

## MANISTEE CITY PLANNING COMMISSION

550 Maple Street  
Manistee, MI 49660

### MEETING MINUTES

February 3, 2005

A meeting of the Manistee City Planning Commission was held on Thursday, February 3, 2005 at 7:00 p.m. in the Manistee Middle School Library, 550 Maple Street, Manistee, Michigan.

**MEMBERS PRESENT:** Maureen Barry, Tamra Buswinka, Greg Ferguson, Ray Fortier, Christa Johnson-Ross, Tony Slawinski, Mark Wittlief and Roger Yoder

**MEMBERS ABSENT:** Sara Schrader

**OTHERS:** C. Gerry Seyferth, Dave Carlson (D.D.A.), Kenneth Borenitsch (396 River Street), Melissa Rennie (Manistee News Advocate), Bill Kozak (Moore & Bruggink, Inc.) Alan Marshall (City Council), Cyndy Fuller (City Council), Jon Rose (Community Development), and Denise Blakeslee (Administrative Assistant)

Meeting was opened at 7:03 p.m. by Chairman Yoder.

#### Citizen Planner - Certificates

Several Planning Commissioners who took time out of their schedules this past fall to attend the Michigan State University Extension - Citizen Planner Program Course in land use. Chairman Yoder presented Certificates of Completion to Maureen Barry, Christa Johnson-Ross, and Tony Slawinski. Also receiving their Certificates were two members of City Council (former Planning Commissioner) Cyndy Fuller and Alan Marshall. Congratulations!

#### **PUBLIC HEARING:**

##### C. Gerry Seyferth - Petition for Zoning Amendment.

A request has been received from C. Gerry Seyferth for a Zoning Amendment. Mr. Seyferth spoke to the Planning Commission at their January Meeting about constructing condominiums on the vacant property west of Maple Street Bridge. Mr. Seyferth has prepared Zoning Amendment language to amend Article 58: C-4 Commercial District Section 5803.A and Section 5804.C.5 and Add Section 1618: Dwelling, Multiple Unit as follows:

##### **Amend Section 5803.A to read:**

Dwelling, Multiple Family; *"with no more than one (1) living unit for each one thousand five hundred (1,500) square feet of parcel area"*.

**Amend Section 5804.C.5 to read:**

Waterfront Yard: The minimum setback shall not be less than *twenty (20)* feet for any structure. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

**Add Section 1618 Dwelling, Multiple Unit**

1618. Dwelling, Multiple Unit

- A. Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within one hundred fifty (150) feet of the building. Two spaces shall be provided per dwelling.
- B. All exterior lighting shall be designed so that there is no direct illumination or glare beyond the property lines.
- C. No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same parcel.
- D. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street.
- E. Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.
- F. All signs shall be in compliance with the provisions of Article 14 of this Ordinance.
- G. Landscaping and Buffering shall be provided and be compatible with the neighborhood.

Kenneth Borenitsch owns the building at 396 River Street which is located in the C-4 Commercial Zoning District and wanted to express his support of the proposed Zoning Amendment.

Dave Carlson is a member of the D.D.A. and said that the proposed Zoning Amendment fits with the Master Plan for the Central Business District. A project of type would address the need for more housing.

There being no further discussion the Public Hearing closed at 7:12 p.m.

**APPROVAL OF MINUTES:**

Planning Commission Meeting of February 3, 2005

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the February 3, 2005 Planning Commission Meeting be approved.

MOTION APPROVED UNANIMOUSLY

## VOTING

Chairman Yoder ruled that all voting in the future will be by roll call and each vote recorded in the minutes. As provided in Section 3.7 of the By Laws Reads which reads "Voting: Voting shall be by voice or shall be by roll call and each vote recorded in the minutes. Roll call votes shall only be done upon request of a member or by ruling of the Chairman. Members must be present to cast a vote."

## **NEW BUSINESS:**

### C. Gerry Seyferth - Petition for Zoning Amendment.

A Public Hearing was held earlier in response to a request from C. Gerry Seyferth for a Zoning Amendment. The proposed Zoning Amendment language to amend Article 58: C-4 Commercial District Section 5803.A and Section 5804.C.5 and Add Section 1618: Dwelling, Multiple Unit as follows:

#### **Amend Section 5803.A to read:**

Dwelling, Multiple Family; *"with no more than one (1) living unit for each one thousand five hundred (1,500) square feet of parcel area"*.

