

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

## MEETING MINUTES

January 7, 2010

A Meeting of the Manistee City Planning Commission was held on Thursday, January 7, 2010 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:02 p.m. by Chairman Yoder

### ROLL CALL:

**Members Present:** Linda Albee, Maureen Barry, Ray Fortier, Eric Gustad, Harlo Haines, Nathaniel Neider, Tony Slawinski, Roger Yoder

**Members Absent:** Dave Crockett (excused)

**Others:** Jim Matthews (334, 336, 338 River Street), Rich Mosher (360 River Street), Dave Carlson (Century 21 Boardwalk Real Estate), Gary Niesen ((294 Tenth Street), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

### APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Linda Albee that the Agenda be approved as prepared.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Neider, Albee, Gustad, Fortier, Haines, Slawinski, Yoder  
No: None

### APPROVAL OF MINUTES:

Planning Commission Meeting of December 3, 2009

MOTION by Linda Albee, seconded by Tony Slawinski that the minutes of the December 3, 2009 Planning Commission Meeting be approved.

With a roll call vote this motion passed 8 to 0.

Yes: Slawinski, Haines, Fortier, Gustad, Albee, Neider, Barry, Yoder  
No: None

## PUBLIC HEARING:

### James & Susan Matthews, 334, 336, 338 River Street - Special Use Permit for Mixed Use Development (PC-2010-01)

A request has been received from James & Susan Matthews who have made an offer to purchase the building at 334, 336, 338 River Street for a Special Use Permit for Mixed Use Development (Commercial & Residential).

Chairman Yoder opened the Public Hearing at 7:04 p.m..

**James Matthews, 334, 336, 338 River Street** - Mr. Matthews spoke of coming to the area over the past 50 years and how a few months back he found the building at 334, 336, 338 River Street and how he wants to convert a portion of the building for his residence and retain two retail spaces. He spoke of the history of the building and the past uses which included a car dealership which was accessed by a garage door. He has been working with the Historic District Commission and has received approval for the garage door. The East portion of the building on River Street will be the garage for the residence which will be located in the back of the building the two other storefronts will remain.

**Jon Rose, Community Development Director** - Mr. Rose gave a staff report on the request. The Zoning Ordinance does not allow for residential use on the River Street level of the building. Residential use on the River Street portion of the building requires a Special Use Permit under either Adaptive Re Use or Mixed Use. When the Planning Commission were developing language for Vertical Zoning Residential Use on the rear of the building was discussed. Mr. Rose noted that the Vertical Zoning Language was not adopted and that the Historic District has not yet approved the demolition of a portion of the building on the rear. The proposal is for the east 1/3 of the front to be used for a garage but the previous storefront window will be a display window similar to the one at the Manistee Inn & Marina while the west 2/3 of the building will remain as retail. There driveway/curb cut requires consideration.

Chairman Yoder asked if there were any comments from the audience.

**Dave Carlson, Century 21 Boardwalk** - Mr. Carlson is the realtor for the property and spoke of how the building has been for sale for four years. This has been the first offer to purchase due to the condition of the building. 90% of the people who had previously looked at the building were considering demolition. While this request would preserve most of the building. Mr. Carlson felt it was fortunate to have interest shown in this building and clarified that this is for one residential unit.

**Jim Matthews** - Mr. Matthews spoke of the condition of the brick on the back portion of the building and the plan to remove for green space while leaving a ten foot wall. He spoke of the floor plan and how the exterior truss will be left after the building has been stabilized and a bearing wall installed. The building had previously been used for industrial purposes and his intent is to keep the original look of the building.

**Rich Mosher, 360 River Street** - Mr. Mosher said that he owns two buildings on River Street and has an interest in two others. He has bought large buildings in both Manistee and Holland and spoke of working closely with contractors to maintain these buildings. When he came to Manistee it was a pleasure to work with both Mark Niesen, Building Inspector and Jon Rose, Community Development Director on his projects. Most people don't understand the lack of maintenance that has gone on with the Historical Buildings downtown. He has a residence on the rear first floor of one of his buildings and does not understand why Mr. Matthews has to have a Special Use Permit.

