stated he agrees with Evashevski. When we have the opinion of our lawyer, and another lawyer that backs up that opinion, we should not go against the lawyer. Motion by Pettit to deny.

Straus read aloud the Statement of Findings. Evashevski stated it has been clarified that the applicant stated it will be one person per unit, or a married couple. Straus

completed reading the Statement of Findings. Jurcak stated that based on what was just read, that you should have at that point, denied it. Evashevski stated she submitted a confidential letter to the Commission. Jurcak stated it should have been shared at the Public Hearing. Straus looked to Evashevski on how to proceed. Gene Hopkins stated each standard must be voted on individually. Evashevski stated we have never done it that way and Hopkins stated then it has been wrong. Evashevski stated she is happy to go through each standard and vote.

Standard 19.06

1- The operation is not following ordinances. The general welfare of community has been expressed

all ayes

2- Found to be Injurious because it is doing something not allowed by Ordinance.

all ayes

3-It is not following our ordinances so it would impede orderly development.

all nays

4- meets the standard

all ayes

5- The project meets ingress/egress and trash requirements.

all ayes

6- Does not meet the regulation in the district- no special land use for multiple family dwelling and if it was it would not meet the density.

all nays

Article 20.04 and 20.06 - any additional procedures? anything in site plan review that you believe is not met. Evashevski read the article aloud. Pettit stated A and H are not met.

Evashevski stated based on vote today she can prepare a statement of findings and conclusions denying the request, to sign and send to applicant.

Motion made by Pettit, Seconded by Straus.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

Jurcak asked for the votes and the second opinion be made available. Evashevski will take the request under advisement.

b. R321-007-008 Hoban Hill Condominiumization

The items requested at the last meeting have been received. Porter stated they are scheduled to start the road this week based on the weather. Motion to approve the condominiumization.

Motion made by Dufina, Seconded by Martin.

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

c. C25-001-086(H) Schunk Threads Door and Window Alterations

Motion to deny because not approved by the HDC.

Motion made by Martin, Seconded by Dufina.

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

d. Housing Focused Zoning Amendments Draft

Straus stated we have been working on updating the Zoning. We had a public hearing yesterday where some changes were suggested. Straus summarized the changes. Straus stated we can table for a month or send on to City Council now with the changes. Dufina stated there are a couple of things she would like to further look in to. Dufina stated to keep things moving we should move on to City Council. The timeline of the grant would allow us to table for a month. Doud stated he thinks the public should be able to see any changes before it is approved. Motion to table for more discussion. Ask Young to make a list of proposed changes for village lot size, corral, shipping containers, 5000 square feet with 50' lot in Harrisonville and PUD at 15000 square feet.

Motion made by Martin, Seconded by Pettit.

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

X. New Business

a. R125-009-107 Bagwell Addition (Old Huthwaite home)

Steve Rilenge stated the applicant would like to make some additions. Rilenge showed a plan with changes highlighted in yellow.

Straus and Evashevski had to leave at 4:20 PM, to catch the last boat. Finkel took over as chair.

Lipovsky stated the project meets all requirements. Motion to approve.

Motion made by Dufina, Seconded by Finkel.

Voting Yea: Martin, Pettit, Dufina, Finkel

b. ROS25-002-108 GHMI New Storage Barn

Gene Hopkins stated they would like to construct a golf course storage building. It is to house golf course equipment. Equipment in the summer would also be under a lean to. Lipovsky stated all standards are met. There is sewer for rest rooms. Pettit asked if the property is owned by the Grand, or leased from the State. Hopkins stated the Grand owns the property. It is on the golf course property but it is

protected by trees and no windows will be on the golf course side of the building. Motion to approve.

Motion made by Dufina, Seconded by Martin.
Voting Yea: Martin, Pettit, Dufina, Finkel

XI. Public Comment

Tom Sullivan stated he is a resident of Stonecliffe Manor IV and president of Sunset Forest Association. He is concerned about the decision that the Planning Commission will no longer consider HOA approval. Sullivan stated it has been procedure for 20 years to have HOA approval. He is asking for clarification if items specifically prohibited by bylaws is submitted will the Planning Commission approve. Lipovsky stated we do want HOA approval, but it is not required for the City to approve. As long as it complies with the current codes he can approve without the HOA approval. Lipovsky would like to see a faster turnaround with the HOA approval because that is the biggest complaint he has heard from people. Reitman stated this procedure came about 20 years ago with a house that was inappropriate and ended in a lawsuit. Reitman worked with Dombroski from day 1 and worked together to approve. Lipovsky suggested Reitman come in and talk to him. Lipovsky could then talk to Planning Commission.

