

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, October 6, 2011
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planning Commission can take action to approve the October 6, 2011 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the September 1, 2011 meeting Minutes.

V Public Hearing

Faith Covenant Church Proposed Zoning Amendment Z11-09 Large Place of Public Assembly

A request has been received from Faith Covenant Church, 475 Eighth Street for a Zoning Amendment that would Amend Section 1868.B.1.a of the ordinance. The ordinance would be changed to read as follows:

- a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, ***unless it is located on a parcel of land with a minimum area of 5 acres.***

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

City Staff shall present the proposed amendment

The hearing will be opened for public comments

The hearing will be closed

VI Public Comment on Agenda related items

VII New Business

Faith Covenant Church Proposed Zoning Amendment Z11-09 Large Place of Public Assembly

A request has been received from Faith Covenant Church, 475 Eighth Street for a Zoning Amendment that would Amend Section 1868.B.1.a of the ordinance to read:

- a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, ***unless it is located on a parcel of land with a minimum area of 5 acres.***

At this time the Planning Commission could take action on the request from Faith Covenant Church to Amend section 1868.B.1.a of the Zoning Ordinance.

Andrew Nichols and Leah Bashover, 196 Washington Street – Accessory Structure Architectural Compatibility

Andrew Nichols and Leah Bashover, 196 Washington Street would like to construct a new detached garage (accessory structure that would be approximately 21'4" in height. Under Section 515.D of the Zoning Ordinance Mr. Nichols and Ms. Bashover are requesting a higher structure to achieve architectural compatibility with the principal building. The Ordinance limits accessory buildings to 18 feet in height.

At this time the Planning Commission could approve/deny the request from Andrew Nichols and Leah Bashover to allow the construction of an accessory structure up to 21'4" in height to achieve architectural compatibility with the principal building as allowed under section 515.D of the Zoning Ordinance.

Recommendation to City Council

The Planning Commission will review the current configuration of the City owned property at 540 First Street and the property at 526 First Street. As part of the Cedar Street CSO project the "Angel Street" was closed and removed providing for an opportunity to reconfigure the parcels.

At this time the Planning Commission could make a recommendation for City Council to negotiate a property swap with the owner of 526 First Street that would create two parcels that meet the requirements of the Zoning Ordinance as mutually agreed upon.

Meeting/Worksession Dates 2012

Members were given a list of meeting and worksession dates for 2012 to review prior to the meeting.

At this time the Planning Commission will schedule meeting dates for 2012.

Reschedule or Cancel October 20, 2011 Worksession

Staff will be attending the Michigan Association of Planning's Annual Conference on October 20, 2011. The Planning Commission will either need to reschedule or cancel their October Worksession.

At this time the Planning Commission could reschedule/cancel the October 20, 2011 Worksession.

VIII Old Business

IX Public Comments and Communications

At this time the Chair will ask if there are any public comments.

X Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

XI Staff/Sub-Committee Reports

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XII Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XIII Adjournment

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

September 1, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, September 1, 2011 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Linda Albee, Maureen Barry, David Crockett, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Roger Yoder

Members Absent: Nathaniel Neider (excused)

Others: Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Bill Dean that the agenda be approved as prepared.

With a Roll Call vote this motion passed 8 to 0.

Yes: Albee, Barry, Crockett, Dean, Fortier, Gustad, Mc Bride, Yoder

No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Linda Albee that the minutes of the August 4, 2011 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 8 to 0.

Yes: Dean, Fortier, Albee, Barry, Crockett, Gustad, Mc Bride, Yoder

No: None

PUBLIC HEARING

Manistee Area Public Schools – Street Vacation Request

A request has been received from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

Chairman Yoder opened the Public Hearing at 7:03 pm

Jon Rose presented the case to the Planning Commission. The High School was constructed in the Hadsall Village Subdivision. The School was constructed over platted streets and by vacating the streets it cleans up property issues. The School owns all of the property within the Hadsall Village Subdivision.