**Jon Rose** - The new Zoning Ordinance Requires a Special Use Permit. Mr. Mosher's residential unit was constructed under the previous ordinance.

**Rich Mosher** - Mr. Mosher was excited and encourage when he received the letter for the proposed development. Mr. Mosher spoke of the difficulties he has had with the Historic District Commission and is concerned that the Commission provides a stumbling block. He expressed his concerns about the future of downtown Manistee and does not have a problem with the Garage there was one there before. He spoke of his dream to see access to the rear of the buildings on the north side of River Street where there currently is not any.

#### Correspondence

**Chairman Yoder** - read the letter from City Engineer, Jim Johnson from Abonmarche dated December 14, 2009 (attached).

**Jon Rose** - gave each Commissioner a copy of an e-mail from Jim Matthews dated December 31, 2009 with a response from Jim Nordlund Jr. Mr Matthews Engineer (attached).

Letter from Jim & Nancy Goodwin, Goody's Juice & Java, 343 River Street in support of the request was read into the record (attached)

**Commissioner Gustad** - Commissioner Gustad asked if the Historic District Commission were not to approve a portion of the project what impact that would have on Mr. Matthews.

**Jon Rose** - Mr. Rose noted that was an issue for the applicant. Mr. Matthews still needs to go to the Historic District for the demolition of the portion on the rear of the building and Mr. Matthews also has a request in with the State Historic Preservation Office.

Chairman Yoder asked if there were any additional public comments, there being none the public hearing was closed at 7:37 p.m.

**NEW BUSINESS:**

**James & Susan Matthews, 334, 336, 338 River Street - Special Use Permit for Mixed Use Development (PC-2010-01)**

A Public Hearing was held earlier in response to a request from James & Susan Matthews for a Special Use Permit for Mixed Use Development (Commercial & Residential) at 334, 336, 338 River Street.

**Commissioner Albee** - applauds the applicant for the work so far but expressed concerns about a driveway over the public sidewalk, safety issues and loss of parking spaces.

**Chairman Yoder** - asked how to make the driveway safe. Should a light or audible warning system be installed?

**Jim Matthews** - the garage will be for their personal use only. They have three vehicles and a couple of motorcycles.

**Jon Rose** - spoke with the Chief of Police who mentioned that bubble mirrors could be installed on the inside of the garage that would allow a person driving out to see the sidewalk traffic. Mr. Rose noted his concern about backing out of the driveway which is similar to the concerns raised during our walking audit about backing out of a parking space onto the public sidewalk.

**Commissioner Barry** - asked how can the cars turn around so they could drive out forward?

**Jim Matthews** - it would not be a problem for his car but may be a problem for his van and he does not want to modify his plan so that living space would be lost.

**Jon Rose** - could require that vehicles must exit out forward and if the applicant cannot turn their vehicle around inside they would be required to back the vehicle into the garage.

**Rich Mosher** - uses the alley next to the Manistee Inn to access his building.

**Jon Rose** - said that he honks his horn when coming out of the alley.

Discussion about requiring a warning light, audible alarm, or signage and conditions that could be placed on the permit if approved.

MOTION by Ray Fortier, seconded by Maureen Barry to adopt a resolution to approve a Special Use Permit, Case PC-2010-01 James & Susan Matthews, 334, 336, 338 River Street for a Special Use Permit for Mixed Use Development (Commercial & Residential) with conditions:

1. The issuance of the Special Use Permit is conditioned upon receiving all necessary approvals from the Historic District Commission.
2. The Special Use Permit will not be issued until James and Susan Matthews purchase the building and is voided in the event that they do not purchase the building.

3. The east storefront window where the residential use is proposed shall be boxed in as a display window similar to the display windows at the Manistee Inn and Marina.
4. The installation of a garage door and driveway for this project is conditioned upon the applicant exiting the building forward and honking their horn upon exiting.
5. To assist the driver and ensure pedestrian safety upon exiting the building the Applicant is to install bubble mirrors on the interior of the garage .
6. City Engineers concerns from Jim Johnson in a letter dated December 14, 2009 must be met.

With a roll call vote this motion passed 8 to 0.