#### **Amend Section 5804.C.5 to read:**

Waterfront Yard: The minimum setback shall not be less than *twenty (20)* feet for any structure. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

#### **Add Section 1618 Dwelling, Multiple Unit**

##### 1618. Dwelling, Multiple Unit

- A. Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within one hundred fifty (150) feet of the building. Two spaces shall be provided per dwelling.
- B. All exterior lighting shall be designed so that there is no direct illumination or glare beyond the property lines.
- C. No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same parcel.
- D. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street.
- E. Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.
- F. All signs shall be in compliance with the provisions of Article 14 of this Ordinance.
- G. Landscaping and Buffering shall be provided and be compatible with the neighborhood.

Members discussed the proposed language, reviewed the draft language proposed in the Zoning Ordinance Rewrite, and the change in the Waterfront set-back.

MOTION by Ray Fortier, seconded by Mark Wittlief, that the Planning Commission recommend to City Council a Zoning Amendment that Amends Article 58: C-4 Commercial District Section 5803.A and Section 5804.C.5 and Add Section 1618: Dwelling Multiple Unit as submitted in Mr. Seyferth's Petition for Zoning Amendment (attached).

With a roll call vote this motion passed unanimously.

Yes: Barry, Buswinka, Ferguson, Fortier, Johnson-Ross, Slawinski, Wittlief, Yoder  
No: None

Laverne W. Miehke - Parcel Split.

Laverne W. Miehke is requesting a Parcel Split that would split Lot 1 of Parcel #51-51-670-723-01 into a stand alone parcel. The Planning Commission previously approved a request from Michael J. Gorbach to re-zone Lot 1 of this parcel from C-1 Commercial to R-4 Residential to allow the construction of a duplex. Mr. Miehke has entered into a purchase agreement with Mr. Gorbach for the sale of lot 1 of Parcel #51-51-670-723-01. Review of the request shows that the request meets the requirements of the Zoning Ordinance.

MOTION by Ray Fortier, seconded by Tony Slawinski that the Planning Commission recommend to City Council the approval of a request from Laverne W. Miehke to split Lot 1 from parcel #51-51-670-723-01.

With a roll call vote this motion passed 7 - 1.

Yes: Wittlief, Buswinka, Barry, Johnson-Ross, Slawinski, Yoder, Fortier  
No: None  
Abstained: Ferguson

**UNFINISHED BUSINESS:**

None

**OTHER COMMUNICATIONS:**

Hunting-Preliminary Development Plan.

The Subdivision Review Committee has been working with the developer of the 55 acres at the South City Limits West of Cherry Street, North of Merkey Road. They originally proposed a Subdivision for this area. After several meetings with the Subdivision Review Committee they have decided to develop the property under a PUD.

Bill Kozak, Moore & Bruggink, Inc. showed the Planning Commission a Preliminary Development Plan. Presentation included; new urbanism, condo, site condo, row housing, ranch housing, single family, paved alleys, garage access, emphases on people not vehicles, pocket parks, wetland preserve, public water, public sewer, storm water management, lift station, some commercial development (ie. Medical Office, Convenience Store, Sub/Pizza shop), walking paths, all streets in development would be private, boulevard style entry off Cherry.

Planning Commission discussion/feedback included: Density of project, landscaping, sidewalks, bike lanes on Cherry Road. Tamara Buswinka had prepared a review for the original subdivision. Ms. Buswinka will revise the review for the new plan. Once completed it will be distributed to the members and they will discuss it at their April Planning Commission Meeting. Mr. Kozak will be at the April meeting to answer any questions the members have after the review.

#### Charter Township of Filer - Land Use Map Amendment

Jon Rose addressed questions from the City of Manistee Planning Commissioners regarding the Charter Township of Filer Planning Commission Minutes of February 15, The Minutes of their Planning Commission meeting indicate that a letter of approval was received from the City of Manistee favoring their amendment to the zoning map change.

No letter was sent by the City of Manistee regarding the Land Use Map Amendment. The City of Manistee Planning Commission minutes state "No objections were voiced in response to the letter from Jennifer Williams, Chair of the Charter Township of Filer Planning Commission."

A letter was sent (February 21, 2005) regarding the zoning of the adjoining property in the City Limits. This letter indicated the current zoning of the property and a copy of the Zoning Map along with the standards for the C-1 Commercial District were attachments.

#### **CITIZEN QUESTIONS AND CONCERNS:**

None

#### **WORKSESSION:**

##### Review of Draft - Specific Standards and Requirements for Special Uses

Members were mailed copies of the draft language that Jay Kilpatrick prepared for Specific Standards and Requirements for Special Uses. This information was forwarded early to give members time to review the document for discussion during the worksession portion of the March Meeting. Discussion will conclude at the March Worksession for this Article of the Ordinance.

Discussion included:

Want uniform standards within the Specific Standards and Requirements for Special Uses .  
Example the language for dumpster is different under different Special Uses.

Would have liked to have the Section on Landscaping and buffering before reviewing the Specific Standards and Requirements for Special Uses. They felt it would have helped with their review.