Chairman Yoder opened the hearing for public comments – there was none.

Chairman Yoder asked if any correspondence had been received in response to the request – there was none.

There were no public comments; the Public Hearing was closed at 7:05 pm.

Proposed Zoning Amendment – Z11-08 Wind Energy Conversion System

The Planning Commission has been working on a Zoning Amendment that would allow a wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located in all Zoning Districts.

Chairman Yoder opened the Public Hearing at 7:05 pm

Denise Blakeslee presented the case to the Planning Commission. The Commission has been working for several months on developing an ordinance that would allow Wind Energy Conversion Systems in all Zoning Districts. The Ordinance currently has language that would allow them only in the Light Industrial and General Industrial Districts.

Ms. Blakeslee noted that the individual who inquired into the possibility of an ordinance had stopped into the office. His residence is in the R-1 Zoning District and the limitation for a unit on his property would be 35 feet. He wanted to construct a roof mounted unit and his home is 30 feet in height and the unit needs six feet. She said she would inform the commission of the issue.

Chairman Yoder opened the hearing for public comments – there was none.

Chairman Yoder asked if any correspondence had been received in response to the request – there was none.

There were no public comments; the Public Hearing was closed at 7:10 pm.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Manistee Area Public Schools – Street Vacation Request

A request has been received from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

MOTION by Linda Albee, second by Marlene McBride to recommend to City Council to consider the request from Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus).

With a Roll Call vote this motion passed 8 to 0.

Yes: Gustad, Mc Bride, Dean, Fortier, Albee, Barry, Crockett, Yoder
No: None

Proposed Zoning Amendment – Z11-08 Wind Energy Conversion System

The Planning Commission has been working on a Zoning Amendment that would allow a wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located in all Zoning Districts.

Discussion on what height should be allowed for units. Reviewed the ordinance and the height requirements shall not apply radio, cellular communication and television antenna systems.

MOTION by Linda Albee, second by Marlene McBride to recommend to City Council to consider proposed Zoning Amendment Z11-08 Wind Energy Conversion System.

With a Roll Call vote this motion passed 8 to 0.

Yes: Fortier, Albee, Barry, Crockett, Gustad, Mc Bride, Dean, Yoder
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Jon Rose, Community Development Director – Labor Day Walk 9 am Monday, September 5th at Fifth Avenue Beach; Movie premier Friday and Saturday at the Ramsdell (new screen, projector and sound system).

Denise Blakeslee, Planning & Zoning – A tour of the Marina Building and Ramsdell Theatre have been scheduled for the September Worksession. Since it is getting dark earlier the Worksession will begin at 6 pm.

Members were given a Calendar for 2012 and asked to review the dates to schedule meeting dates at the October Meeting.

MEMBERS DISCUSSION

Commissioner Albee - volunteers needed to assist in the cleanup of the Vogue Theatre.

The Planning Commission will hold a Worksession on September 15, 2011.

The next regular meeting of the Planning Commission will be held on Thursday, October 6, 2011

ADJOURNMENT

Motion by Ray Fortier, seconded by Eric Gustad that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

CITY OF MANISTEE PLANNING COMMISSION WORKSESSION

NOTES OF September 15, 2011

The City of Manistee Planning Commission met in a worksession on Thursday, September 15, 2011 at 6:00 p.m.

Members Present: Maureen Barry, Dave Crockett, Ray Fortier, Marlene McBride, Nathaniel Neider, Roger Yoder

Members Absent: Linda Albee (excused), Bill Dean, (excused), Eric Gustad

Others Present: Jon Rose (Community Development Director) and Denise Blakeslee (Planning & Zoning) & others

Worksession began at 6:00 p.m.

Members of the Planning Commission toured the Ramsdell Theatre and new Marina Building.