Yes: Neider, Haines, Slawinski, Albee, Gustad, Barry, Fortier, Yoder  
No: None

A copy of the resolution is attached.

**Eric Gerstner, Parcel Split and Combination Request (50 & 62 Filer Street) PC-2010-02**

A request has been received from Eric Gerstner who owns the Briny Inn, 50 Filer Street (51-453-709-07) and an apartment building at 62 Filer Street (51-453-709-03). The apartment building is on the west portion of the property and a portion of the Briny Inn parking lot is on the east portion of the property. Mr. Gerstner is requesting to split parcel (51-453-709-03) so that the apartment building is on its own parcel and the parking lot is combined with the Briny Inn parcel. A ten foot easement is provided to the parcel for access to the parking area behind the apartment building.

Review of the request shows the requirements of the Zoning Ordinance have been met.

MOTION by Ray Fortier, seconded by Tony Slawinski to recommend to City Council the approval of a request from Eric Gerstner, Gerstner, Gerstner Development LLC, for a Split and Combination request as submitted with application PC-2010-02.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Neider, Albee, Gustad, Fortier, Haines, Slawinski, Yoder  
No: None

### Gary Niesen, Parcel Split PC-2010-03

A request has been received from Gary Niesen who owns parcel #51-672-706-07. Mr. Niesen would like to split the east 101.42 ft. of the parcel to build a new home on. The west 86.62 ft. of the parcel has an existing home (294 Tenth Street). Once the pole barn and shed are removed from the east parcel the requirements of the Zoning Ordinance will be met.

The Commission asked Mr. Niesen if the accessory buildings had been removed. Mr. Niesen said that he was waiting for approval before removal of the buildings.

MOTION by Ray Fortier, seconded by Tony Slawinski to recommend to City Council the approval of a request from Gary Niesen, for a Parcel Split as submitted with application PC-2010-03 conditioned upon the removal of the two existing accessory structures.

With a roll call vote this motion passed 8 to 0.

Yes: Haines, Neider, Gustad, Barry, Fortier, Slawinski, Albee, Yoder  
No: None

### Sub-Committee Appointments

According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committee's of the Planning Commission.

**Executive Committee** - Members of the Executive Committee review Zoning Ordinance Amendments with City Council Ordinance Review Committee.

Chairman Yoder appointed - Maureen Barry, Ray Fortier, Roger Yoder

**Green Initiative - Ad Hoc Committee** - Members of the Green Initiative Ad Hoc Committee review Green Initiative programs for the City of Manistee. These programs could include wind, solar and alternative energy programs that would benefit the community.

Chairman Yoder appointed - Linda Albee, Eric Gustad, Harlo Haines, Nathaniel Neider

**Master Plan Review Committee** - Members of the Master Plan Review Committee are responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan.

Chairman Yoder appointed - Maureen Barry, Eric Gustad, Roger Yoder

**Ordinance Re-Write Committee** - Members of the Ordinance Re-Write Committee assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated.

Chairman Yoder appointed - Linda Albee, Dave Crockett, Harlo Haines, Tony Slawinski

**Site Plan Review/Subdivision Committee** - Members of the Site Plan Review/Subdivision Committee. Site Plan Review Committee are available for optional Plan Review of Special uses and uses by Right. Committee Review required for Planned Unit Developments. Subdivision Committee - This committee is required under section 1242.03 of the Code of Ordinances.

Chairman Yoder appointed - Maureen Barry, Eric Gustad, Roger Yoder

**Zoning Board of Appeals** - One member of the Planning Commission serves on the Zoning Board of Appeals.

Chairman Yoder appointed - Ray Fortier

#### By Law Review

According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

No changes were made at this time.

#### Master Plan Review

Under Section 125.3845, Sec. 45 (2) "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

The Master Plan for the City of Manistee was adopted on December 5, 2002. The Planning Commission Master Plan Sub-Committee has been working with our Planner of Record Williams and Works on updating the Plan.

Motion by Maureen Barry, seconded by Ray Fortier that the Planning Commission continue their work on rewriting the City of Manistee Master Plan.

With a voice vote Motion passed Unanimously.

