



Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

VILLAGE OF MACKINAW CITY COUNCIL AGENDA JUNE 19, 2014 - 7:00 P.M. VILLAGE HALL

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

II. PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

IV. COUNCIL MINUTES

A. Approval of the regular and special meeting minutes for June 5, 2014

V. PUBLIC COMMENTS

Citizens wanting to address the Council can do so at this time. Persons addressing the Council are requested to give their name and address for the record when called on by the President.

VI. PUBLIC HEARING AND SUBSEQUENT COUNCIL ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

- A. Rescheduling July 3, 2014 Council Meeting [Action Item]
- B. Resolution for Designation of Street Administrator –
Mike Karll, DPW Superintendent [ROLL CALL][Action Item]
- C. Resolution Commending The USCGC Mackinaw Crew [ROLL CALL][Action Item]
- D. Arbor Day Proclamation – Tree City [Action Item]
- E. Fiscal Year 2015 First Quarter Budget Amendments [Action Item]
- F. Schedule Committee of the Whole Meeting –Special Events/Fees [Action Item]
- G. Rezoning of Parcel #014-020-100-004-00 from MR to B1 [Action Item]

VIII. ACCOUNTS PAYABLE

A. Accounts Payable for June 19, 2014 for \$[Insert AMOUNT] [Action Item]

IX. COMMITTEE/DEPARTMENT REPORTS

A. Council Committee(s)

X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

XI. ADJOURNMENT



UNAPPROVED
MINUTES SPECIAL COUNCIL MEETING
MACKINAW CITY

6:00 P.M.

June 05, 2014

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Jeff Hingston called the meeting to order and with the following Trustees present – Robert Glenn, Belinda Mollen, Sandy Planisek, Richard Perlick, Paul Michalak. Also present, Manager Adam Smith, Zoning Administrator Fred Thompson, Jr., Attorney Ken Lane, Clark Hill PLLC and Clerk Lana Jaggi.

Visitors – List Attached.
Pledge of Allegiance

II PUBLIC COMMENTS

Due to the timeline, Attorney Ken Lane asked all public comments be postponed until the Public Comment section of the following regular council meeting.

III. BUSINESS REPORTS AND RECOMMENDATIONS

A. Closed Session-Discuss Confidential Legal Opinion

Motion Glenn seconded Planisek to go into Closed Session to discuss confidential legal opinion at 6:07 PM. Ayes-Glenn, Mollen, Hingston, Planisek, Perlick, Michalak. Nays-none. Absent-Yoder. Motion carried.

Special Meeting back in session at 7:00 PM

XI. ADJOURNMENT: 7:01 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:05 P.M.

June 05, 2014

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Jeff Hingston called the meeting to order and with the following Trustees present – Robert Glenn, Belinda Mollen, Sandy Planisek Richard Perlick, and Paul Michalak. Absent -Trustee Matt Yoder. Also present, Villager Manager Adam Smith, Treasurer Patricia Pepler, Attorney Ken Lane and Clerk Lana Jaggi.

Department Heads Present:

Chief Patrick Wyman-Police

Patrick Rivera-Water Sewer Superintendent

Mike Karll- DPW Superintendent

Dave Paquet- Rec/Marina

Fred Thompson, Jr.-Ambulance/Fire/Zoning Administrator

Visitors – List Attached.

Pledge of Allegiance

II. PRESENTATIONS AND RECOGNITIONS

Cheboygan County Road Commission-Millage Proposal Presentation-Ken Paquet

III. APPROVAL OF AGENDA

Motion Glenn seconded Mollen to approve the agenda as presented with the addition- VII. C. Special Event Application additions 5&6. Voice vote – motion carried unanimously.

IV. COUNCIL MINUTES

A. Motion Perlick seconded Glenn to approve the regular meeting minutes of May 15, 2014 as presented. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda

Erich Doerr-Reporter St. Ignace News

Ron Wallin-Village Resident-submitted letter was placed in packet file.

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Icebreaker Mackinaw Maritime Museum Relocation Request

Motion Hingston seconded Planisek to move forward and partner with the Icebreaker Mackinaw Maritime Museum to begin discussion and investigation of the probability of relocating the Icebreaker to the Village Fishing Pier and to have staff begin the process. Voice vote-motion carried unanimously.

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:05 P.M.

June 05, 2014

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**B. Humbard Dock Development, Lieghio's Hamilton Inn Select, Inc
Planned Unit Development**

Attorney Ken Lane summarized the history that has transpired beginning with the applicant's application submission to Planning Commission on December 03, 2013 until June 05, 2014. He stated based on Section 504 of the MZEA he has advised the Village it does not have the authority to require the continued operation of five businesses on the site as a legal condition to the approval of this PUD.

Motion Michalak seconded Planisek that in accordance with Article XXIII, Section 23-102 of the Zoning Ordinance, the Village Council has received materials and documents relating to a PUD request from applicant Hamilton Inn Select, Inc. for the establishment of a commercial PUD; the documents received include a recommendation from the Planning Commission; we recognize that the Planning Commission has recommended approval of this request contingent on a number of conditions, including the condition that there must be at least 5 separate businesses in operation on the proposed PUD site; however after consulting with the Village staff and our legal counsel, it is Village Council's understanding that such a condition is not permissible and/or is unenforceable under the state law and Zoning Ordinance; additionally, based upon our review of the materials before us, we do not believe the proposed PUD meets the parking requirements of the Zoning Ordinance and no parking plan has been submitted; there exists numerous deviations from the existing Zoning Ordinance regulations which have not been addressed"; therefore, for those reasons, we must deny this PUD request. Ayes-Mollen, Planisek, Michalak, Glenn. Nays-Hingston, Perlick Absent-Yoder. Motion carried.

C. Special Event Applications (6)

Motion Planisek seconded Michalak to approve the special event request 2014-SE-049, Mackinaw Woman's Club, for July 4, 2014.

Voice vote-motion carried unanimously.

Motion Planisek seconded Perlick to approve the special event request 2014-SE-051, International Ironworkers Festival, for August 8-10, 2014.

Voice vote-motion carried unanimously.

Motion Planisek seconded Mollen to approve the special event request 2014-SE-053, MI Physical Fitness Labor Day Run, 2014.

Voice vote-motion carried unanimously.

Motion Planisek seconded Glenn to approve the special event request 2014-SE-054, Caroline Sommers Lemonade Stand, 06-08/2014 Tues-Thurs 11-2.

Voice vote-motion carried unanimously.

Motion Glenn seconded Planisek to approve the special event request 2014-SE-014, Music In Mackinaw additions.

Voice vote-motion carried unanimously.

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:05 P.M.

June 05, 2014

Page 3

Motion Mollen seconded Perlick to approve the special event request 2014-SE-058, Mackinaw Area Arts Council Displays Sundays, 6/29-8/31/2014. Voice vote-motion carried unanimously.

D. Parking Control Orders (2)

Motion Planisek seconded Mollen to approve Parking Control Orders TPC 001-14 and TPC 002-14. Voice vote-motion carried unanimously.