ADJOURN

The Worksession adjourned at approximately 8:00 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street, P.O. Box 358,
 Manistee, MI 49660
 231.398.2806 (phone)
 231.723.1546 (fax)

Zoning Amendment Request

Please Print

Zoning Amendment Request Requirements		
<p>Request must be received 25 days prior to the City of Manistee Planning Commission meeting to be placed on the agenda. Notice of the Public Hearing shall be held before the Planning Commission. Notice shall include publication in a newspaper and posting in City Hall. Fee for Petition of Zoning Amendment is \$1,000.00 which needs to be submitted with the application. You or your representative should be present at the meeting to explain your request to the Planning Commission and to answer any questions. After the public hearing, the Planning Commission will make a recommendation to the City Council. Two readings are required for Zoning Amendments at regularly scheduled Council Meetings. The City Council will consider final action on your petition.</p>		
Applicant Information		
Name of Owner: Faith Covenant Church		
Address: 475 8th St., Manistee, MI 49660		
Phone #: 723-7173	Cell#:	e-mail:
Name of Agent (if applicable): Jim Baldwin		
Address: 20 Park Ave, Manistee, MI 49660		
Phone #: 723-3901	Cell#: 231-233-3266	e-mail: jim@instalaunch.com
Action Requested		
<input checked="" type="checkbox"/> Text Amendment: Amend Article <u>Eighteen</u> Section <u>1868</u> to [<input type="checkbox"/> delete, <input type="checkbox"/> supplement, or <input checked="" type="checkbox"/> clarify] the Manistee City Zoning Ordinance. Attach copy of proposed ordinance language.		
<input type="checkbox"/> Re-Zone: Rezone Parcel # _____ from _____ to _____ for the following purposes:		
A previous application for a variance, special use permit or re-zoning on this land (<input type="checkbox"/> has / <input type="checkbox"/> 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: <input type="checkbox"/> approved <input type="checkbox"/> denied		
Property Information		
Address:		Parcel #
Legal Description of Property affected:		
List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary:		

Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land:

This area is un-platted, will be platted is platted – Name of Plat:

Present use of Property:

Site Plan Requirements

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.

Statement of Justification for Requested Action

State specifically the reason for this Amendment request at this time:
See Attached

If the Amendment is a propose re-zoning, please answer the following questions:

<input type="checkbox"/> yes	<input type="checkbox"/> no	Will this re-zoning be in conformance with all adopted development plans of the City of Manistee?
<input type="checkbox"/> yes	<input type="checkbox"/> no	Will this re-zoning be in conformance with all adopted development plans of and Manistee County?
<input type="checkbox"/> yes	<input type="checkbox"/> no	Does the proposed re-zoning conform to the plans? If not, 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.

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?

Authorization

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, owner's representative, 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:  Date: 9/12/11

Signature: _____ Date: _____

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

Office Use Only

Fee: <input checked="" type="checkbox"/> \$1,000.00	Receipt # <u>24561</u>
Date Received: <u>9/12/11</u>	Hearing Date: _____ PC - _____

Attachment to Zoning Amendment Request

As currently written, Manistee City Ordinances severely limit the ability of current and future Places of Public Assembly from rebuilding, expanding, or revising usage because these facilities are not accessible from a Key Street Segment. Two of the current facilities, Faith Covenant Church (approx. 11 acres), and Saint Mary's Church (approx. 9 acres), would be unable to rebuild if destroyed to suit current needs due to these restrictive ordinances. Also, those facilities located on parcels that have room for expansion such as Faith Covenant Church and Saint Mary's Church are prohibited from applying for a Special Use Permit and having their proposed use considered by the Planning Commission.

The apparent purpose of the restrictions is to control the impact of traffic, parking and noise on residential neighborhoods. The proposed changes to the City Ordinance would allow the Planning Commission to accomplish this goal through the Special Use Permit process on parcels of adequate size that could provide for off-street parking, buffer zones, landscaping, etc., while taking into consideration location, traffic, and proposed use. Thus, where such use does not impact these concerns, or provisions can be implemented to mitigate impact, the Planning Commission can be allowed to review and approve or deny a use through the Special Use Permit application process.