#### **OLD BUSINESS:**

None

**PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA:**

None

**CORRESPONDENCE:**

None

**STAFF/SUB-COMMITTEE REPORT:**

None

**MEMBERS DISCUSSION:**

None

The Planning Commission will hold a Worksession on Thursday, January 21, 2010.

The next regular meeting of the Planning Commission will be on Thursday, February 4, 2010.

**ADJOURNMENT:**

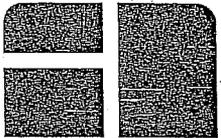
MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 8:20 P.M.

MANISTEE PLANNING COMMISSION

A handwritten signature in cursive script, reading "Denise J. Blakeslee", written over a horizontal line.

Denise J. Blakeslee, Recording Secretary



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BENTON HARBOR, MI  
SOUTH HAVEN, MI  
SOUTH BEND, IN  
FORT WAYNE, IN

December 14, 2009

Jon Rose  
Community Development Director  
City of Manistee  
70 Maple Street  
P.O. Box 358  
Manistee, MI 49660

Re: Review Comments  
James Matthews - Applicant  
Existing Building/ River Street, lots (29, 30, 31)

Dear Mr. Rose:

Please find listed below review comments for the plan set submitted by Nordlund & Associates, Inc regarding existing building structure located on lots 29, 30, 31 along the North side of River Street.

- 1) It appears the drawing is illustrating a proposed catchment within the lawn area (North side of lots 30 and 31). It is not clear how the existing roof drain system will connect to the proposed piping within the lawn area. It is suggested that the applicant identify the connection point and route on the submitted section drawing.
- 2) It is recommended that the proposed catchment be constructed with a 2 foot sump for secondary treatment of sediment beyond the filter cloth.
- 3) The applicant shall verify that the existing roof drains are independent from the sanitary sewer system. If the roof drains are found to be connected to the sanitary sewer system it shall be the applicant's responsibility to disconnect the storm drains and illustrate clearly to the City the proposed connection for discharge.
- 4) The drawing is illustrating a proposed driveway which is routed over the existing public sidewalk. It is suggested that the applicant provide documentation on how they intend on creating a safe walking environment for pedestrians on the sidewalk.
- 5) Section drawing A-A is illustrating the proposed driveway as being higher (or at a greater slope than) the existing sidewalk grade. It is recommended that the applicant maintain the existing sidewalk grade and follow ADA requirements. The applicant shall clearly illustrate how they



- intend on maintaining the existing sidewalk grade while following ADA requirements.
- 6) The applicant shall submit to the City, prior to construction, a material section of the proposed driveway for review and approval.

Any questions, please call me anytime.

Sincerely,

ABONMARCHE

A handwritten signature in black ink, appearing to read 'James P. Johnson'.

James P. Johnson, P.E.

JPJ/wek

## Jon Rose

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**From:** James Matthews [open01@ameritech.net]  
**Sent:** Thursday, December 31, 2009 12:57 PM  
**To:** Jon Rose  
**Subject:** Fw: 334 - 338 River Street Manistee Michigan  
**Attachments:** Matthews Detail AA.pdf; Matthews Plan Detail.pdf

Jon,  
Jim Nordlund got back with more definitive assessment of the city Engineer's report. Not sure if this can get circulated prior to the meeting, but would like to get this into your hands so you can decide best thing to do with it.

Thanks again,  
Jim Matthews

----- Forwarded Message -----

**From:** Jim Nordlund Jr <jimjr@nordlundandassociates.com>  
**To:** James Matthews <open01@ameritech.net>  
**Sent:** Thu, December 31, 2009 10:38:28 AM  
**Subject:** Re: 334 - 338 River Street Manistee Michigan

Dear Jim:

I have reviewed the letter from Abonmarche. Their requests are reasonable and should pose no problem to you during the construction.

Item #1... As a result of my crawling through the building - I remember that there was a pvc pipe from the building that passes through the concrete wall and under the river walk. Roof water is now being released into the Manistee River in that manner. We would propose to connect the catch basin in the yard to this outlet pipe.

Item #2... The 2' sump in the catch basin is reasonable and should be included in the plans.