Sullivan stated his biggest concern is that the HOA is not required.

Cathy Arbib stated regarding condo associations she would like to see the City still requiring HOA approval.

Cristina Staats thanked the Commission for the time and effort spent on the Zoning amendments.

XII. Adjournment

Motion to adjourn at 4:41 PM.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Dufina, Finkel

APPENDIX 4

January 13, 2026, Planning Commission Agenda Packet And Meeting Minutes

CITY OF MACKINAC ISLAND

AGENDA

PLANNING COMMISSION

Tuesday, January 13, 2026 at 1:00 PM

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

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
 - [a.](#) December 9, 2025 Public Hearing
 - [b.](#) December 9, 2025 Regular Meeting
- V. **Adoption of Agenda**
- VI. **Staff Report**
 - a. HDC Meeting Summary
 - b. DPW Update
- VII. **Old Business**
 - [a.](#) Housing Focused Zoning Amendments Draft
 - [b.](#) RS25-046-045(H) Gilmer Site Plan Amendment
 - [c.](#) Correspondence Requesting Permit Extension - M. Straus
 - [d.](#) R425-098-052 Grand Hotel Statement of Findings and Conclusions for Approval
- VIII. **New Business**
 - [a.](#) C25-053-110(H) Trayser New Cafe
 - b. Move in to Closed Session to Discuss Ongoing Litigation
- IX. **Public Comment**
- X. **Adjournment**

CITY OF MACKINAC ISLAND

Section IV, Itema.

MINUTES

PLANNING COMMISSION PUBLIC HEARING GHMI SPECIAL LAND USE

Tuesday, December 09, 2025 at 2:00 PM

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

I. Call to Order

Chairman Straus called the public hearing to order at 2:00PM.

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Mary Dufina

Lee Finkel

ABSENT

Anneke Myers

Staff: Erin Evashevksi, David Lipovsky

III. Pledge of Allegiance

IV. Adoption of Agenda

Motion to approve as presented.

Motion made by Martin, Seconded by Dufina.

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

V. Correspondence

Straus read the letters' sender names and whether for or against the request.

a. Letter from Cristina Staats

against

b. Letter from Jack Dehring Jr

against

c. Letter Opposing Housing

against

- d. Letter from Bobinsky's
against
- e. Letter from Surrey Ridge Condo Owners
against
- f. Letter from Lorma Kolatski
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- p. Letter from Ben Mosley
against.

- q. Letter from Lorne Cowell
against
- r. Letter from Gwen Bagbey
against
- s. Letter from Gabe Cowell
against

VI. New Business

- a. Special Land Use Request from GHMI Resort Holdings LLC

David Jurcak submitted a packet for the Commissioners. Jurcak stated there are no changes from what was previously submitted. Jurcak had some comments in response to previous comments. The Use is an allowable Use with a Special Land Use. Jurcak stated they are asking for boardinghouse. 2.39 definition of family which excludes housing temporary in nature. As to density we were incorrectly told that kitchens could not be in each unit. There is a similar building in R3, with kitchens. Jurcak went through the history of meetings in relation to this application. We are here to ask for a boardinghouse in alignment with the current ordinance. Due to previous actions over last two years you should not have a reason to deny this request.

Straus opened it up to the public, present at the meeting. Angel Callewaert stated she is in support of the request. She agreed with Jurcak that businesses need housing. The big question is where we are going to go. It is limited and what is the plan for businesses. She personally has lived by seasonal employees who have been polite and never caused a ruckus or been unpleasant. She has lived next to City workers who are all very nice. She has lived next to year round residents and seasonal residents. They are all human beings, here to better their lives.