Section 1868, paragraph B.1.a – change to read:

A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, **unless it is located on a parcel of land with a minimum area of 5 acres.**

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

Article 18: Standards and Requirements for Special Uses
AMEND Section 1868 Place of Public Assembly; paragraph B.1.a

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 18: Standards and Requirements for Special Uses; Section 1868 Place of Public Assembly; paragraph B.1.a** be amended as follows:
 - a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, *unless it is located on a parcel of land with a minimum area of 5 acres.*

And make appropriate edits to indexes, tables and chart provisions.
2. **CONFLICTING ORDINANCES:** that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance be and are hereby rescinded.
3. **EFFECTIVE DATE:** This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Richard Mack, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasurer

Dated

Planning Commission,

I am writing you to ask for a variance in the height restriction for our garage. Accessory building in the R-2 district are limited to 18 feet. Our house on 196 Washington Street has a roof pitch of 12/12. To meet the 18 foot requirement our garage could not have dormers to match the architectural styling of the main house. A 10/12 pitch with dormers would give a closer architectural match. Below are pictures of the house (Figure 1) and of the proposed garage (Figure 2). The final elevation of the garage would be 21 foot 4 inches.



Figure 1: Side of House

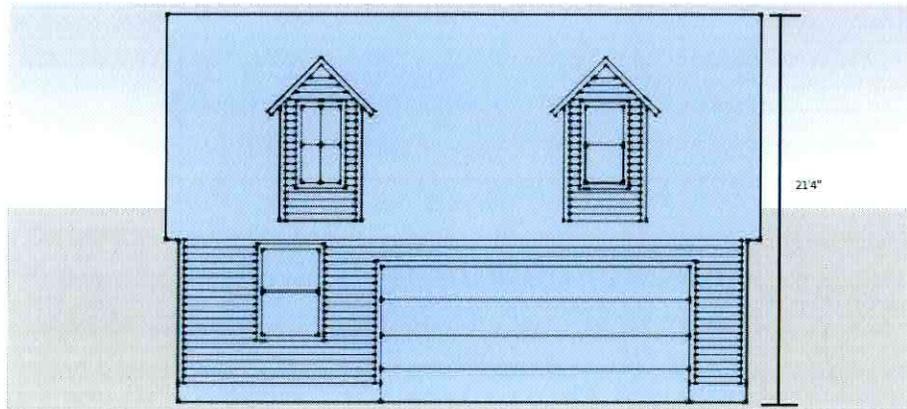


Figure 2: Front View of Proposed Garage with Elevation

House Roof Pitch: 12/12

Garage Roof Pitch: 10/12

Final Elevation: 21'4"

Thank you for your time and consideration.

Sincerely,

Andrew Nichols and Leah Bashover

196 Washington St.

Manistee, MI 49660

513-375-8255 (Cell)



Planning & Zoning
Community Development
231.398.2805
Fax 231.723-1546
www.manisteemi.gov

MEMORANDUM

To: Planning Commissioners

From: Jon R. Rose 
Community Development Director

Date: September 28, 2011

RE: Recommendation to City Council

Commissioners, we have placed an item on the October 6, 2011 Planning Commission Agenda for your consideration. A component of the Cedar Street CSO Project was the closing of the "Angle Street" located between the Waterworks Museum, 540 First Street and the residence at 526 First Street. After the Planning Commission held a Public Hearing and recommended to City Council to vacate the street it was determined that the street was owned by the City and not platted and City Council did not vacate the street. The City removed the street and retains ownership of the property.