Item #3... Roof drains entering the sanitary sewer are bad and create the potential for overflow during storm events. I really do not believe that there are any roof drains that enter the sanitary sewer system - but in the course of demolition - if one is encountered that does enter the sanitary sewer - it will be disconnected and routed to the storm sewer or to the river.

Item #4 & #5... I looked at the drawing and was not happy with Detail AA - or the scale of the drawing in the plan view. I revised them and the new drawings are attached to this letter. I think that this should better answer some of the concerns.

Item #6... This is reasonable. The city needs to have the opportunity to review the detailed construction plans - and sections before pouring concrete. By having the city ultimately approve the plans, you will have your interests protected.

Please review the attached drawings and give me a call if you should have any questions. I think that the drawings could be forwarded to Mr. Rose at the City of Manistee.

Happy New Year and look forward to working with you in 2010.

Jim Nordlund Jr.

----- Original Message -----

**From:** James Matthews  
**To:** Jim Nordlund Jr  
**Sent:** Wednesday, December 30, 2009 3:35 PM  
**Subject:** Re: 334 - 338 River Street Manistee Michigan

Jim,

Thanks for your time today, Attached is the Engineering review from Abonmarche. Item 5 is the one concerning the driveway slope.

Have a great New Year,

Jim Matthews

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**From:** Jim Nordlund Jr <jimjr@nordlundandassociates.com>

**To:** open01@ameritech.net

**Cc:** "Tom@Nordlundandassociates.Com" <tom@nordlundandassociates.com>; Ed Kriskywicz <cdi@jackpine.com>

**Sent:** Tue, December 22, 2009 3:29:24 PM

**Subject:** 334 - 338 River Street Manistee Michigan

Dear Jim:

Attached, please find a brief report on the building(s) at 334 -338 River Street - Manistee, Michigan. After spending a couple of hours in the building - I was able to get a pretty good feel for the building and some of the challenges.

I think if you - or Ed have any questions regarding the interior - I can probably converse more coherently now.

I know this is going to be a challenge - but it will be damn satisfying if we are able to restore the structure.

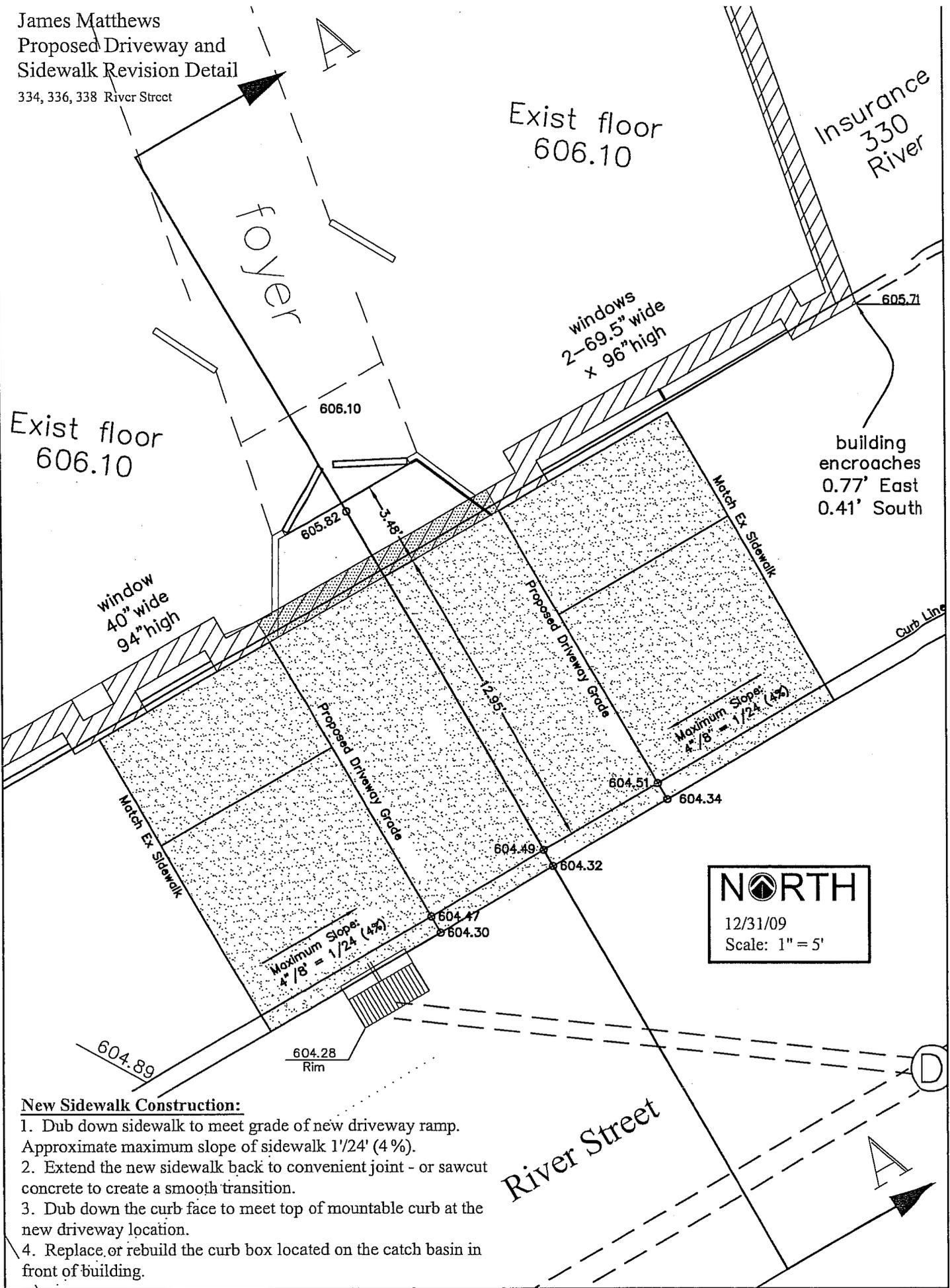
Also, attached, please find some information on Handicap Ramps - from the Michigan Barrier Free Design Graphics Manual - to respond to Mr. Rose's concerns about the driveway and approach ramps.

