

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

May 4, 2017

A meeting of the Manistee City Planning Commission was held on Thursday, May 4, 2017 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

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

ROLL CALL

Members Present: Maureen Barry, Aaron Bennett, Ray Fortier, Marlene McBride, Bob Slawinski, Mark Wittlieff, Roger Yoder

Members Absent: None

Others: Jim Smith (353 First Street), Barry Lind (532 Fourth Street), Denise Blakeslee (Planning & Zoning Administrator) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Maureen Barry that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Bennett, Slawinski, Yoder Fortier, McBride, Wittlieff
No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Bob Slawinski that the minutes of the April 6, 2017 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Yoder, Bennett, Fortier, Barry, Slawinski, McBride, Wittlieff
No: None

PUBLIC HEARING

Zoning Amendment Z17-02 – Wireless Communication Facilities

Chair Wittlieff opened the public Hearing at 7:02 pm

A Zoning Amendment is being proposed relating to wireless communication facilities as recommended by Clear Zoning when they performed a Review of the Zoning Ordinance.

Denise Blakeslee, Planning & Zoning Administrator reviewed the proposed amendment for Wireless Communication Facilities. When Clear Zoning performed the review of the Zoning Ordinance they noted that the Planning Enabling Act now references Wireless Communication Facilities not Communication Tower as we define and provide standards in the Zoning Ordinance. The standards are established by the Act.

There were no comments from the public in attendance and no correspondence received in response to the request, Chair Wittlieff closed the public hearing at 7:04 pm

Zoning Amendment Z17-03 – Parking Standards

Chair Wittlieff opened the public Hearing at 7:04 pm

A Zoning Amendment is being proposed relating to the parking standards as recommended by Clear Zoning when they performed a Review of the Zoning Ordinance.

Denise Blakeslee, Planning & Zoning Administrator reviewed the proposed amendment to parking standards. When Clear Zoning performed the review of the Zoning Ordinance they noted the current ordinance does not provide standards for electric vehicles, deferring parking and electric vehicle parking. Bike Parking has been updated to include bicycle parking shall be located along the principal building entrance and clearly visible. Section 1828 Drive-Through Establishment amended to reference new stacking standards. Staff noted that they recommend shortening the title for Section 514 to read Parking, Bike Parking and Sidewalks.

Chair Wittlieff opened the hearing for public comments

Barry Lind, 532 Fourth Street asked a question relating to deferred parking and the impact on the Edgewater request.

Ms. Blakeslee said that the deferred parking amendment would only apply to new site plans not to existing properties.

Jim Smith 353 First Street asked about Electric Vehicle Parking and where they would be permitted.

Ms. Blakeslee said that they could either be either in a private or public parking lot.

There being no additional comments from the public in attendance and no correspondence was received in response to the request, Chair Wittlieff closed the public hearing at 7:12 pm

Zoning Amendment Z17-04 – Miscellaneous Items

Chair Wittlieff opened the public Hearing at 7:13 pm

A Zoning Amendment is being proposed relating to miscellaneous items as recommended by Clear Zoning when they performed a Review of the Zoning Ordinance and some items recommended by staff.

Denise Blakeslee, Planning & Zoning Administrator reviewed the proposed amendment for miscellaneous items as recommended when Clear Zoning performed the review of the Zoning Ordinance and changes recommended by staff that includes changes to definitions for building envelope, solar energy system, solar storage battery and state licensed residential facilities; change to the use table (minimum floor area in PD to 500 sq. ft.); eliminate fence permits; special use standards relating to convenience store and gasoline station; change eating and drinking establishment from a special use to a use by right in W-F & C-2, delete gallery or museum and place of public assembly small as a special use with key street frontage in R-1; change mixed use development from special use to use by right in G-C, W-F, C-1, C-2 and C-3 as recommended in RRC Best Practices; delete wind energy conversion system as a special use in R-3; add the word “Light” to Purpose and Intent in the L-I district.