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Dufina stated she is surprised by Angels message that perhaps we are not, as people that live here, not caring about the employees. She does not agree that is a problem. Management needs to make sure the house is run well. Some employees go to work at 5:00 pm, not 5:00 am. Large groups of employees coming home late at night together is very disturbing to families in the neighborhood. Harrisonville was started as a family area. When employee housing started coming in, it made a big difference with the area and the value. Jurcak stated that the people residing in the proposed building are highly compensated managers. In addition, you have approved

two boardinghouses for Stonecliffe and Harborview. We are just asking for the same thing. This will probably be the quietest spot on the street.

Straus would like to go through the Statement submitted by GHMI.

Tamara Burns summarized the highlighted areas. It will be used for employee housing only. They will all be senior managers. There will only be 1 or 2 people in each unit, no minors and no pets. There are 6 standards they have responded to.

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6-This use conforms to all regulations. This is boardinghouse and would allow for 30.

Cathy Arbib asked for clarification about Jurcak's statement that it was always submitted as a boardinghouse. It was originally submitted as an apartment. Jurcak stated the approved use is single or two family in R4. There are three options for special land use. We have always intended it to be employee housing. We did offer the city 4 units initially. Arbib stated she still didn't understand. There was a public hearing scheduled for a 12-unit apartment. Jurcak denied this. Burns tried to explain by saying that the exact plan was preliminarily reviewed by Dombroski and since there were kitchens in it, it is an apartment building. We looked for ways to make this work. In the meantime they found out there was a boardinghouse across the street with kitchens in them. It was exactly what we are proposing. There is a piece of the zoning for an exemption for seasonal workers. Evashevski wanted to clarify on what constitutes a family. Evashevski read the definition aloud. To say that someone lives seasonally is not a family is not accurate. Jurcak argued the definition with Evashevski. Evashevski stated if you as the Grand Hotel house a single family in a house, you do not need employee housing for that. It is when the association between those individuals does not constitute a family. Jurcak argued that the same exact layout was approved as a boardinghouse. Jurcak insisted there must be consistency in actions. Evashevski again stated that the other application was in a different zoning district. She stated she was not going to discuss all the different scenarios. Evashevski insisted that what you are requesting is 12 dwelling units.

Straus stated the Commission has heard the information and he opened it to any other questions the Commission may have. Dufina confirmed the application being reviewed.

The clock started in October when the amendment was submitted. The Commission has 100 days to decide.

Cory Kaminen stated he doesn't have a letter. He is opposed to the application. He has lived in the Village for 30 years. Just about every boardinghouse or employee housing has problems. Not so much with single family. Cory stated employees have been told not to call the police with any problems, that the employer would like to handle it. He does not want any more of that.

- b. R425-098-052 Grand Hotel 12 Dwelling Units Amendment to Boardinghouse

VII. Public Comment

VIII. Adjournment

Motion to adjourn at 2:47 PM

Motion made by Martin, Seconded by Dufina.

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

Michael Straus, Chairman

Katie Pereny, Secretary

CITY OF MACKINAC ISLAND

Section IV, Itemb.

MINUTES

PLANNING COMMISSION

Tuesday, December 09, 2025 at 3:00 PM

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

I. Call to Order

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Mary Dufina

Lee Finkel

ABSENT

Anneke Myers

Staff: Erin Evashevski, David Lipovsky

III. Pledge of Allegiance

IV. Approval of Minutes

a. November 11 Special Meeting

Motion to approve as written.

Motion made by Dufina, Seconded by Pettit.

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

b. November 11 Regular Meeting

Motion to approve as written.

Motion made by Pettit, Seconded by Dufina.

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

V. Adoption of Agenda

Motion to approve as amended. Add Pettit statement to Correspondence.

Motion made by Martin, Seconded by Dufina.

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

VI. Correspondence

Jim Pettit read aloud a statement regarding a statement from a previous meeting. Motion to place on file.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

VII. Staff Report

a. HDC Meeting Summary

Finkel summarized the HDC meeting.

Pettit commented about the equipment on top of the roofs. Pettit wonders if there is a way to make it nicer.

b. DPW Update

Allen Burt shared his desktop to show current pictures of the project. Installing 2nd half of media. Microorganisms grow on the media. 9 connex boxes of media are being installed. Stairways, handrails and doors have been installed. Removal of unneeded equipment has begun. Finkel asked if the weather has changed the schedule at all. Burt stated it has not, but it has been difficult for the trucks to get to the site with all the snow.

c. Historic District Maps

Motion to approve the maps with Proposed removed. Evashevski stated if this is part of the zoning ordinance it should be included in the final proposed amendments. Motion to include the maps in the zoning ordinance with the changes.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

VIII. Committee Reports

None.