Why is the City Council is so involved within the Special Use Permit process?

Should Traffic counts be a requirement for some special uses?

1813 Communication Towers. Should a fall zone be required for a monopole? Should landscaping be a requirement not a suggestion?

Are the Special Use Standards too restrictive?

The next regularly scheduled worksession will be on Thursday, March 17, 2005 at 6:00 p.m. in the Middle School Library, 550 Maple Street, Manistee.

**ADJOURNMENT:**

MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously. Meeting adjourned at 9:07 p.m.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary



# Petition for Zoning Amendment

C. Gerry Seyferth  
Applicant  
6180 Murray Road  
Address  
Whitehall, MI 49461  
City, State, Zip Code  
Phone Numbers (Work) 231-638-0356  
(Home) 231-894-2731

FOR OFFICE USE ONLY:

Case number PC-2005-07  
Date Received 2-8-05  
Fee Received \$250.00  
Receipt Number 7847  
Hearing Date March 3, 2005

FEE \$250.00

Please Note: All questions must be answered completely. If additional space is needed, number and attach additional sheets.

I. ACTION REQUESTED:

I (we), the undersigned to hereby request that the City of Manistee approve the following petition for Zoning Amendment:

A. Text Amendment: Amend Article \_\_\_\_\_ Section \_\_\_\_\_ to (delete, supplement or clarify) the Manistee City Zoning Ordinance by making the following change(s): (Attach additional sheets if necessary - state proposed ordinance language) \_\_\_\_\_  
See attached

B. Re-zone from \_\_\_\_\_ to \_\_\_\_\_ the property(s) described in II Property Information (below), for the following purpose: (State proposed use of the land) \_\_\_\_\_

A previous application for a variance, special use permit or re-zoning on this land (has/has not) been made with respect to these premises in the last \_\_\_\_\_ years. If a previous appeal, re-zoning or special use permit was made, state the action requested: \_\_\_\_\_

Decision:  approved  denied

**II. PROPERTY INFORMATION:**

- A. Legal Description of Property affected: \_\_\_\_\_  
    See attached Legal Description  
\_\_\_\_\_
  
- Tax Roll Parcel Code Number: 51-51- 211-100-02
  
- Address of Property: 86 Washington, Manistee, MI 49660
  
- B. List all deed restrictions - cite Liber & Page where found and attach: \_\_\_\_\_  
    None
  
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. \_\_\_\_\_  
    None
  
- D. This area is    un-platted,    platted,    will be platted.  
If platted, name of plat \_\_\_\_\_
  
- E. Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.
  
- F. Present use of the property is: commercial; vacant  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:**

- A. State specifically the reason for this Amendment request at this time \_\_\_\_\_  
    To construct residential condominiums  
\_\_\_\_\_
  
- B. If the Amendment is a propose re-zoning, please answer the following questions.
  - 1. Will this re-zoning be in conformance with all adopted development plans of the City of Manistee?    yes    no      and Manistee County?    yes    no

2. If the proposed zone does not conform to the(se) plan(s), why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

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3. What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?

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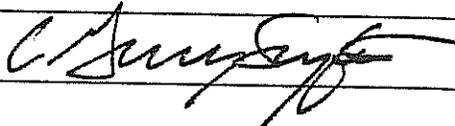
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**IV. AFFIDAVIT**

The undersigned affirms that he/she or they is (are) the (owner, lessee, authorized agent of owner) involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief.

Signature (s) of Applicant (s):

  
\_\_\_\_\_  
\_\_\_\_\_

Dated 2-4-05

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

## LEGAL DESCRIPTION

The land referred to in this Request is situated in the City of Manistee in the County of Manistee, State of Michigan, and is described as follows:

Parcel "B": Part of Government Lot 1, Section 11, Town 21 North, Range 17 West, commencing at the Northeast corner of said Section, thence S 89°54' 09" W 33.00 feet along the North line of said Section to the West right-of-way of Washington Street, thence along said West right-of-way S 00°00'00" W 212.62 feet to the point of beginning, thence continuing S 00° 00' 00" W 132.61 feet to an intermediate traverse line along the bank of the Manistee River, thence along said intermediate traverse line N 87°55' 28" W 137.09 feet, thence N 00° 00' 00" E 127.41 feet parallel with Short Street extended, thence N 89°54' 09" E 137.00 feet to the point of beginning.

**ACTION REQUESTED**  
**To AMEND the Manistee City Zoning Ordinance**

**Article 58: C-4 Commercial District**  
**&**  
**ADD Section 1618: DWELLING, MULTIPLE UNIT**

**AMEND Section 5803.A to read:**

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**AMEND Section 5804.C.5 to read:**

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