Call or e-mail if you have questions.

Jim Nordlund Jr.

James Matthews  
Proposed Driveway and  
Sidewalk Revision Detail

334, 336, 338 River Street



Insurance  
330  
River

Exist floor  
606.10

windows  
2-69.5" wide  
x 96" high

Exist floor  
606.10

window  
40" wide  
94" high

building  
encroaches  
0.77' East  
0.41' South

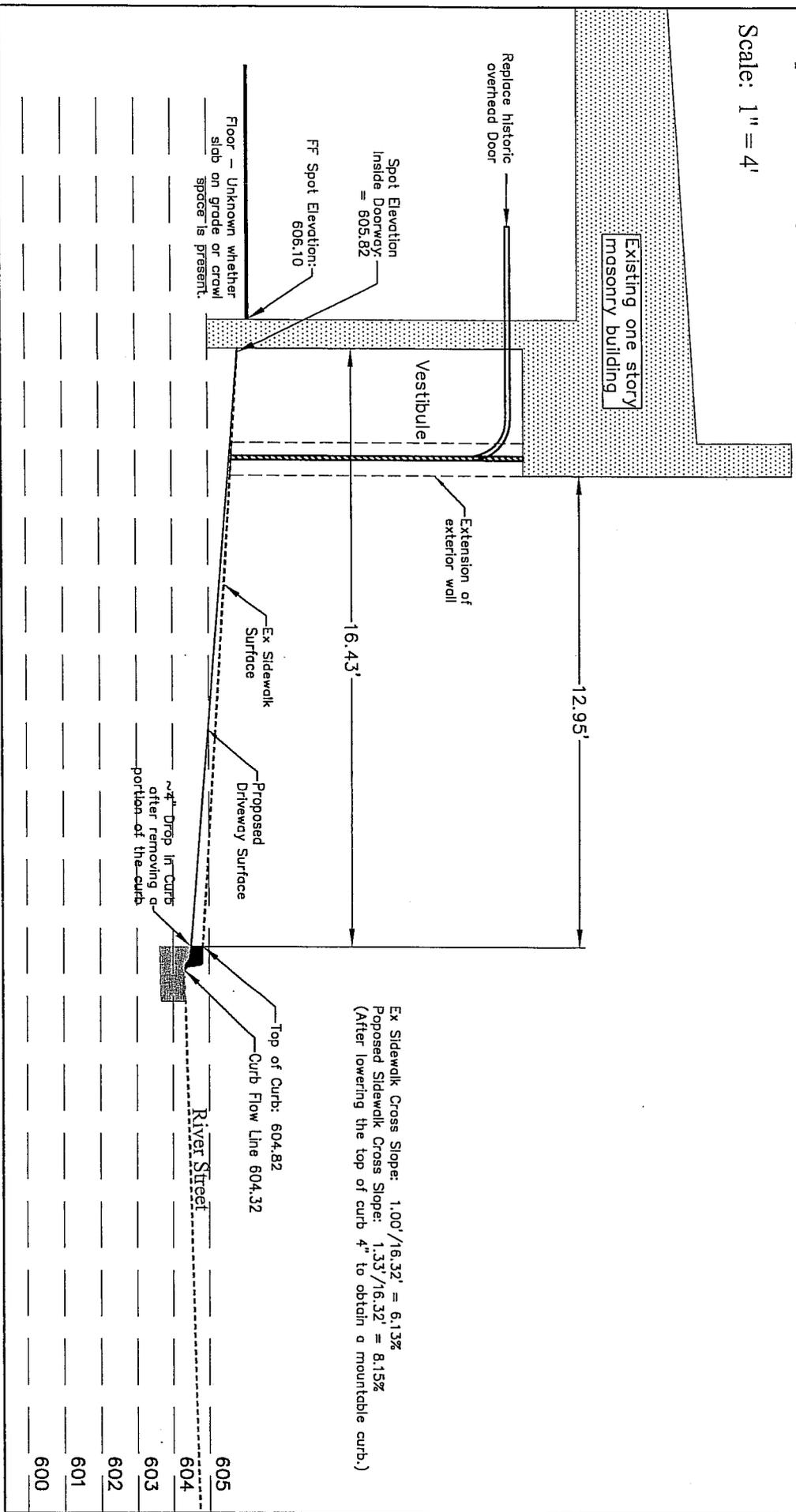
**NORTH**  
12/31/09  
Scale: 1" = 5'

**New Sidewalk Construction:**

1. Dub down sidewalk to meet grade of new driveway ramp. Approximate maximum slope of sidewalk 1'/24' (4%).
2. Extend the new sidewalk back to convenient joint - or sawcut concrete to create a smooth transition.
3. Dub down the curb face to meet top of mountable curb at the new driveway location.
4. Replace or rebuild the curb box located on the catch basin in front of building.

James Matthews  
 334-338 River Street  
 Cross Section A-A - Detail of  
 Proposed Driveway/Curb Cut