IX. Old Business

a. R425-098-052 Grand Hotel 12 Dwelling Units Amendment to Boardinghouse

Straus stated we just finished the public hearing and heard several comments. Straus turned it over to commissioners. Straus has a document from Evashevski referring to the statement of findings. Evashevski stated she has provided an opinion letter and today an opinion letter from Fraser Trebilcock was submitted. Evashevski stated you the commissioners are to make the decision. This requires a special land use and it is up to you to make a decision. Findings of fact need to be made for an approval or denial. Any conditions of an approval would need to be part of the statement of conditions. Pettit stated he agrees with

Evashevski. When we have the opinion of our lawyer, and another lawyer that backs up that opinion, we should not go against the lawyer. Motion by Pettit to deny.

Straus read aloud the Statement of Findings. Evashevski stated it has been clarified that the applicant stated it will be one person per unit, or a married couple. Straus completed reading the Statement of Findings. Jurcak stated that based on what was just read, that you should have at that point, denied it. Evashevski stated she submitted a confidential letter to the Commission. Jurcak stated it should have been shared at the Public Hearing. Straus looked to Evashevski on how to proceed. Gene Hopkins stated each standard must be voted on individually. Evashevski stated we have never done it that way and Hopkins stated then it has been wrong. Evashevski stated she is happy to go through each standard and vote.

Standard 19.06 Standards Vote

1. Will the establishment, maintenance or operation of the special land use be detrimental to or endanger the public health, safety or general welfare? – Planning commission stated that it would because the operation is not following the ordinances and the community has clearly expressed that the it will through the letters received. VOTE: all ayes.
2. Will the special land use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will it substantially diminish and impair property values within its neighborhood? – Planning commission stated that it would be injurious because it is doing something not allowed by ordinance. Did not make specific finding on values of property within the neighborhood. VOTE: all ayes.
3. Will the establishment of the special land use not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district? – Planning commission stated that it would because it is not following our ordinance. VOTE: all naves.
4. Are the adequate utilities, access roads, drainage and necessary facilities being or will be provided. Planning commission stated that based on the application this standard would be met. VOTE: all ayes.
5. Are adequate measures being or will be taken to provide ingress or egress so designed to minimize congestion in the public streets. Planning commission stated that based on the application this standard would be met. VOTE: all ayes.
6. Will the special land use, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedure as specified in article 20. Planning commission stated that it does not meet the regulation in the district – no special land use requested for multiple family and if it was, it would not meet the density. VOTE: all naves.

Article 20.04 and 20.06 - any additional procedures? anything in site plan review that you believe is not met. Evashevski read the article aloud. Pettit stated A and H are not met.

Evashevski stated based on vote today she can prepare a statement of findings and conclusions denying the request, to sign and send to applicant.

Motion made by Pettit, Seconded by Straus.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

Jurcak asked for the votes and the second opinion be made available. Evashevski will take the request under advisement.

b. R321-007-008 Hoban Hill Condominiumization

The items requested at the last meeting have been received. Porter stated they are scheduled to start the road this week based on the weather. Motion to approve the condominiumization.

Motion made by Dufina, Seconded by Martin.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

c. C25-001-086(H) Schunk Threads Door and Window Alterations

Motion to deny because not approved by the HDC.

Motion made by Martin, Seconded by Dufina.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

d. Housing Focused Zoning Amendments Draft

Straus stated we have been working on updating the Zoning. We had a public hearing yesterday where some changes were suggested. Straus summarized the changes. Straus stated we can table for a month or send on to City Council now with the changes. Dufina stated there are a couple of things she would like to further look in to. Dufina stated to keep things moving we should move on to City Council. The timeline of the grant would allow us to table for a month. Doud stated he thinks the public should be able to see any changes before it is approved. Motion to table for more discussion. Ask Young to make a list of proposed changes for village lot size, corral, shipping containers, 5000 square feet with 50' lot in Harrisonville and PUD at 15000 square feet.

Motion made by Martin, Seconded by Pettit.
Voting Yea: Martin, Pettit, Straus, Dufina, Finkel

X. New Business

a. R125-009-107 Bagwell Addition (Old Huthwaite home)

Steve Rilenge stated the applicant would like to make some additions. Rilenge showed a plan with changes highlighted in yellow.