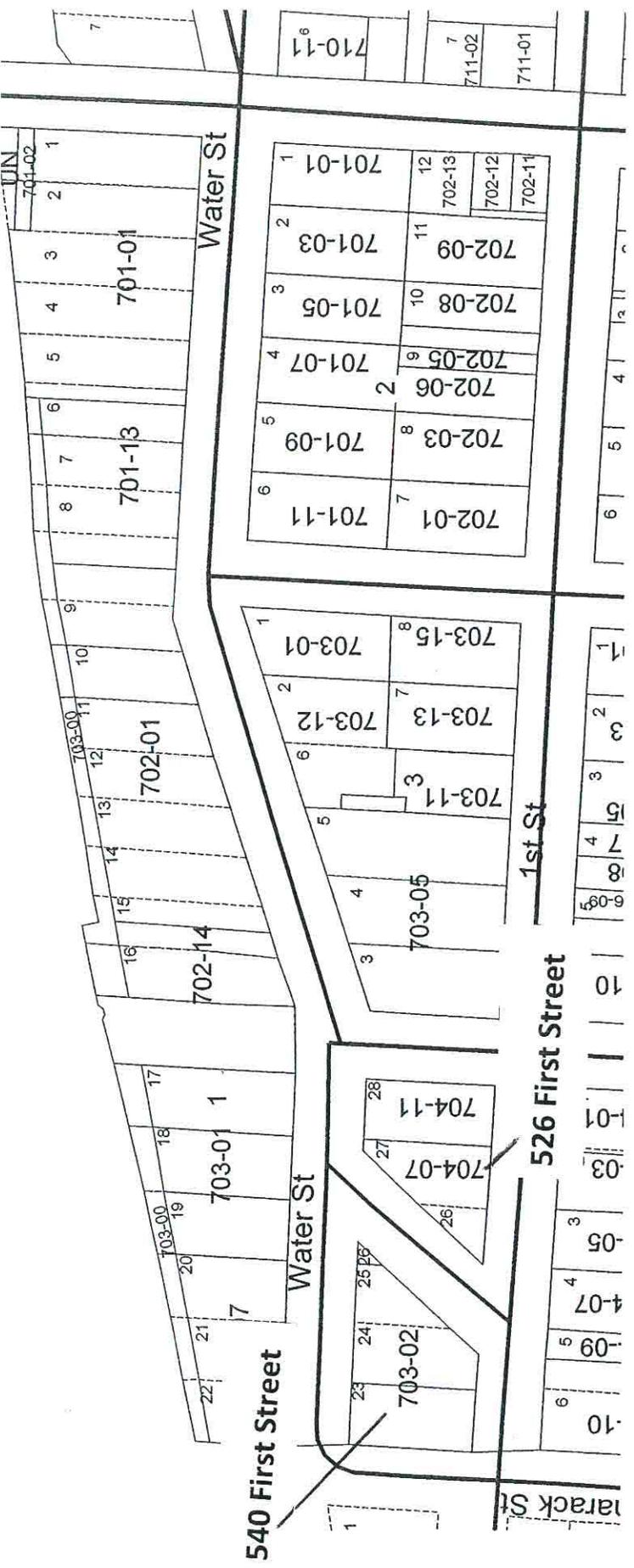
A recent inquiry from a real estate agent who is listing the property at 526 First Street prompted another review of the parcels. As discussed with the Planning Commission in February when the Street Vacation request was discussed it is desirable to have an exchange of properties that would create "straight property lines" for both parcels.

We are beginning discussion with the property owner that will prompt negotiations for the property swap and reconfiguration of the parcels. While the Planning Commission reviews Parcel Splits and Combination requests for compliance with the Zoning Ordinance, Council has the authority to approve or deny a request.

In an effort to expedite the process we would like your recommendation for City Council to negotiate a property swap with the owner of 526 First Street that would create two parcels that meet the requirements of the Zoning Ordinance as mutually agreed upon.

A copy of how the properties are currently configured is enclosed.

JRR:djb



1 inch equals 200 feet
10/2006

Subdivisions

- 248_S.W._Folwer's_Addition
- 365_Sub_of_Blk_1_C.E._Marsh's_Add
- 364_C.E._Marsh's_Addition

2007
10-3