Scale: 1" = 4'



Ex Sidewalk Cross Slope:  $1.00' / 16.32' = 6.13\%$   
 Proposed Sidewalk Cross Slope:  $1.33' / 16.32' = 8.15\%$   
 (After lowering the top of curb 4" to obtain a mountable curb.)

- 605
- 604
- 603
- 602
- 601
- 600



343 River Street  
Manistee, Michigan 49660  
(231) 398-9580  
goodys@jackpine.net

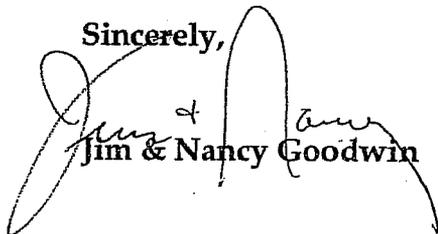
Jon Rose  
Community Development  
City of Manistee  
P.O. Box 358  
Manistee, MI 49660

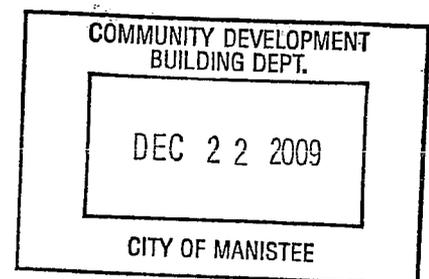
Dear Jon:

We have reviewed the notice on the Special Use Permit for Mixed Use Development of 334, 336, & 338 River Street. We support the approval of this special use permit. We do not think the plans including the garage access will create any major problems. This property has been an eye sore and we applaud their effort to improve the property. We also think that increased housing is healthy for businesses located in the downtown district.