Straus and Evashevski had to leave at 4:20 PM, to catch the last boat. Finkel took over as chair.

Lipovsky stated the project meets all requirements. Motion to approve.

Motion made by Dufina, Seconded by Finkel.

Voting Yea: Martin, Pettit, Dufina, Finkel

b. ROS25-002-108 GHMI New Storage Barn

Gene Hopkins stated they would like to construct a golf course storage building. It is to house golf course equipment. Equipment in the summer would also be under a lean to. Lipovsky stated all standards are met. There is sewer for rest rooms. Pettit asked if the property is owned by the Grand, or leased from the State. Hopkins stated the Grand owns the property. It is on the golf course property but it is protected by trees and no windows will be on the golf course side of the building. Motion to approve.

Motion made by Dufina, Seconded by Martin.

Voting Yea: Martin, Pettit, Dufina, Finkel

XI. Public Comment

Tom Sullivan stated he is a resident of Stonecliffe Manor IV and president of Sunset Forest Association. He is concerned about the decision that the Planning Commission will no longer consider HOA approval. Sullivan stated it has been procedure for 20 years to have HOA approval. He is asking for clarification if items specifically prohibited by bylaws is submitted will the Planning Commission approve. Lipovsky stated we do want HOA approval, but it is not required for the City to approve. As long as it complies with the current codes he can approve without the HOA approval. Lipovsky would like to see a faster turnaround with the HOA approval because that is the biggest complaint he has heard from people. Reitman stated this procedure came about 20 years ago with a house that was inappropriate and ended in a lawsuit. Reitman worked with Dombroski from day 1 and worked together to approve. Lipovsky suggested Reitman come in and talk to him. Lipovsky could then talk to Planning Commission.

Sullivan stated his biggest concern is that the HOA is not required.

Cathy Arbib stated regarding condo associations she would like to see the City still requiring HOA approval.

Cristina Staats thanked the Commission for the time and effort spent on the Zoning amendments.

XII. Adjournment

Motion to adjourn at 4:41 PM.

STATEMENT OF FINDINGS AND CONCLUSIONS

This Statement of Conclusions is made by the **City of Mackinac Island, Planning Commission**, a Michigan municipal corporation (City) regarding application file number R425 098 052 from GHMI Resort Holdings, LLC and KSL Capital Partners, LLC (Owner).

RECITATIONS

Owner holds fee title of the property located at 4th Street and Cadotte Avenue, Mackinac Island, Michigan 49757, Property Tax ID No. 49-051-630-098-00 (the Property).

Owner made application for a Special Land Use to change the use of the Property, located in R-4 Harrisonville Residential District, from single-family use to Boardinghouse use.

A hearing was held on the application on or about December 9, 2025, after proper notice was posted and sent.

STATEMENT OF FINDINGS

The City, through its Zoning Ordinance, denies this Special Land Use under 7A.03(B) if factual findings are made to support requirements as stated under Zoning Ordinance. Through the Owner's application and revised project description, other information provided by the applicant, and the letters, advice of city's legal counsel, the city's Zoning Ordinance, and input provided by the public, the following factual findings were made by the Planning Commission:

1. The application seeks Special Land Use approval of both the proposed use and proposed structure. In considering the Special Land Use, the proposed use depends on and is driven by approval of the structure (and other aspects of site plan development) under Article 20 and other relevant portions of the Zoning Ordinance. Whether a given use is permitted is not determined in a vacuum, but always in relation to and dependent upon whether the proposed structure meets all of the ordinance requirements for that use. Therefore, the threshold question must always be whether the proposed structure supports meets the requirements of the ordinance.
2. The structure proposed in the Owner's application is clearly a multi-family structure as defined in Section 2.33:

“A building or portion thereof, **used or designed** as a residence for three or more families living independently of each other having their own cooking facilities therein. This definition includes three-family houses, townhouses, four-family houses and apartment houses.”

It was designed as a residence for three or more families living in individual dwelling units and if approved as a structure, would support the multi-family use proposed by the applicant. (A dwelling unit is defined as “any house or

portion thereof having cooking facilities which is occupied usually as a home, residence or sleeping place of one family, either permanently or transiently...’).