E. Mackinaw Area Public Library Board Appointment

Motion Hingston seconded Mollen to approve the appointment of C Cecelia Waskiewicz to the Mackinaw Area Public Library Board. Voice vote-motion carried unanimously.

F. Agreement Addendum Emergency Dredging

Motion Planisek seconded Mollen to accept the addendum and approve the Resolution for the Village and the Michigan DNR for Emergency Dredging. Voice vote-motion carried unanimously.

G. Ordinance #161-Protection of Municipal Property Reading and Adoption

Motion Planisek seconded Mollen to waive the reading of Ordinance #161 Protection of Municipal Property. Voice vote- motion carried unanimously.

Motion Planisek seconded Glenn to adopt Ordinance #161, Protection of Municipal Property. Ayes-Hingston, Planisek, Perlick, Michalak, Glenn, Mollen. Nays-none. Absent-Yoder. Motion carried.

VII. Motion Planisek seconded Michalak to approve the accounts payable for June 05, 2014 in the amount of \$108,879.55. Voice vote-motion carried unanimously.

IX. COMMITTEE/DEPARTMENT REPORTS

Department Head Reports were received and placed of file.
Finance and Human Resources Report presented and placed on file.
Marina Report presented and placed on file.

X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

XI. ADJOURNMENT: 8:37 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk



Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

To: Mackinaw City Council
From: Adam R. Smith, Village Manager
Date: June 12, 2014
Re: Manager Report & Recommendations for June 19, 2014 Council Meeting

VII. A. Rescheduling July 3, 2014 Council Meeting (July 2, 2014) [Action Item]
Consideration of rescheduling the July 3, 2014 Council meeting to Wednesday July 2, 2014, 7:00 p.m. at Village Hall. Alternatively, the meeting can remain as scheduled or on a different date.

VII. B. Resolution for Designation of Street Administrator [Roll Call] [Action Item]
Mike Karll, DPW Superintendent
A Michigan Department of Transportation (MDOT) resolution required by Act 51, P.A. 1951 as amended. The Resolution designates DPW Superintendent Mike Karll as the Street Administrator for the Village of Mackinaw City. The responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by an administrator designated by the governing body. I recommend approval of DPW Superintendent Karll as the Street Administrator for the Village of Mackinaw City by Resolution For Designation of Street Administrator. *Please refer to attached draft Resolution.*

VII. C. Resolution Commending The USCGC Mackinaw Crew [Roll Call] [Action Item]
Resolution commending the United States Coast Guard Cutter Mackinaw and its 10th Annual crew reunion. *Please refer to attached draft Resolution.*

VII. D. Arbor Day Proclamation – Tree City [Action Item]
On June 2, 2014, staff (Greg Vieau) put on a workshop at Mackinaw City Public Schools where students were educated on the effects of the Emerald Ash Borer and its effect on Mackinaw's tree canopy. Several affected Ash trees will continue to be replaced this season. *Please refer to attached draft Proclamation.*

VII. E. Fiscal Year 2015 First Quarter Budget Amendments [Action Item]
FY 15 First Quarter Budget Amendments that reflect a continued decline in taxable value and allocation for necessary contracted services and wage discrepancies. Recommendation from Council Finance Committee to adopt budget amendments as presented. The attached Taxable Value chart shows the 2014 estimated tax revenue compared to the 2013 tax revenue. It is important to reiterate that we have lost several millions in taxable value again this year, for a total loss of approximately \$20.75 million since 2009 (2009 taxable value of \$112.5 vs. \$91.8 million today). This additional loss of taxable value expedites the need for substantial operational changes and alternative revenue sources in Mackinaw City. *Please refer to attached First Quarter Budget Amendments and Taxable Value Comparison Chart.*



VII. F. Schedule Committee of the Whole Meeting –Special Events/Fees [Action Item]
Item reserved to schedule a Council Committee of the Whole Meeting to discuss Special Events and Fees.

VII. G. Rezoning of Parcel #014-020-100-004-00 from RM to B1 [Action Item]
Item reserved for action pending Planning Commission recommendation following June 12, 2014 Public Hearing for rezoning of 10880 West US-23 from Multiple Family District (RM) to Business District (B1) as requested by the property owner. *Please refer to attached parcel rezoning background documentation as provided to the Planning Commission.*

Correspondence:

- June 11, 2014, from Mathew Vermetten, Brandt, Pezzetti, Vermetten I Popovits, P.C., Attorneys at Law, Re: PUD
- May 29, 2014, from Clark Hill PLC to Mathew Vermetten, Brandt, Pezzetti, Vermetten & Popovits, PC, Re: 102 East Central Avenue - “hot-dog” component attached to the roof
- June 6, 2014, Thank you from MAVB, Re: Memorial Bridge Race 2014
- June 10, 2014, Thank you from Fort Michilimackinac Pageant Committee, Re: 2014 Pageant
- June 10, 2014, Thank you from Michilimackinaw Voyagers, Re: 2014 Pageant
- June 10, 2014, from William Bertchinger, Re: proposed waterfront restaurant

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

This information is required by Act 51, P.A. 1951 as amended. Failure to supply this information will result in funds being withheld.

MAIL TO: Michigan Department of Transportation, Financial Operations
Division, P.O. Box 30050, Lansing, MI 48909.
or Fax to: 517-373-6266

NOTE: Indicate, if possible, where Street Administrator can usually be reached during normal working hours, if different than City or Village Office. List any other office held by the Administrator.

Councilperson or Commissioner _____
offered the following resolution and moved its adoption:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate Mike Karll, DPW Superintendent
_____ as the single Street Administrator for the City or Village of
Mackinaw City _____ in all transactions with the State Transportation Department
as provided in Section 13 of the Act.

Supported by the Councilperson or Commissioner _____

Yeas _____

Nays _____

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting
of the governing body of this municipality on the 19th _____ day of
June, 2014

CITY OR VILLAGE CLERK (SIGNATURE)	EMAIL ADDRESS	DATE
	ljaggi@mackinawcity.org	06/19/2014
STREET ADMINISTRATOR (SIGNATURE)	EMAIL ADDRESS	DATE
	mkarll@mackinawcity.org	06/19/2014
ADDRESS OF CITY OR VILLAGE OFFICE		P.O. BOX
102 S. Huron Ave.		580
CITY OR VILLAGE	ZIP CODE	PHONE NUMBER
Mackinaw City, MI	49701	(231) 436-5351

**VILLAGE OF MACKINAW CITY
RESOLUTION COMMENDING
THE U.S.C.G.C. MACKINAW CREW**

**WHEREAS, the United States Coast Guard Cutter Mackinaw WAGB-83
was commissioned on December 30, 1944; and,**

**WHEREAS, the U.S. Coast Guard Cutter Mackinaw was built as part of the
World War II effort to meet the heavy demands placed on industry
for the increased need of war materials; and**

**WHEREAS, the U.S. Coast Guard Cutter Mackinaw's home port was
located in Cheboygan for sixty-two years and was decommissioned on
June 10, 2006; and**

**WHEREAS, the U.S. Coast Guard Cutter Mackinaw is now located in
Mackinaw City and is open for public tours and events to tell the
story of the Mackinaw with the assistance of the Mackinaw Maritime
Museum; and**

**WHEREAS, U.S. Coast Guard Cutter Mackinaw will celebrate its tenth crew
reunion at St. Anthony's Banquet Hall located at 600 West Central
Avenue, Mackinaw City, Michigan; and**

**NOW, THEREFORE BE IT RESOLVED, that August 8, 9 and 10, 2014 be
recognized as the U.S. Coast Guard Cutter Mackinaw Crew's reunion
weekend within Mackinaw City.**

Dated this 19th day of June, 2014.

