

**MANISTEE CITY PLANNING COMMISSION**  
Meeting of Thursday, November 3, 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 November 3, 2011 Agenda.

**IV Approval of Minutes**

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

**V Public Hearing**

**VI Public Comment on Agenda Related items**

**VII New Business**

**Ordinance Amendments – Universal Accessibility/Non-Motorized Transportation**

The City of Manistee Non-Motorized Transportation Commission has asked the Planning Commission to review the Ordinances to determine what amendments should be considered to improve Universal Accessibility/Non-Motorized Transportation in the City.

Staff and the Planning Commission will discuss possible Ordinance amendments relating to Universal Accessibility/Non-Motorized Transportation.

**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**

October 6, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, October 6, 2011 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

#### Roll Call:

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

Members Absent: Roger Yoder (excused)

#### Others:

Jim Baldwin (Faith Covenant Church, 475 Eighth Street), Don Digna (Catholic Community 254 Fifth Street), John Soltes (1054 Oak Street), Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

#### **APPROVAL OF AGENDA**

Motion by Dave Crockett, seconded by Linda Albee that the agenda be approved as prepared.

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

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

No: None

#### **APPROVAL OF MINUTES**

Motion by Linda Albee, seconded by Marlene McBride that the minutes of the September 1, 2011 Planning Commission Meeting be approved as prepared.

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

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

No: None

## PUBLIC HEARING

Vice Chair Fortier opened the Public Hearing at 7:03 pm

### **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.***

**Jim Baldwin, Faith Covenant Church** – Mr. Baldwin presented the case to the Planning Commission. When the Church went to apply for a Special Use Permit it was discovered that since the church did not front on a key street they could not rebuild to meet their needs in the event of a fire; only within the same footprint; cannot apply for future expansions. They are proposing a change that would allow Places of Public Assembly with larger parcels to expand. The larger parcels provide the area needed to buffer adjoining properties, provide adequate parking, landscaping while still meeting the needs of the facility. A Special Use Permit would still be required to go before the Planning Commission for consideration.

**Jon Rose, Community Development Director** – Mr. Rose clarified that in the event of a fire all churches or places of Public Assembly have the ability to reconstruct in the same footprint under the ordinance if they are non-conforming. The main issues for neighborhoods with places of Public Assembly are parking; larger parcels will be able to provide needed parking.

Vice Chair Fortier opened the hearing for public comments.

**Don Digma, Catholic Community, 254 Fifth Street** – Mr. Digma said that the proposed amendment would only apply to one of the three Catholic Churches in the Community. He felt the five acres was still restrictive and this limits their ability to enhance any of their facilities. Parking is an issue and under the ordinance they cannot expand parking for two of their existing facilities. Maybe a smaller parcel area should be allowed?

**John Soltes, 1054 Oak Street** – Mr. Soltes has owned the property next to Faith Covenant Church for 40 years. He expressed his concern that the request did not include a site plan for their proposed improvements. Did the church come to put up a 5,000 square foot building that would be accessed from Twelfth Street? It is his understanding that they are going to construct a rainwater pond, what impacts will this have on his property? Consideration should be give to adjoining neighbors and the impact a change would on them. Are they intending to split 5 acres off their property? Mr. Soltes expects Zoning to protect properties and restrict

developments with negative impacts. Understands the concerns from the Catholic Church and has the commission considered allowing parking within 150 feet of their facilities? There are concerns and it seems as if this request has moved along rapidly. How much fill has been placed on their property? He has owned the property for 40 years and it was residential when he purchased it.

Jim Baldwin, Faith Covenant Church – Asked to clarify some of the concerns expressed by Mr. Soltes. They have to ask for the ordinance to be amended that would then allow them to make application to amend the Special Use Permit. They do not intent to split the property. For a Place of Public Assembly it seemed that five acres or more would provide enough land to buffer, provide parking and landscaping and not negatively impact adjoining properties.

