

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING MINUTES

SEPTEMBER 2, 1993

The regular meeting of the Manistee City Planning Commission was held on Thursday, September 2, 1993 at 7:00 P.M. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 7:00 P.M. by Chairman, Roger Yoder.

MEMBERS PRESENT: R. Bauman, R. Bruchan, J. Carter, R. Franckowiak, D. Johnson, J. Lakos, K. Thompson, R. Yoder

MEMBERS ABSENT: A. Slawinski

OTHERS PRESENT: Ben Bifoss (City Manager), Denise Jensen (366 Ninth St.), David Coffin (307 Fifth Ave.), George Johnston (294 Sixth Ave.), Dennis Milosh (297 Sixth Ave.), Pat Parker (P.O. Box 263, Arcadia), Dorothy Stewart (296 Sixth Ave.), James Stewart (296 Sixth Ave.), Tracy Thomas (8829 N. Custer Road, Free Soil) and Janice Bartos (519 Davis St.).

PUBLIC HEARING:

Johnston Marina Special Use Permit Modification-

Hearing was called to order by Chairman Yoder who explained the purpose of the hearing.

G. JOHNSTON Explained his proposed modifications to his marina, which is located at 297 Sixth Avenue. He has a three phase building program. Phase one is the replacement of his fuel tanks this fall, which is being required by the state, due to their age. Phase two is to remove the existing home on the property and build a 65 x 40 foot garage building, which would be for his car, boat, workshop and storage of equipment used in his marina, such as carts, refrigerators and furniture. Phase three is the removal of the existing structure near the water, down to the foundation, and build 54 x 36 chalet style home on that foundation, with an additional extension to the north.

The proposed garage building would be eight feet shorter than the existing home on the site and fourteen feet less than the adjacent condos. The reason for needing such high doors is that his boat is 28 feet in length and requires an 11 ½ foot high door opening. The plans call for two 12 foot high doors and he plans to use the end (north) door for the boat. There will be concrete driveway only to the center and smaller garage doors, which will require driving across the lawn to take the boat in and out of the building. The building will not be a metal sided pole barn, but rather a stick built structure with vinyl siding and asphalt shingled roof. This building will not be used for a commercial boat storage and repair facility and there will be no boat or trailers stored in the yard. He indicated that the marina operation is non-profit due to its size and that he has not plans to increase the marina operations. The marina office will remain in the lower level of the structure which will later be his home. He indicated that he felt the rumors being circulated about his project are without merit.

D. COFFIN Asked if the hill and trees would remain.

G. JOHNSTON Indicated that the hill would remain, except for having to cut into hill about three feet and only three trees would have to be removed. All of the other trees and the hedge would remain. He also indicated that there is an easement on the property that he has to check on.

- D. JOHNSON Indicated that the easement was probably for fish shanty that was at one time located next to the property.
- B. BIFOSS Addressed some of the setback issues concerning the house.
- D. STEWART Asked about the pole barn rumor.
- G. JOHNSTON Indicated that the rumor was completely false.
- D. STEWART Indicated that the neighborhood was misinformed about the building by a person circulating a petition against the construction of a 'pole barn' and that her father was one of the persons signing the petition.
- J. STEWART Indicated that he had signed a letter opposing a pole barn, but now knowing what is proposed, he would like to withdraw his letter.
- R. YODER Advised that the city received 52 signed form letters feeling that the operation is a non conforming use and incompatatble with quality housing and that a metal storage building would not conform with beautification on the river.

In addition five other letters were received, as follows:

Harless Feagins (H & A Properties) understood plan called for metal storage building for the storage of boats, which not enhance the neighborhood.

Bob Rice (Crest Property Management) understood that pole building for storage was to be built close the Chalet West Apartments, which would have a negative economic impact on the neighborhood and a step backward for the river beautification process.

Rich Scharich (CC&P Developers, Inc.) understood that a warehouse type building for boat storage was being proposed and felt as such would be detrimental to the value and long range use of adjoining properties.

John H. Bultema opposed the rezoning of the parcel or any such riverside area from residential to a non-conforming use as proposed for a storage building for boat and trailers, etc. Complemented Johnston Marina on its exemplorary job in cleaning up the marina, but felt that it would be a serious step backward to allow commercial and/or industrial us on the riverfront property which is situated in a good residential neighborhood.

LaVerne E. Villard and Alberta K. Lindstrom strongly objected to any enlargement that might promote more traffic on 6th Avenue or any modification of use that would in any way increase the noise of large parties or groups. Urged commission to not allow changes to the marina if they would in anyway impinge on the life style of those living in the area.

There being no further questions or comments, the hearing was closed at 7:30 p.m and the meeting called to order.

SITE PLAN REVIEWS: None

QUESTIONS & CONCERNS: None

CONSIDERATION OF MATTERS:

Johnston Marina Special Use Permit Modification-

Discussion followed on request on which a public hearing was just held. Johnson reminded the members that the ordinance only allows the commission to review and consider changes to their current operation. Other aspects of the operation are exempt from review. It was decided to consider each of the four proposed changes separately.