Motion ___ supported ___ to approve this Resolution.

Ayes:

Nays:

Absent:

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

**I hereby certify that this is a true copy of a Resolution adopted at a regular
meeting held by the Village of Mackinaw City Council on June 19, 2014.**

**Lana Jaggi
Village Clerk**

**VILLAGE OF MACKINAW CITY
PROCLAMATION**

**WHEREAS, the Village of Mackinaw City is the northern most
Community in Michigan's Lower Peninsula; and**

**WHEREAS, the Village of Mackinaw City is surrounded by The Great
Lakes and pristine natural forests; and**

**WHEREAS, the Village of Mackinaw City has endeavored to become
and continue with the standards as set by the National
Arbor Day Foundation's Tree City USA Program for
Twenty one years; and**

**NOW, THEREFORE BE IT PROCLAIMED that the Village of
Mackinaw City does hereby recognize and support the
effective community management of our sacred natural
resources; and**

**BE IT FURTHER RESOLVED, that June 2, 2014 be designated as
Arbor Day in the Village of Mackinaw City and that an
observance of this day took place in a ceremony at
the Mackinaw City Public Schools where students were
educated on the effects of the Emerald Ash Borer. This
summer fifty native trees will be planted to
replace the effected Ash Trees.**

DATED: June 19, 2014

**Jeff Hingston
President
Village of Mackinaw City**

2014 - 2015 BUDGET AMENDMENTS
First Quarter March 1 - May 31, 2014

	CURRENT BUDGET	AMENDED BUDGET	+ OR (-) CHANGE
GENERAL FUND 101			
<u>REVENUE</u>			
000-403 Property Taxes (TV Loss)	\$ 1,055,896	\$ 975,131	\$ (80,765)
Personal Property Taxes (Detail not available) \$57,313			
<u>EXPENSE</u>			
101 VILLAGE COUNCIL			
962 Miscellaneous (Tax Tribunal -LTBO)	\$ -	\$ 16,926	\$ (16,926)
801 Contracted Services (Priority Initiatives)	\$ 21,500	\$ 30,000	\$ (8,500)
215 CLERK			
702 Salary & Wages (wage discrepancy)	\$ 39,780	\$ 41,860	\$ (2,080)
420 CDD/ZONING			
702 Salary & Wages (wage discrepancy \$2,080)	\$ -	\$ 28,080	\$ (28,080)
801 Contracted Services (transfer to Salary & Wage)	\$ 30,000	\$ 15,000	\$ 15,000
269 VILLAGE PROPERTY OTHER (VPO)			
702 Salary & Wages - DPW (wage discrepancy)	\$ 111,200	\$ 113,280	\$ (2,080)
GENERAL FUND CHANGE IN ESTIMATED YEAR END FUND BALANCE			\$ (123,431)
MARINA 594			
<u>EXPENSE</u>			
544 Marina			
702 Salaries & Wages (ice damage)	\$ 45,943	\$ 40,943	\$ 5,000
965.100 Repair/Maintenance (ice damage)	\$ 3,500	\$ 29,000	\$ (25,500)
MARINA CHANGE IN ESTIMATED YEAR END FUND BALANCE			\$ (20,500)
SEWER FUND 590			
<u>EXPENSE</u>			
548 SEWER			
702 Salaries & Wages (wage discrepancy \$2,080 -60%)	\$ 85,387	\$ 86,635	\$ (1,248)
977 Capital Outlay (Utility truck w crane - 60%)	\$ 20,400	\$ 30,000	\$ (9,600)
SEWER FUND CHANGE IN ESTIMATED YEAR END FUND BALANCE			\$ (10,848)
WATER FUND 591			
<u>EXPENSE</u>			
556 WATER			
702 Salaries & Wages (wage discrepancy \$2,080 - 40%)	\$ 48,354	\$ 49,186	\$ (832)
968 Capital Outlay (Utility truck w crane - 40%)	\$ 13,600	\$ 20,000	\$ (6,400)
WATER FUND CHANGE IN ESTIMATED YEAR END FUND BALANCE			\$ (7,232)

TAXABLE VALUE

PER MILLAGE REDUCTION FRACTION COMPUTATION PROVIDED BY THE COUNTIES

EMMET COUNTY		33,955,334	35,929,328
CHEBOYGAN COUNTY		<u>57,852,004</u>	<u>59,876,475</u>
TOTAL TAXABLE VALUE		91,807,338	95,805,803
		<u>2014 ESTIMATED</u>	<u>2013 LEVY</u>
GENERAL	10.6215 MILLS	\$975,131.64	\$1,017,601.34
STREETS	4.2485 MILLS	\$390,043.48	\$407,030.95
ADVERTISING	0.5225 MILLS	\$47,969.33	\$49,058.53
CEMETERY	0.8495 MILLS	\$77,990.33	\$81,387.03
LIBRARY	0.8495 MILLS	\$77,990.33	\$81,387.03

Mackinaw City Planning Commission

A Planning Commission Public Hearing was held on June 12, 2014, regarding a request to rezone parcel # 014-020-100-004-00, located at 10888 West US 23, from RM (Multiple Family District) to B1(Business District). At this Public Hearing approximately ten (10) people spoke out against the request to allow rezoning.

Immediately following the Public Hearing, the Planning Commission met. At this meeting Commissioner Robert Heilman made a motion to recommend to deny the request with the second made by Greg Gustafson. The reasoning for said motion was the possibility of an illegal lot split and no planned use for the parcel. The motion passed, 7-0, denying the request to rezone parcel #014-020-100-004-00.

Fred Thompson, Jr.
Interim CDD

Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

**VILLAGE OF MACKINAW CITY
102 SOUTH HURON AVENUE
MACKINAW CITY, MI 49701
Phone: 231-436-5351**

NOTICE OF PUBLIC HEARING ON REZONING OF PROPERTY

The Village of Mackinaw City Planning Commission is holding a Public Hearing to receive written and verbal comments on language to amend Mackinaw City's Zoning Ordinance as follows:

Amendment to Ordinance 138, REZONING of parcel #014-020-100-004-00. This property is located at 10880 West US-23. The property is currently zoned RM and the request is for it to be rezoned B-1.

The Mackinaw City Planning Commission will hold a public hearing for such amendments at a special meeting to be held **June 12, 2014** at 7 PM, within the Mackinaw City Municipal Building located at 102 S. Huron Avenue, Mackinaw City, MI 49701.

A detailed copy of the RM and B-1 zoning district is available for inspection at the above address and on the Internet at <http://www.mackinawcity.org>.