Again, we strongly support approval of this special use permit.

Sincerely,

  
Jim & Nancy Goodwin



*"Your neighborhood WiFi coffee shop"*

**City of Manistee**  
**Planning Commission Resolution to Approve a**  
**Special Use Permit, Case Number PC-2010-01**  
**James & Susan Matthews**

At a regularly scheduled meeting of the City of Manistee Planning Commission held on Thursday, January 7, 2010, the following resolution was adopted to approve a Special Use Permit for Mixed Use Development (Commercial & Residential) as submitted with Site Plan; Property & Topographic Survey, 334, 336, 338 River Street prepared by Nordlund & Associates, Inc. Date Nov. 2009 Job Number MPS09-099.

Planning Commissioner Ray Fortier moved, supported by Planning Commissioner Maureen Barry, the adoption of the following resolution.

**WHEREAS**, on December 4, 2009 a request was received from James & Susan Matthews for a Special Use Permit for Mixed Use Development (Commercial & Residential, and

**WHEREAS**, Mixed Use Development is a Special Use in the C-3 Central Business District, and

**WHEREAS**, the Planning Commission has provided proper notice and held a public hearing on the proposed development on January 7, 2010, and

**WHEREAS**, the Planning Commission has received written comment, reviewed the Site Plan, and has completed review of the application, Site input of the Applicant and the input received at said public hearing.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):

1. The Special Use is consistent with the adopted City of Manistee Master Plan.
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and

sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.

5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

**B. Findings of Fact - Section 1858 Mixed Use Development of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:**

1. The applicant has demonstrated how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses is compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses is consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development consolidates and maximize usable open space, wherever possible.
4. The applicant demonstrated that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking is not required in the C-3 Central Business District.
6. The proposed Mixed-Use Development has been designed in such a manner that it leads to compatible, efficient, and attractive uses of property in the City of Manistee, and :
  - a. Encourages unique retail, office and residential use alternatives.
  - b. Is not required to continue and augment the City's traditional neighborhood patterns because it is located in the C-3 Central Business District.

- c. Is not required to establish neighborhood places that will define and strengthen the community character and supplement the identity of the City because it is located in the C-3 Central Business District.
  - d. Provides for the redevelopment of an underutilized site.
  - e. The C-3 Central Business District is designed to facilitate pedestrian oriented development.
7. Vehicular and pedestrian circulation within the development and access to the development is safe, convenient, non-congested and well defined. Shared access to parking areas are not required because off street parking is not required in the C-3 Central Business District.
  8. The Mixed-Use Development does not infringe unreasonably on any neighboring uses.
  9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
  10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

**BE IT FURTHER RESOLVED**, that the Special Use Permit for James & Susan Matthews be conditioned upon the following:

1. The issuance of the Special Use Permit is conditioned upon receiving all necessary approvals from the Historic District Commission.
2. The Special Use Permit will not be issued until James and Susan Matthews purchase the building and is voided in the event that they do not purchase the building.
3. The east storefront window where the residential use is proposed shall be boxed in as a display window similar to the display windows at the Manistee Inn and Marina.
4. The installation of a garage door and driveway for this project is conditioned upon the applicant exiting the building forward and honking their horn upon exiting.
5. To assist the driver and ensure pedestrian safety upon exiting the building the Applicant is to install bubble mirrors on the interior of the garage .
6. City Engineers concerns from Jim Johnson in a letter dated December 14, 2009 must be met. (Copy of letter is attached to the Resolution of Approval)

**CITY OF MANISTEE PLANNING COMMISSION:**

AYES: Neider, Haines, Slawinski, Albee, Gustad, Barry Fortier, Yoder

ABSTAINING: None

NAYS: None

ABSENT: Crockett

MOTION CARRIED

**CERTIFICATION:**

I, Maureen Barry, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of January 7, 2010.

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Maureen Barry, Secretary