Chair Wittlieff opened the hearing for public comments

Barry Lind, 532 Fourth Street – spoke about the definition of Solar Storage Battery and types of storage systems available, noted a typo in the document and that items 4 and 6 are the same in Section 529 Solar Energy Systems he spoke of the language under Intent and Purpose and asked where the language came from and recommended the first sentence be shortened.

Ms. Blakeslee noted that the language was from another community’s ordinance that was tailored for the city. All the proposed amendments resulting from the Clear Zoning Audit have been reviewed and approved by the City Attorney. During the business session the Planning Commission could amend the language and ask for corrections before the document is sent to City Council.

Jim Smith 353 First Street - asked about language in Section 1841 Gasoline Station relating to Dismantled, wrecked, or immobile vehicles.

Ms. Blakeslee said that it would prohibit the storage of these vehicles at Gasoline Stations, there is separate language in the ordinance for Automobile Repair Facilities and that Junk vehicles are addressed under the Code of Ordinances.

There being no additional comments from the public in attendance and no correspondence was received in response to the request, Chair Wittlieff closed the public hearing at 7:35 pm

Zoning Amendment Z17-05 – Dumpster Standards

Chair Wittlieff opened the public Hearing at 7:36 pm

A Zoning Amendment is being proposed establishing dumpster standards as recommended by Clear Zoning when they performed a Review of the Zoning Ordinance.

Denise Blakeslee, Planning & Zoning Administrator reviewed the proposed amendment that provides dumpster standards in general provisions. When Clear Zoning performed the review of the Zoning Ordinance they noted the current ordinance does not provide dumpster standards other than a short sentence. This new language provides clear standards and locations for dumpsters in the ordinance.

Chair Wittlieff opened the hearing for public comments

Barry Lind, 532 Fourth Street – asked about Item G and noted a typo and asked if the language could be clarified.

Ms. Blakeslee said during the business session the Planning Commission could amend the language and ask for corrections before the document is sent to City Council.

There being no additional comments from the public in attendance, Chair Wittlieff closed the public hearing at 7:43 pm

Zoning Amendment Z17-06 – Signs

Chair Wittlieff opened the public Hearing at 7:44 pm

A Zoning Amendment is being proposed relating to signs as recommended by Clear Zoning when they performed a Review of the Zoning Ordinance.

Denise Blakeslee, Planning & Zoning Administrator staff was aware that under the Supreme Court case Reed vs town of Gilbert the current sign ordinance required amending. Staff along with several members of the Planning Commission attended a workshop relating to the needed changes. Staff worked with the City Attorney in the development of a new ordinance that repeals and replaces the existing standards. The changes include allowing additional signs for most uses that was previously permitted and clarifying the standards and making the ordinance content neutral.

There were no comments from the public in attendance and no correspondence received in response to the request, Chair Wittlieff closed the public hearing at 7:79 pm

Chair Wittlieff opened the public Hearing at 7:50 pm

PC-2017-07 - River Parc Place II LLC, Zoning Amendment Request (Z17-07)

A request has been received from River Parc Place II LLC for a Zoning Amendment that would amend Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item H and Section 1832 Dwelling Multiple Unit, Item B.3 of the City of Manistee Zoning Ordinance.

Denise Blakeslee, Planning & Zoning Administrator The applicant was unable to attend the meeting and Ms. Blakeslee read the narrative that was included in the request.

Edgewater Development; 80 Washington Street, Manistee, MI 49660

Planned Unit Development Changes and Zoning Amendments

Dear Ms. Blakeslee

On behalf of River Parc Place II LLC (Developer) I am requesting the City's assistance with addressing Zoning Ordinance provisions as related to the Edgewater project. The Edgewater project was permitted in May 2016 under a Special Use Permit for a Planned Unit Development (PUD). The PUD consisted of redevelopment of the building into 18 residential units, two small commercial (storefront) spaces and 18 on-site dedicated parking spaces, including permit conditions related to engineering and easement issues. Note that the inclusion of the two storefronts was desired at that time based on market conditions and State of Michigan Community Revitalization Program (CRP) grant preferences.