Rosada Mann
Planning Commission Chairperson



RICHARD BARTH
TMR INVESTMENTS
5889 Vintage Garden Court
Las Vegas, NV 89148

(810) 623-0466

April 10, 2014

RECEIVED
4-14-2014

Fred Thompson
Village of Mackinnaw
102 S. Huron
Machinaw City, Mi 49701

Re: Rezoning 10880 US 23

Dear Mr. Thompson

I wish to change the zoning on my property to commercial. Please find enclosed my check for \$300.00 per your conversation with my agent, Gil Chamberlain.

There has been some confusion in the past concerning the correct address of the property but I think 10880 is correct. Please check against your records.

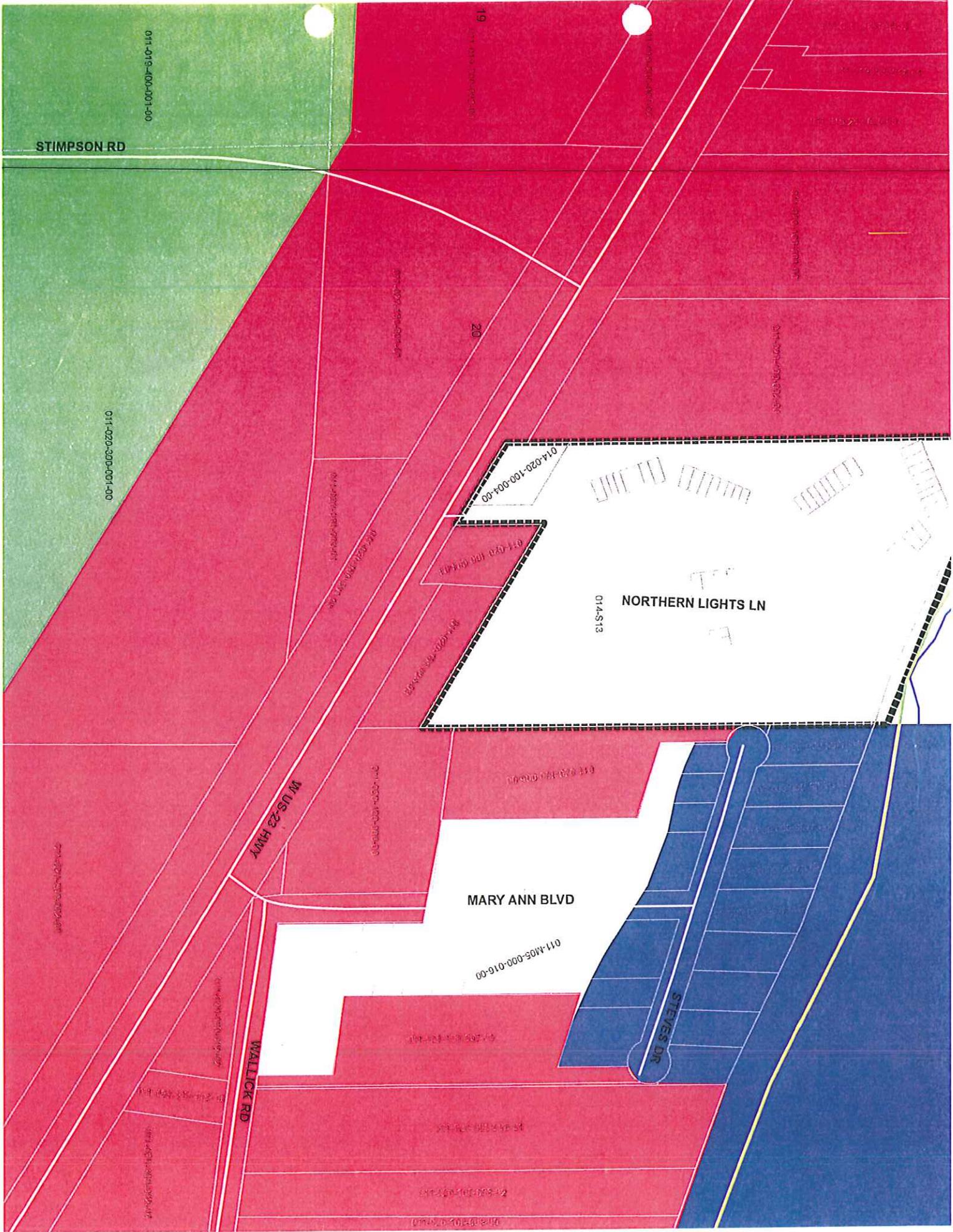
Any questions please feel free to contact me.

Awaiting your reply, I remain

Very truly yours,



Rick Barth
Owner



011-018-100-001-00

STIMPSON RD

011-020-300-001-00

19

20

014-020-100-004-00

011-020-100-004-00

011-020-100-004-00

014-S13
NORTHERN LIGHTS LN

W US-23 HWY

MARY ANN BLVD

011-405-000-016-00

WALLICK RD

STEVES DR

011-020-100-004-00

011-020-100-004-00

011-020-100-004-00

011-020-100-004-00

Address: 10888 W US-23 , Mackinaw City , MI ; 49701



MLS#: 282090
List Price: \$ 75,000
Type: Commercial/Industrial
Bus/Inv Vacant building
Descrip:
Prop Commercial
Type:
Township: Mackinaw
County: Cheboygan
Lot Size: 167X150
In City Yes
Limits:



Provided as a courtesy of
KAREN GILLION
PETRIMOULX
 Coldwell Banker Fairbairn Realty
 Associate Broker
 7569 US 31 South PO Box 560
 Alanson, MI 49706
 Office - (231) 548-9336 ext. 14
 Toll Free - (800) 249-9923 ext. 14
 Cellular - (231) 420-4441
 karenp1realtor@gmail.com
 http://www.fairbairnrealty.com

Lake/River Other

Lot Size:	167X150	Office SqFt:	640	Retail SqFt:	640
SqFt Total:	640	SqFt Source:	Other	Tax ID	014-0120-100-004-00
Ownership Status	Owner	Approved by MLS:	Yes	Subdivision or T/R:	T39N R3W
School District:	Mackinaw City	Internet Access	Wireless Broadband		

Public Remarks: REDUCED PRICE WITH BUYERS ASSISTANCE. TO BE UPDATED AND PAINTED. GREAT EXPOSURE ON BUSY HIGHWAY CLOSE TO MACKINAW CITY. CIRCLE DRIVEWAY FOR EASY ACCESS AND TRAFFIC FLOW. Nicely decorated with Grand Hotel scene. Reception area, office, rest room, closet, utility room and small storage room outside.

Supplement

Directions: About 2 miles southeast of Mackinaw City on north side of US 23

Showing Instructions: Appointment Only Call Listing Agent

Electric: On Site	Business Information: Lease Information: \$350/mo; Real Estate Only
Gas: On Site	Construction: Concrete Block; Frame
Water: Municipal	Occupant: Tenant
Sewer: Municipal	Taxes and Possession: Possession: TBD
Heat/Air : Natural Gas	Documents/Disclosure: Slr is Lic Agnt/Brkr: No
Basement: Slab	Terms: Cash; Cash to New Mortgage
Extras: High Visibility; Highway Access; Landscaped; Restroom (s)	Drive: Blacktop
Road: Blacktop	Parking: Paved; Parking Lot
	Sign: Sign: Yes



MLS#: 282090

Information is deemed to be reliable, but is not guaranteed. © 2014 MLS and FBS. Prepared by KAREN GILLION PETRIMOULX on Monday, January 20, 2014 9:25 AM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.