3. A multiple-family structure may be permitted with a special land use in R-4, but the original application for multiple-family special land use was amended to the current boardinghouse special land use application. Therefore, there is no pending application for multiple-family special land use.
4. The proposed building could not have been approved as a multiple-family special land use since it had to comply “with all other district regulations” which included the density requirements of Section 7A.04E. Because of the size of the parcel, the proposed structure was limited to 3 dwelling units instead of the 12 proposed by the applicant, without a variance for the density.
5. The amended application seeks approval of the same proposed structure but as a boardinghouse under Section 7A.03B to align with the boardinghouse density requirements under Section 7A.94E. Like multi-family approval under Section 7A.03A 2, a boardinghouse under Section 7A.03B 2 can only be approved if “the boardinghouse **use and/or structure** complies with all other district regulations.”
6. It is unnecessary to reach a conclusion on whether the proposed use is boardinghouse use, because the structure itself is not permitted as proposed through this application.
7. It is unclear if the Owner argues that the inhabitants of the entire building are unrelated persons not consisting of a family, or if those living in each dwelling unit are unrelated and not consisting of a family. If the argument is the whole structure, then there would be no need for “multiple-family” in our ordinance. Every apartment building and condominium on the island would be required to be boardinghouse use in order to exist, which is not the way the zoning is written. If the Owner argues that each separate dwelling unit shall have unrelated persons living together, the City finds that this is not a sincere request, as the Owner has stated that each Unit will house 1 person, 2 if there is a spouse living there.
8. Because the structure is a multiple-family dwelling, which is not permitted without a special land use, and the maximum density for a multiple-family special land use is 3 dwelling units for this property.
9. The planning commission found that the special land use does not conform to the applicable regulations of the R-4 Harrisonville Residential district.
10. The planning commission found that the special land use application does not conform to all relevant criteria for review under Article 20.06, as it does not meet Sections 20.06A and 20.06H.
11. The planning commission found that all provisions of Section 7A.04 are not met, as 7A.04(E) is not met.

12. The planning commission found that all provisions of Section 7A.03B are not met, as Section 7A.03(B)(3) is not met.

STATEMENT OF CONCLUSIONS

Based on the information provided by the Owner's application and revised project description, other information provided by the applicant, and the letters, advice of city's legal counsel, the city's Zoning Ordinance, and input provided by the public, the Planning Commission made the following conclusions:

1. Will the establishment, maintenance or operation of the special land use be detrimental to or endanger the public health, safety or general welfare? – Planning commission found that it would because the operation is not following the ordinances and the community has clearly expressed that the it will through the letters received. VOTE: all ayes.
2. Will the special land use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will it substantially diminish and impair property values within its neighborhood? – Planning commission found that it would be injurious because it is doing something not allowed by ordinance. Did not make specific finding on values of property within the neighborhood. VOTE: all ayes.
3. Will the establishment of the special land use not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district? – Planning commission found that it would because it is not following our ordinance. VOTE: all naves.
4. Are the adequate utilities, access roads, drainage and necessary facilities being or will be provided. Planning commission found that based on the application this standard would be met. VOTE: all ayes.
5. Are adequate measures being or will be taken to provide ingress or egress so designed to minimize congestion in the public streets. Planning commission found that based on the application this standard would be met. VOTE: all ayes.
6. Will the special land use, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedure as specified in article 20. Planning commission found that it does not meet the regulations in the district – no special land use requested for multiple family and if it was, it would not meet the density. VOTE: all naves.

**City of Mackinac Island, Planning
Commission, By:**

Michael Straus, Its Chairperson

STATE OF MICHIGAN)
 :SS
County of Mackinac)

On January _____, 2026, before me, a Notary Public, in and for said County, personally appeared Michael Straus, Chairperson of the City of Mackinac Island Planning Commission, me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed on behalf of said municipal corporation commission.

_____, Notary Public
Mackinac County, Michigan
My Comm. Expires: _____
Acting in Mackinac County, Michigan

DRAFTED BY:
Erin K. Evashevski
Attorney at Law
838 North State Street
St. Ignace, MI 49781

CITY OF MACKINAC ISLAND

MINUTES

PLANNING COMMISSION

Tuesday, January 13, 2026 at 1:00 PM

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

I. Call to Order

Acting Chairman Finkel called the meeting to order at 1:05 PM.