In late January 2017 it became apparent that the commercial use of the two storefront spaces was no longer financially viable while the demand for indoor parking exceeded prior expectations. Additionally, the "job creation" preference of the CRP grant related to the two storefronts would be met by the redevelopment of the adjoining property, the North Channel Outlet, which along with the Edgewater development is a major component of the South Washington Area Redevelopment Project and partially under the control of the Developer. Therefore, the two storefronts were not finished, instead they were temporarily fitted with garage doors to prevent damage and vandalism to the spaces until the matter could be addressed with City staff.

In February 2017, following discussions with City staff we understood that a PUD Amendment would be required to address the implications of converting the storefronts to garages that will be available for rent to the Edgewater owners. Subsequently, in March 2017 City staff determined that a Variance and a Special Use Permit for Multiple Unit Dwelling would be instead required.

Finally, based on the most recent discussion with City staff, we understand that Zoning Amendments related to the parking requirements and the frontage on Washington Street would be the most appropriate means to allow the conversion of the two storefronts to the two garages.

Therefore, we request the following:

1. **Section 514 – Vehicular Parking Space, Access, and Bike Parking and Sidewalks.** A text amendment that amends the requirement for parking for residential use condominiums in the C-3 Zoning District that would reduce the required parking within 200 feet from the building from 27 to 18 on-site parking spaces.
Note: The Edgewater development will provide 18 on-site parking spaces for the condominium owners.
2. **Section 1832 – Dwelling, Multiple Unit.** An amendment that amends the requirement that at least the first 20 feet of depth at the street level of the building in the C-3 Zoning District are dedicated to a commercial use, applies only to buildings fronting River Street.
Note: The east façade of the Edgewater building is facing Washington Street, however, it is not accessible from the street due to the Maple Street bridge.

The applicant has two issues that need to be addressed parking and the requirement for commercial use fronting on the street. The removal of the commercial units would not allow the project to be eligible as a Planned Unit Development. The applicant could either request a variance from the Zoning Board of Appeals or as for an Amendment to the ordinance. During the ordinance review staff noted that the parking standards for Adaptive Reuse were different than the standards in Section 514 Parking and the Commercial requirement for Adaptive Reuse and Dwelling Multi Unit were different and supplied this information to the applicant as noted in his request.

Review of the Zoning Ordinance shows that parking is only required for residential use condominiums in the C-3 District and does not apply for single family dwellings, duplexes or multi-unit dwellings. Discussed the parking standards under adaptive reuse as follows:

SECTION 1807 ADAPTIVE REUSE

C. Regulations and Conditions: A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.

1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:
 - e. Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. ***Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.***

The language that is drafted reduces the number of parking spaces from 1.5 spaces per unit to 1 space for unit. The applicant's site plan shows 18 parking spaces that was permitted under the PUD.

The applicant is requesting an amendment to Section 1832 Dwelling, Multiple Unit. This amendment provides language that is similar to Section 1807 Adaptive Reuse, Item C.1.c

SECTION 1807 ADAPTIVE REUSE

C. Regulations and Conditions: A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.

1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:
 - c. For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.

If the proposed amendment is approved, the project would meet the standards of Section 1832 Dwelling, Multi Unit and the developer could request a Special Use Permit that would replace the PUD and move forward with his development.

Chair Wittlieff opened the hearing for public comments

Jim Smith 353 First Street – asked for clarification if it would only require a commercial use on River Street properties.

Barry Lind, 532 Fourth Street – spoke of process for requests; noticing requirements; parking; DDA has specific concerns; spoke of the building and use; expressed concerns about the scope of changes; spoke of adaptive reuse standards; how to secure parking contracts that can't be broken.

Ms. Blakeslee spoke of the noticing requirements required under the act, process and license agreements.