Fred Thompson

From: Steve Schnell [steve@cheboygancounty.net]
Sent: Tuesday, February 18, 2014 3:08 PM
To: Fred Thompson
Subject: zoning map around the shores
Attachments: Shores_zoning.pdf

Fred,

This is the zoning around the parcel. The red is Commercial, blue is Lake & Stream, green is Ag/Forest, yellow is Residential.

Let me know if you have any questions.
Steve

Steve Schnell, AICP

Community Development Director
Cheboygan County

870 S. Main St., PO BOX 70

Cheboygan, MI 49721

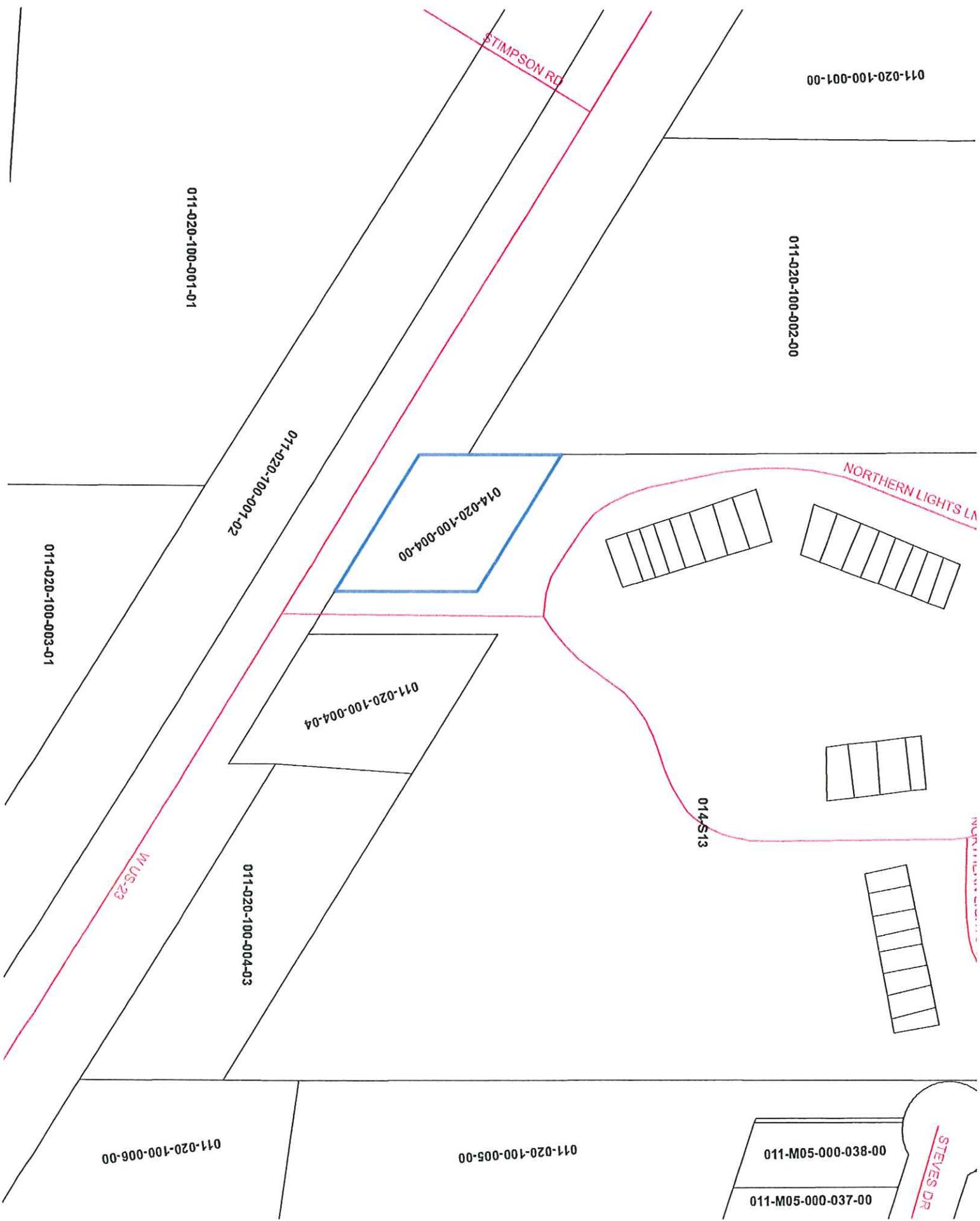
steve@cheboygancounty.net

www.cheboygancounty.net/planning

Phone: 231-627-8485

Fax: 231-627-3646

Cell: 231-445-2599



STIMPSON RD

011-020-100-001-00

011-020-100-002-00

011-020-100-001-01

NORTHERN LIGHTS LN

014-020-100-004-00

011-020-100-004-04

011-020-100-003-01

011-020-100-001-02

014S13

W US-23

011-020-100-004-03

STEVES DR

011-M05-000-50W-110

00-730-000-50W-110

011-020-100-005-00

011-020-100-006-00

Village of Mackinaw City
Richard Barth TMR Investments
10888 US 23
Rezoning Request Analysis
June 12, 2014

Richard Barth, TMR Investments, 5889 Vintage Garden Court, Las Vegas, NV 89148, would like to have Parcel # 014-020-100-004-00 rezoned from (RM) Multiple Family to (B1) Business District. The property is located at 10888 US 23, Mackinaw City, MI 49701.

Rezoning Permit: 2014-ZP-004

Requirements: Sec. 24-101 Changes and Amendments in accordance with Sec. 24-105 of the Village Zoning Ordinance #138.

Requested Action:

The applicant has requested to change the zoning of the parcel from RM to B1 Zoning.

Finding of Facts: Staff offers the following for consideration:

- * This parcel is in a P.U.D. Development that is a 425 Project between the Village of Mackinaw City and Mackinaw Township.
- * The surrounding parcels on US 23 are Cheboygan County zoning-Commercial.
- * The Village's B1 District is similar to Cheboygan Counties Commercial District.
- * On recent correspondence the address has been incorrect, The correct address is 10888 US 23.

ARTICLE XI. B1 - BUSINESS DISTRICT

Sec. 11-101 PRINCIPAL PERMITTED USES.

In the B1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products, and baked goods.
- B. Confectioneries, delicatessens, restaurants and taverns.
- C. Museums.
- D. Financial institutions.
- E. Laundromat & dry cleaning.
- F. Offices for plumbing, roofing, heating contractors, decorators, upholsterers, and similar establishments.
- G. Funeral parlors and mortuaries.
- H. Shoe repair shop.
- I. Watch, television, and radio repair shops.
- J. Barber and beauty shop.
- K. Professional office, except medical or dental clinics.
- L. Retail shops.
- M. Theaters, assembly halls, concert halls and similar places of assembly.
- N. Public utilities.
- O. Single and two-family dwellings.
- P. Mixed uses i.e., commercial and residential uses combined in one (1) building.
- Q. New and used car sales including outdoor displays of vehicles.
- R. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- S. Off-street parking in accordance with the requirements of Section 4-109.
- T. Car Wash.
- U. Health Spa.