II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Anneke Myers

Mary Dufina

Lee Finkel

ABSENT

Michael Straus

Staff: David Lipovsky, Erin Evashevski (via Zoom)

III. Pledge of Allegiance

IV. Approval of Minutes

a. December 9, 2025 Public Hearing

Motion to approve.

Motion made by Pettit, Seconded by Myers.

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

b. December 9, 2025 Regular Meeting

Motion to approve as amended. Amendment was to correct the language on page 3, Standard 19.06 Standards Vote, item 1.

Motion made by Dufina, Seconded by Martin.

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

V. Adoption of Agenda

Motion to approve as amended. The amendments were to remove New Business, B and add New Business B, HOA discussion.

Motion made by Pettit, Seconded by Myers.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

VI. Staff Report

a. HDC Meeting Summary

Finkel summarized the HDC meeting.

b. DPW Update

Allen Burt shared his screen. Burt showed pictures of ongoing construction. The concrete batch plant was removed. It had to be removed via the Village. They are right on track. All the media has been installed and crews continue working with electronics. They will start growing the micro-organisms next month. They are on track for a March start up.

VII. Old Business

a. Housing Focused Zoning Amendments Draft

Myers stated we just had a meeting to discuss the most recent draft, just prior to this meeting. The draft dated December 16, 2025, was agreed upon by all members in attendance. Motion to send to City Council with the recommendation to adopt the proposed zoning ordinance amendments as presented in the draft dated December 16, 2025.

Motion made by Myers, Seconded by Martin.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

b. RS25-046-045(H) Gilmer Site Plan Amendment

Chris Otto and Tamara Burns were present. The applicant would like to install A/C condensers, propane tanks and a doggy door. The condensers will be on a 5-6' stand and will be blocked by a fence. The fence will run almost on the lot line on the Biddle Point side of the property. Due to the fact that the home is next to the pump station, not a residential structure, the Planning Commission is ok with the positioning of the A/C condensers. There will be direct access to the propane tanks with a gate. Pettit reminded them that the propane tanks must be 5' from any point of ignition. Motion to approve.

Motion made by Finkel, Seconded by Martin.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

c. Correspondence Requesting Permit Extension - M. Straus

The applicant is requested a permit extension due to the fact that they have been working with EGLE to get the permit changed to their name and still have gotten no response. In addition, the contractor that was set to do the job is no longer able to do the job. Myers confirmed with Evashevski that there was no limit to the number of times a permit may be renewed. Motion to approve a one-year extension to the permit. Motion made by Myers, Seconded by Martin.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

d. R425-098-052 Grand Hotel Statement of Findings and Conclusions for Approval

Evashevski stated the Statement will be sent to the applicant. This will need to be approved by the Commission before it can be sent. Numbers 1-7 were previously read aloud at the last meeting. The rest was not. The statement of conclusions was stated in the meeting minutes. Myers read the Statement aloud. Evashevski asked that based on finding and conclusions stated herein, the City through its Zoning Ordinance, denies this Special Land Use Article 19 under Zoning Ordinance.

Motion to approve the Statement of Findings and Conclusions as amended for file number R425-098-052 and approve Straus to sign and have the Building Department send to the applicant with the minutes of the previous meeting and the denial letter.

Motion made by Myers, Seconded by Martin.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

Evashevski stated Jurcak requested the attorney client privileged opinion letter from Fraser Trebilcock. Evashevski is comfortable in the fact that they did not waive any privilege, did not discuss the substance of the letter, and provided findings in the meeting. Therefore, Evashevski disagrees that that was waived in any way.

VIII. New Business

a. C25-053-110(H) Trayser New Cafe

Devan Anderson stated this was tabled at the HDC meeting. Anderson stated the site work is pretty limited. The vast majority of the work is inside. Myers stated they will be addressing Article 20 of site plan review.