No correspondence had been received in response to the request.

There were no more additional comments; the Public Hearing was closed at 7:17 pm.

#### **PUBLIC COMMENT ON AGENDA RELATED ITEMS**

None

#### **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.***

Jon Rose said that the Church was constructed under the old ordinance where it was a permitted use. The new ordinance adopted in 2006 put Churches under the category of Places of Public Assembly. Faith Covenant Church is now a Non-Conformity because it does not front on a Key Street. When discussion was originally held with Faith Covenant Church they originally spoke of using 10 acres as the minimum which was reduced to 5 acres. The minimum acreage requirement that would allow other existing churches to be included from the key street requirement would have needed to be 2 acres. But the Commission needs to consider that a reduction to 2 acres would allow any of the other uses under Places of Public Assembly the ability to assemble enough property to construct a facility on 2 acres without key street frontage. The definition reads:

*“Place of Public Assembly: Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.”*

MOTION by Maureen Barry, seconded by Dave Crockett that the Planning Commission make recommendation to City Council to approve the request from Faith Covenant Church to Amend section 1868.B.1.a of the Zoning Ordinance.

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

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

**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.

Ms. Blakeslee received an e-mail from the applicant that they had been called out of town for family matters and would not be able to attend this evening’s meeting. Ms. Blakeslee reviewed the request with the Commission.

MOTION by Bill Dean, seconded by Linda Albee that the Planning Commission approve 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.

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

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

**Recommendation to City Council**

Jon Rose discussed 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 “Angle Street” was closed and removed providing for an opportunity to reconfigure the parcels.

MOTION by Maureen Barry, seconded by Linda Albee the Planning Commission recommends that City Council negotiate a property swap with the owner of 526 First Street that would create two rectangular parcels that meet the requirements of the Zoning Ordinance as mutually agreed upon and that the Planning Commission approves any resulting parcel split and combination.

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

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

### Meeting Dates 2012

Members were given a list of meeting and worksession dates for 2012 to review prior to the meeting. Two dates were adjacent to Holidays. Discussion by the Commission that the meeting of July 5<sup>th</sup> be changed to July 12<sup>th</sup>.

MOTION by Dave Crockett, seconded by Marlene McBride that the Meetings and Worksessions for the City of Manistee Planning Commission be scheduled for 7pm in the Council Chambers, City Hall as follows:

#### MEETINGS 7:00 P.M.

January 5, 2012  
February 2, 2012  
March 1, 2012  
April 5, 2012  
May 3, 2012  
June 7, 2012  
July 12, 2012\*  
August 2, 2012  
September 6, 2012  
October 4, 2012  
November 1, 2012  
December 6, 2012

#### WORKSESSIONS 7:00 P.M.

January 19, 2012  
February 16, 2012  
March 15, 2012  
April 19, 2012  
May 17, 2012  
No Worksession  
No Worksession  
No Worksession  
September 20, 2012  
October 18, 2012  
November 15, 2012  
No Worksession

\*Changed due to holiday

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

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

## **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.

MOTION by Maureen Barry, seconded by Dave Crockett that the Planning Commission cancel the October 20, 2011 Worksession.

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

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

## **OLD BUSINESS**

None

## **PUBLIC COMMENTS AND COMMUNICATIONS**

None

## **CORRESPONDENCE**

None

## **STAFF/SUB-COMMITTEE REPORTS**

Denise Blakeslee, Planning & Zoning – Members were given updates for their copies of the Zoning Ordinance that includes Community Gardens.

## **MEMBERS DISCUSSION**

Commissioner Barry said the tour of the Ramsdell was great!

The next regular meeting of the Planning Commission will be held on Thursday, November 3, 2011.

**ADJOURNMENT**

Motion by Dave Crockett, seconded by Linda Albee that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:48 pm

MANISTEE PLANNING COMMISSION

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Denise J. Blakeslee, Recording Secretary

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