Sec. 11-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Hotels, motels, and motor court in accordance with Section 23-105.
- B. Medical or Dental Clinics in accordance with Section 23-114.
- C. Office Developments in accordance with Section 23-115.
- D. Hospitals in accordance with Section 23-124.
- E. Bowling Alleys, skating rinks and indoor recreation facilities subject to 23-108.
- F. Gasoline filling stations as defined in Section 2-102 subject to Section 23-125.
- G. Employee/Boarding Housing in accordance with Section 23-130.
- H. Assisted Living Facility in accordance with Section 23-133. (Amended 9/04)
- I. Temporary and Seasonal Unpaved Boat Line Parking. (Amended 4/10)
- J. All open air businesses in accordance with Section 23-109. (Amended 6/16/11)

Sec. 11-103 SITE PLAN APPROVAL.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 11-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

- | | |
|-----------------------|---------------|
| 1. Minimum Lot width: | 50 ft. |
| 2. Minimum Lot Area: | 6,500 sq. ft. |
| 3. Max. Lot Coverage: | - |

B. Maximum Building Height

- | | |
|-------------|--|
| 1. Stories: | 4 |
| 2. Height: | 45 feet (maximum 30 feet for all structures between I-75 and Nicolet Street, which are also north of the I-75 exit #338 to protect viewshed from highway towards the downtown and the water)
(Amended 9/05) |

C. Yard Setbacks

- | | | |
|----------------|--------|--------------------|
| 1. Front: | 10 ft. | (See Sec. 22-102E) |
| 2. Sides: | 10 ft. | (See Sec. 22-102G) |
| a. Total of 2: | 20 ft. | |
| 3. Rear: | 10 ft. | (See Sec. 22-102F) |

D. Minimum Building Dimensions

- | | |
|--|----------------------------|
| 1. 1 st Floor Area (single family): | 800 sq. ft. |
| 2. 1 st Floor Area (two family): | 1,200 sq. ft. |
| 3. Principle Use 1 st Floor Area: | 500 sq. ft. (Amended 6/03) |

E. Accessory Buildings, Detached Garages

- | | |
|--------------------------------------|--|
| 1. Maximum height: | 30 ft. |
| 2. Side Yard setback: | 10 ft. (See Sec. 22-102G) |
| 3. Rear Yard setback: | 10 ft. (See Sec. 22-102F) |
| 4. Front Yard setback: | Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. |
| 5. Maximum floor area: | 864 ft. |
| 6. Minimum distance from main bldg.: | 6 ft. |

3. Rear: 7 ft.

D. Minimum Building Dimensions

- a. 1st Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 7 ft.
3. Rear Yard setback: 7 ft.
4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
5. Maximum combined floor area of all accessory buildings: 1,000 square feet or 108 percent of the first-floor area of the primary residential building, whichever is smaller.
6. Minimum distance from main bldg.: 6 ft.
7. Maximum floor area for any single accessory building: 864 square feet.
8. Maximum Number of Accessory Buildings: 3

(Amended 10/06)

ARTICLE IX. RM - MULTIPLE FAMILY DISTRICT

Sec. 9-101 PRINCIPLE PERMITTED USES.

In the RM District, no use shall be permitted unless otherwise provided in this Ordinance, except for the following:

- A. Multiple Dwelling Class 1
- B. Apartments.
- C. Townhouses.
- D. Churches.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- F. Off-street parking and landing requirements in accordance with Section 4-109.

Sec. 9-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Nursery Schools subject to Section 23-107.
- B. Public utility buildings.
- C. Private clubs and lodges subject to Section 23-121.
- D. Convalescent and nursing homes subject to Section 23-122.
- E. Housing for the elderly in accordance with Section 23-111.

Sec. 9-103 SITE PLAN APPROVAL.

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 9-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. Lot Dimensions
 - 1. Minimum Lot width: 200 ft.
 - 2. Minimum Lot Area: - (See Sec. 22-102C)
 - 3. Maximum Lot Coverage: 40%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 35 ft.
- C. Yard Setbacks
 - 1. Front: 40 ft. (See Sec. 22-102A)
 - 2. Sides: 20 ft.
 - a. Total of 2: 40 ft.
 - 3. Rear: 20 ft.
 - 4. Distance between buildings 30 ft. all sides
 - 5. Parking lots: (bldgs >3 families) 25 ft. all sides

D. Minimum Building Dimensions

1. Dwelling Unit Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 25 ft.
3. Side setback: (bldgs >3 families) 25 ft.
4. Rear Yard setback: 25 ft.
5. Side setback: (bldgs >3 families) 25 ft.
6. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
7. Maximum floor area: 864 ft.
8. Minimum distance from main bldg.: 20 ft.

ARTICLE XXIV. ADMINISTRATION AND OPERATION

Sec. 24-101 CHANGES, AMENDMENTS.

The Village Council is authorized and empowered to cause this Ordinance, or any portion thereof, to be amended, supplemented or changed in either the district boundaries as illustrated on the zoning map or the regulations herein established, pursuant to the authority of and according to the procedures set forth in the Zoning Act, as amended.

A. The procedure for amending this Ordinance shall be as follows:

1. Each petition shall be submitted to the Village accompanied by a rezoning fee, as listed on the Permit and Application Fee Schedule held by the Village Clerk and Zoning Administrator, and then referred to the Planning Commission at the next regularly scheduled meeting.
2. The procedure for amending the ordinance, whether for rezoning or other zoning ordinance amendments will follow Section 24-105.
3. Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s).
4. The Village Council may hold additional public hearings on the proposed amendments if it deems such hearings appropriate. Upon receipt of the Planning Commission's final report, the Village Council may adopt the amended ordinance and maps, with or without changes, or refer the proposed amendments to the ordinance and/or maps again to the Planning Commission for further study and report.
5. Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20) percent of the area of land in the proposed change or twenty (20) of owners of land within an area extending outward one hundred (100) feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20) percent land area required.
6. Following adoption of such amendment to this Zoning Ordinance by the Village Council, the Village shall publish one (1) notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after the date of adoption. The notice shall include the following information:
 - a. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - b. The effective date of the Ordinance.
 - c. The place and time where a copy of the Ordinance may be purchased or inspected.

(Amended Feb., 2007)

Sec. 24-102 VIOLATION, ENFORCEMENT.

- A. Buildings or structures erected, altered, razed, or converted, or uses carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. The court may order such nuisance abated, and the owner or agent in charge of such building or land or both may be adjudged guilty of maintaining a nuisance.

- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof where violation has been committed or exists shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any building or land in or on which such violation exists, shall be guilty of a civil infraction, and shall be punished by a fine of not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety (90) days. If the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a civil infraction as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

Sec. 24-103 BOARD OF APPEALS.