1. REPLACEMENT OF FUEL TANKS. It was moved by Bauman, supported by Lakos, to

- approve the fuel tank replacement contingent on the permit holder securing the necessary local, state and/or federal permits. MOTION CARRIED.
2. REMOVAL OF EXISTING HOME. It was moved by Franckowiak, supported by Lakos, to approve the removal of the existing home. MOTION CARRIED.
 3. PERSONAL USE BUILDING. It was moved by Carter, supported by Lakos, that the construction of the proposed personal use building be approved, subject to the following conditions: a) The structure shall be sided and roofed with standard residential siding and roofing materials; b) The structure shall be used for personal use and storage of the owner. Commercial use of the building shall be limited to marina business activities in effect as of 9/2/93, which excludes boat storage. MOTION CARRIED.
 4. PROPOSED NEW HOME. It was moved by Franckowiak, supported by Lakos, to approve the building concept, but to postpone the site plan review until final drawings are submitted. MOTION CARRIED.

It was then moved by Bruchan, supported by Lakos, that an amended special use permit, which addresses the above changes, be granted to George Johnston of Johnston Marina, with an effective date of September 22, 1993. MOTION CARRIED.

NADJOWSKI LOT SPLIT

Johnson and Bifoss outlined the proposed lot split and the reasons for the request. It was noted that all lines of the resulting lots are parallel or perpendicular to the platted property lines in the district and that both parcels will meet or exceed the minimum ordinance requirements for a parcel in the R-4 Residential District where the parcels are located. It was moved by Franckowiak, supported by Bauman, to recommend to the City Council that the lot split be approved. MOTION CARRIED.

MINUTES

It was moved by Lakos, supported by Bruchan, that the minutes of 08/05/93 and 08/23/93 be approved. MOTION CARRIED.

MASTER PLAN AMENDMENTS: Tabled

SIGN ORDINANCE

Bauman and Johnson reported on their meetings with the Council Ordinance Committee.

HISTORIC OVERLAY DISTRICT ORDINANCE REWRITE:

Report by Thompson.

CITY UPDATE

Bifoss reported on the following:

1. Riverwalk West: Formal ribbon was held today.
2. North Riverbank: Work is in design and the preliminary designs should be completed in a couple of weeks.
3. South Riverbank: Awaiting reply from DNR in regards to grant money, but reports are not optimistic on funding.
4. Marina Building: Project on hold because funding will not be available until October '94.
5. Veterans Oak Grove Drive: Ribbon cutting is being scheduled.
6. Discussion on benches for Riverwalk and on River Street.

D.D.A.

Bifoss reported that the DDA have been discussing the Riverwalk East Project and that all other projects are on hold because of the funds committed to the Riverwalk East Project prior to the recent property tax cut.

ZONING BOARD OF APPEALS

No report.

**SITE PLAN REVIEW &
HISTORICAL OVERLAY COMMITTEE**

A report was given by Thompson.

12th STREET EXTENSION

No report.

JOINT CITY REVIEW/ORDINANCE COMMITTEE

Yoder and Johnson reported on recent meetings.

REGULATION OF CURB CUTS IN RESIDENTIAL DISTRICTS

Johnson presented a request from the City Code Administrator for input concerning curb cuts and the paving of city boulevards in residential districts. Janis Bartos of 519 Davis Street indicated that she initiated the request because she wants to have a curb cut and pave a portion of the city boulevard in front of her home. The reason for the request is that she has a problem with water accumulating in the street in front of her home following storms or thaws and with people blocking her walk. She indicated that city ordinance only allows the property owner to block is own driveway. It was noted that she will not have driveway onto her property due to the lack of space. Following further discussion the matter was tabled until the next meeting.

**MOBILE HOME PARK ON MANISTEE STREET and
POLICY CONCERNING THE INITIATING OF ZONING CHANGES**

Thompson made the presentation as a representative of the new owners of the parcel on Manistee Street, which is currently Sportsmen Campground. The property was originally R-5, which permitted Mobile Home Parks, but was changed to the Transitional District, when the district was set up along the old US-31 corridor. Transitional District does not provide for Mobile Home Parks, either as permitted or special uses. The commission was in agreement that the proposed change was conceptually acceptable.

The discussion then moved to the subject of whom should initiate zoning changes. Thompson noted that the commission has on occasion in the past initiated zoning changes, which would exempt a property owner from making the statutory \$150.00 hearing fee. Considerable discussion followed. It was moved by Bauman, supported by Bruchan, that Commission adopt a policy where if technical corrections to the ordinance are needed, the Commission will initiate the change, but if the change will requested by or required of an property owner, then the property owner shall initiate the change and pay the appropriate fee. MOTION CARRIED (Thompson abstained)

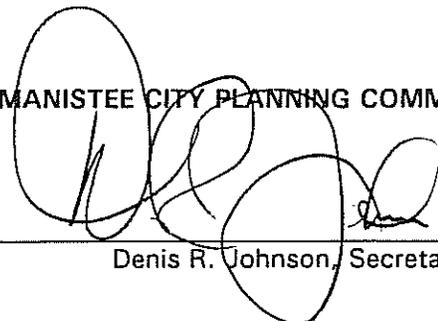
Thompson indicated that a public hearing will probably be requested on the zoning change for the next regular meeting.

ADJOURNMENT

There being no further business, it was moved by Lakos, supported by Bauman, that the meeting be adjourned. MOTION CARRIED.

The meeting adjourned at 9:25 p.m.

MANISTEE CITY PLANNING COMMISSION



Denis R. Johnson, Secretary