The Use will be changed from storage to restaurant. Myers stated the difference in uses presents issues the Planning Commission must review. Myers stated that Under section 20, C, 7, "all proposed and existing streets, driveways, sidewalks and other bicycle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size and number of on site parking areas, service lanes thereto, and parking and delivery or loading areas" shall be shown. The restaurant is located in the back of the property and Myers is concerned about how deliveries will be made and trash disposal. Anderson stated there is a small alley, or access way, that deliveries could come through. There is an informal bike parking space adjacent to the storage, that is shared with Seabiscuit. The majority of access will be through the building. Anderson stated the site plan as presented addresses most of the items in the section. Trash is brought to the dock for removal, and deliveries are brought to the back. Access to the cafe is through the inside of the building. Myers asked how this access will be posted for emergencies. Anderson stated exit signs will be posted. If there is a fire they will be outside and can leave through the alley. Myers asked Lipovsky to send this plan to the fire department for review. Myers asked if a liquor license will be applied for. Currently, Anderson stated, there is not a plan for a liquor license. Dufina asked why there are so many kitchens. Anderson stated they are for deli sandwiches. The kitchen behind the new cafe will service the new cafe. The fudge kitchen is purely for fudge and candy. Anderson stated someone could be on the sidewalk letting people know about the cafe. Myers informed him that is illegal. Dufina further clarified all of the shown

kitchens. The cafe in the building would be coffee and sandwiches, but if you wanted more food you would go the cafe out back. The Commission would like to see a traffic flow diagram. Myers is suggesting a more direct route back to the cafe. Myers asked if propane will be used. Anderson stated there is current propane service being used by May's Fudge. The intention is to go all electric. Myers requested a narrative in response to Section 20. Anderson stated the 2nd floor housing will be remodeled and they will add back in unit 203 that was previously gutted and never restored. The upper deck on unit 201 is existing. Myers asked if the amount of windows on the back of the cafe meets our ordinance requirements. Lipovsky is to ask Neumann. Myers would like to see the narrative for the Site Plan Checklist as well. Anderson stated they have not selected a contractor yet. Myers stated he would need to answer these items on the checklist sooner, rather than later. Anderson asked who he should speak to regarding the staging for the front of the building. Myers stated start with the building inspector. Anderson asked for a list of items the Planning Commission would like to see at the next meeting. Lipovsky stated he will provide that. Dufina asked about the basement. Is it one big basement? Anderson stated currently there is a big basement that is partially excavated. They intend to fully excavate to meet the existing basement, water proof and rebuild. They will be adding sprinkling. Motion to table.

Motion made by Myers, Seconded by Martin.
Voting Yea: Martin, Pettit, Myers, Dufina, Finkel

b. Move in to Closed Session to Discuss Ongoing Litigation

HOA discussion. Pettit is wondering if there is something we can draft to give to HOA's to let them know our process. Evashevski stated we still ask for HOA approval on the application. If the applicant states they have gone through the process and the HOA denies or does not make a decision, is the City in the position to not approve something that complies with all of our zoning ordinances because it doesn't meet the HOA approval. The City approved the Bonzheim amendment because the approved HOA plans didn't meet our zoning ordinance. HOA's don't hold their approval if it doesn't meet something in our ordinance. Evashevski stated we are not changing anything we just need the autonomy to approve based on our ordinances. There was discussion about ways to ensure the applicant get the HOA approval such as contingent approval on HOA approval within a month or having the city architect review all homes. This would be costly. Evashevski stated we cannot be the third party in a disagreement. Evashevski stated she agrees there needs to be a timeline in an HOA approval contingency. Myers pointed out that an applicant only gets one free amendment. So, the applicant would be better off getting their HOA approval prior to the City approval to avoid amendment fees. Evashevski stated it is our goal to work with all parties involved but the City does not want to be put in the position of a lawsuit due to unreasonable hold back or denial.

IX. Public Comment

Pettit talked about issues in a tourist town. Mackinac Island is very unique. We are a business. Our unique situation on the island is the use of our residential buildings. Where you house your employees is a large part of the business part of the island. Pettit stated we need to figure out a way to pay for the new sewer plant. Woodville and a private home owner shouldn't have to pay the same amount. The expansion is helping cover all the new employee housing, but there is no way to ensure the commercial business owners pay

their fair share. Dufina asked why can't the DPW add more billing categories. Jurcak stated he is glad someone finally stated we have \$24 million in unsecured debt. There are state regulations on billing. DPW needs to come up with something.

X. Adjournment

Motion to adjourn at 2:54 PM.

Motion made by Myers, Seconded by Pettit.

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