The Village Council shall function as the Mackinaw City Board of Appeals. The Village Clerk shall serve as Secretary of the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken upon each matter considered. The Village President shall serve as Chairman of the Board and is a voting member of the Board of Appeals.

Meetings of the Board shall be held at such times and places as may be designated by the Clerk. The Clerk is authorized to call such meetings at any time when matters are pending requiring attention by the Board. The Clerk shall call such meetings whenever:

- A. A meeting is to be held as previously determined by the Board.
- B. The Clerk is so instructed by the Chairman.
- C. The Clerk is so instructed in writing by any other three members of the Board. Five (5) members shall constitute a quorum. (November 6, 1980.)

Sec. 24-104 VARIANCE AND APPEALS.

- A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
 - 1. a person aggrieved, or
 - 2. an officer, department, board, or bureau of the state or local unit of government.
- B. The Appeals Board shall have the authority to hear appeals concerning:
 - 1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - 2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
 - 3. All decisions of the zoning administrator.
 - 4. All decisions concerning site plan review.
 - 5. All decisions of the planning commission concerning special use permits.
- C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
- D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- E. The notices shall be given according to Section 24-105 Public Notice.
- F. The appeals board shall hold a hearing on the demand for appeal.
1. Representation at Hearing – Upon the hearing, any party or parties may appear in person or by agent or by attorney.
 2. Standards for Variance decisions by the appeals board: The appeals board shall base its decision on variances from the strict requirements of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - a. For non-use variances: a non-use variance may be granted by the Zoning Board of Appeals in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other non-use requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - b. For Use Variances: Under no circumstances shall the appeals board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a non-use variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.

1. At a minimum the record of the decision shall include:
 - a. Formal determination of the facts,
 - b. The conclusions derived from the facts (reasons for the decision)
 - c. The decision.
 2. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
- H. Any person having an interest affected by such decision shall have a right to appeal to Circuit court within 30 days of the certified decision of the appeals board, as provided by law.

(Amended Feb.,2007)

Sec. 24-105 PUBLIC NOTICE.

24-105.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Mackinaw City and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice
 1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request

that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Mackinaw City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to 24-105.2, Registration to Receive Notice by Mail.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

24-105.2 REGISTRATION TO RECEIVE NOTICE BY MAIL:

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the zoning administrator to receive written notice of all applications for development approval pursuant to 24-105.1.C.1.c), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide zoning administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

(Amended Feb., 2007)

24-106 and 24-107 RESERVED FOR FUTURE AMENDMENTS.

Sec. 24-108 ADMINISTRATIVE OFFICES.

- A. To administer and enforce regulations and restrictions hereafter set forth, there is hereby established the office of Zoning Administrator or Community Development Director to be filled by an appointee of the Village President, subject to approval by the Village Council.
- B. The Zoning Administrator or Community Development Director may delegate clerical, filing, and recording work to the clerical employees of the Village. The Zoning Administrator or Community Development Director shall be responsible for the enforcement of all the provisions of the Ordinance, and shall have the authority to enter any premises, at any reasonable time, when necessary, for the purpose of investigating or inspecting any building conditions. It shall be the duty of the Zoning Administrator or Community Development Director to receive and examine all applications for permits required by this Ordinance and to approve or reject such application. He shall collect all special fees established hereby and turn them in daily to the Village Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.
- C. Authority given to any person or board under this Ordinance shall be construed as adding to and not taking from the authority held under any other chapter or ordinance of the Village. The powers and duties contained in this Ordinance shall be construed as separate and distinct from authorities or duties required of any official or board under any other ordinance of the Village, and shall not be construed as conflicting herewith or limiting the scope thereof.

Sec. 24-109 ZONING PERMITS.

- A. Before proceeding with the erection, alteration, repair, moving, or removing of any building, or part thereof, or any type of paving including but not limited to paving a driveway, entrance to a driveway, part of a parking lot, whether paved previously or not, or paving in the right of way for access to private property, or any improvement to a parcel made to increase or improve vehicular access, an owner or his authorized agent shall obtain a permit from the Zoning Administrator or Community Development Director. The applicant for a permit must file with his request a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplated work and the kind and quality of materials to be used therein, together with an estimate of the cost. Drawings shall be made to scale not less than one-eighth (1/8) inch to one (1) foot, and shall clearly indicate the size of structural members, walls, and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be required by this Ordinance or necessary to provide for the enforcement of this regulation. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon. (Amended: 10/06)
- B. A record of such applications and plans shall be maintained by the Village for such periods of time as the Village Council deems necessary.

COMMITTEE REPORT

COMMITTEE: Finance DATE: June 11, 2019

AGENDA ITEMS: Budget amendments, fee schedule

PRESENT: Planisek, Glenn, Michalak ABSENT: _____

REPORT:
Budget amendments
Taxable value dropped \$2 million
from expected

~~We are in a financial crisis~~
We anticipate only one additional
year fund balance because of
deficit spending.

Fee schedule
Evaluate use of facilities + special
events

COMMITTEE DATA BASE SUMMARY INFORMATION

ITEM	STATUS / RECOMMENDATION
<u>Recommend adopting first qtr budget amendment</u>	
<u>Recommend committee of the whole meety</u> <u>for special events and facilities discussion</u>	

COMMITTEE REPORT

COMMITTEE: Marina DATE: 6/10/14

AGENDA ITEMS: Marina Operations, Finances & Budget

PRESENT: Yoder, Mollen, Plaisick ABSENT: _____
Paquet, Smith

REPORT:

Committee had extensive discussion regarding
operational procedures, marketing initiatives, past
grant status and finances of the facility.

COMMITTEE DATA BASE SUMMARY INFORMATION

ITEM

STATUS / RECOMMENDATION

Committee recommends staff resolve & finalize the emergency dredging grant project.
Committee recommends staff apply to state for variance for city to use
a slip to its discretion
Staff to review seasonal contracts
Staff to review & pursue marketing of the facility.

BRANDT, PEZZETTI, VERMETTEN & POPOVITS, P.C.
ATTORNEYS AT LAW

MATTHEW D. VERMETTEN
E-mail: mvermetten@bfarlaw.com

600 EAST FRONT STREET, STE. 102
P.O. BOX 5817
TRAVERSE CITY, MI 49696-5817
(231) 929-3450
Facsimile (231) 941-9568

June 11, 2014

Via Electronic Mail Only
Kenneth Lane
Clark Hill, PLC
200 Ottawa Avenue, NW, Suite 500
Grand Rapids, MI 49503

Re: PUD

Dear Ken:

Thank you for your email of June 10, 2014 as well as our several telephone discussions. Although I understand that the list received is not an exclusive list it is my understanding that this would be the bulk of the issues being presented and there may or may not be some additional items that I would receive prior to Friday at the close of business. Please be assured that my client, myself and the architect are working diligently on the latest bullets points.

Please let this correspondence serve as a formal request for a reconsideration of the Motion to deny the project on June 5th, 2014. We are asking that a Motion be brought to discuss further considerations on the matter previously decided pursuant to Robert's Rules of Order. I understand from our conversation that the Motion to Reconsider can be done at the June 19, 2014 council meeting.

Thank you for your cooperation and courtesy in this regard and I shall look forward to speaking with you shortly.

Sincerely,

BRANDT, PEZZETTI, VERMETTEN & POPOVITS, P.C.


Matthew D. Vermetten

MDV/jln

CLARK HILL

Kenneth P. Lane
T 616.608.1134
F 616.608.1180
Email: klane@clarkhill.com

Clark Hill PLC
200 Ottawa Avenue NW
Suite 500
Grand Rapids, Michigan 49503
T 616.608.1100
F 616.608.1199
clarkhill.com

May 29, 2014

Matthew D. Vermetten
Brandt, Pezzetti, Vermetten & Popovits, PC
600 East Front Street, Ste. 102
Traverse City, MI 49686

Re: 102 East Central Avenue

Dear Mr. Vermetten:

As legal counsel to the Village of Mackinaw City, we have been asked to contact you regarding the “hot-dog” component attached to the roof of your client’s property at 102 East Central Avenue. Specifically, we write to suggest that the component constitutes an impermissible roof sign under the provisions of the Village sign ordinance and to recommend its removal with the assistance of the Village.

By way of background, in June 2009, your client Mackinaw Homes, Inc. (“Mackinaw Homes”) received site plan approval for a remodeling project at 102 East Central Avenue. The approved plan called for the redevelopment of a former gas station in to a “hot-dog stand” restaurant. Additionally, the approved plan called for a portion of the redeveloped building (extension) to be designed to resemble a hot-dog.

In June 2012, Mackinaw Homes requested an amendment to the approved site plan to allow certain modifications including the relocation/placement of the hot-dog component onto the roof of the building. The proposed amendment was reviewed and approved by the Village Planning Commission on June 12, 2012, and the Village Council on July 5, 2012.

We understand that the former Village Manager notified your client that if the building’s design resembled a hot-dog, the resulting structure would not constitute a sign nor otherwise violate the Village sign ordinance. However, it does not appear that the same suggestion was offered in relation to the hot-dog component being placed upon the building’s roof.

Section 16.002 of the Village sign ordinance (Ordinance No. 120 of the Village Code, Section 16.001 *et seq*) defines a “sign” in relevant part as:

“...a display...device [or] structure...which is affixed to, or painted, or otherwise represented directly or indirectly upon a building...which directs attention to an object, product, place, activity, person, institution, organization or business.”

Code of Ordinances, Village of Mackinaw City, Section 16.002. Additionally, Section 16.002 defines a “roof sign” as:

Matthew D. Vermetten
May 29, 2014
Page 2

A sign, or any part or portion of a sign, which is located upon or over the roof of a structure, or in the case of a building with a mansard roof, a sign which is above the deck line of the mansard roof.”

Code of Ordinances, Village of Mackinaw City, Section 16.002. It is our opinion, after an in-person visual inspection, that the hot-dog component affixed to the roof of 102 East Central Avenue constitutes a roof sign under the provisions of the Village sign ordinance.

Section 16.005 of the Village sign ordinance provides a list of “prohibited and restricted signs.”¹ Section 16.005 provides in relevant part: “It shall be unlawful to erect or maintain unless otherwise permitted by this ordinance [the following signs]: L. Roof signs.” Therefore, we believe that the hot-dog component is an impermissible roof sign that is in violation of the Village sign ordinance.

Accordingly, we believe the Village could seek to have the hot-dog component removed in accordance with the procedure specified in Section 16.013 of the Village sign ordinance and/or could begin issuing citations in accordance with Section 16.018.²

However, we acknowledge that the hot-dog component was approved by the Planning Commission and Village Council during the site plan amendment process. Therefore, we have been directed to inform you that the Village may consider covering all or a portion of the costs associated with the removal of the hot-dog component. Details of this offer must be approved by the Village Council.

Please feel free to contact my office if you have questions or if you would like to discuss this matter in greater detail. If we do not hear from you by June 13, 2014, we will assume that your client is not interested in working with the Village to facilitate the removal of the hot-dog component.

Sincerely,

CLARK HILL PLC



Kenneth P. Lane

cc: Mr. Adam Smith
Mr. Fred Thompson

¹ Code of Ordinances, Village of Mackinaw City, Section 16.005.

² Code of Ordinances, Village of Mackinaw City, Sections 16.013, 16.018.



Village of Mackinaw City
102 S. Huron Avenue
PO Box 580
Mackinaw City, MI 49701

Attention: Adam

June 6, 2014

Dear Adam,

Thank you to you and everyone at the Village that helped make our Memorial Bridge Race 2014 a roaring success. We here at the Bureau really appreciate the efforts of yourself, the Police Department, and Ambulance Crew to see that this event goes as smoothly as possible. It is nice when visitors can see the tremendous local support for these community events. Thank you.

Sincerely,

Dyana McVey, Events Coordinator
Mackinaw Area Visitors Bureau

MACKINAW AREA VISITORS BUREAU

www.mackinawcity.com

800-750-0160 ⚡ 231-436-5664 ⚡ 231-436-5991 fax ⚡ 10800 West US 23 Hwy. ⚡ Mackinaw City, MI 49701

RECEIVED
6-10-14
27

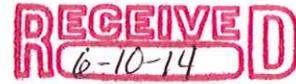
members of the Council
Thank you so much
for everything you do
to make our annual
Fort Michlemackinaw Pageant
a great success. With
out everything you do
for us this would not
be possible!!

Thanks
Fort Michlemackinaw
Pageant
Committee

RECEIVED
6-10-14
LJ

Thank you so much all that
the City crew dose for us over
the Memorial day weekend.
there is so many things you
do for us we cant name them
all. With out you help the
weekend would not be the
Success it is.

Michelmackinnaw
Voyagers



June 10

Village of Mackinaw City
Village President and Board of Trustees
Mackinaw City MI 49701

Dear Jeff and Board,

This communication is in support of the new waterfront restaurant proposed by the Lieghio family.

The State of Michigan is spending tens of millions of dollars on the Pure Michigan initiative to increase tourism throughout Northern Michigan and the state as a whole. The Mackinaw Area Visitors Bureau spends another \$500,000.00 annually to bring tourists and business to Mackinaw City. Additionally, Mackinac Island State Park Commission, ferry companies, hotels and area businesses spend additional millions on advertising to attract visitors to the area.

Although we are practically surrounded by water, NOT ONE waterfront restaurant exists in this town. There is no logical reason to deny this site plan as parking will never be an issue. The walk by traffic at this location will sustain the business if one car never even pulls into the parking lot!

I have listened to Village Officials whine about the steep decline in revenues that we have experienced over the past several years. Before you is an opportunity to increase the tax base, and revenues in addition to providing a waterfront restaurant in this community. The logic behind voting against this win, win for Mackinaw is incomprehensible to me.

The tourism industry is here to stay in Mackinaw City. It will always remain the primary business enterprise here. Please cast your vote to approve this much needed project so as to enhance the visitor experience in Mackinaw. (P.S. The locals will enjoy it too)

Sincerely,

William R. Bertchinger
American Boutique Inn – Lakeview
Mackinaw City, MI 49701
231 436 5543