There being no additional comments from the public in attendance and no correspondence was received in response to the request, Chair Wittlieff closed the public hearing at 8:30 pm

PUBLIC COMMENT ON AGENDA RELATED ITEMS

Chair Wittlieff asked if anyone in attendance had any comments on Agenda Related Items.

Jim Smith 353 First Street – thanked the Planning Commission and staff for all their efforts on the amendments.

NEW BUSINESS

Zoning Amendment Z17-02 – Wireless Communication Facilities

A public hearing was held earlier regarding a proposed zoning amendment relating to wireless communication facilities.

MOTION by Roger Yoder, seconded by Ray Fortier that the Planning Commission recommends to City Council approval of a Zoning Amendment Z17-02 – Wireless Communication Facilities

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Fortier, Barry, Yoder, Bennett, McBride, Wittlieff
No: None

Zoning Amendment Z17-03 – Parking Standards

A public hearing was held earlier regarding a proposed zoning amendment relating to parking standards

MOTION by Bob Slawinski, seconded by Roger Yoder that the Planning Commission recommends to City Council approval of a Zoning Amendment Z17-03 – Parking Standards and change the title for Section 514 to be shortened to read “Section 514 Parking, Bike Parking and Sidewalks”

With a Roll Call vote this motion passed 7 to 0.

Yes: Fortier, Barry, Yoder, Bennett, McBride, Slawinski, Wittlieff
No: None

Zoning Amendment Z17-04 – Miscellaneous Items

A public hearing was held earlier regarding a proposed zoning amendment relating to miscellaneous items in the zoning ordinance.

MOTION by Ray Fortier, seconded by Aaron Bennett that the Planning Commission recommends to City Council approval of a Zoning Amendment Z17-004 – Miscellaneous Items with the following changes:

Section 514.A be changed to read:

- A. Intent and Purpose: To promote the safe, effective and efficient use of Solar Energy Systems. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse effects of Solar Energy Systems, including aesthetic impacts and risks to the property

values of adjoining properties. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of Solar Energy Systems shall be governed.

Typo in Item B.4 be corrected by changing “the” to “they” in the first sentence.
Delete Item 6 (duplicate of Item 4).

With a Roll Call vote this motion passed 7 to 0.

Yes: Bennett, Slawinski, Fortier, Barry, Yoder, McBride, Wittlieff
No: None

Zoning Amendment Z17-05 – Dumpster Standards

A public hearing was held earlier regarding a proposed zoning amendment relating to dumpster standards.

MOTION by Roger Yoder, seconded by Marlene McBride that the Planning Commission recommends to City Council approval of a Zoning Amendment Z17-05 – Dumpster Standards with the following change:

SECTION 506. G be changed to read

- G. Upon the recommendation of the Zoning Administrator, the Planning Commission may approve a site plan that does not comply with the requirements of this section where local conditions make full compliance impossible.***

With a Roll Call vote this motion passed 7 to 0.

Yes: Yoder, Bennett, McBride, Slawinski, Fortier, Barry, Wittlieff
No: None

Zoning Amendment Z17-06 – Signs

A public hearing was held earlier regarding a proposed zoning amendment relating to signs.

MOTION by Maureen Barry seconded by Bob Slawinski that the Planning Commission recommends to City Council approval of Zoning Amendment Z17-06 – Signs

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Yoder, Bennett, McBride, Slawinski, Fortier, Wittlieff
No: None

PC-2017-07 - River Parc Place II LLC, Zoning Amendment Request (Z17-07)

A public hearing was held earlier regarding a request from River Parc Place II LLC for a Zoning Amendment that would amend Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item H and Section 1832 Dwelling Multiple Unit, Item B.3 of the City of Manistee Zoning Ordinance.

MOTION by Aaron Bennett seconded by Marlene McBride that the Planning Commission tabled the request until the June 1, 2017 meeting for the applicant to be present to discuss their request.

With a Roll Call vote this motion passed 7 to 0.

Yes: McBride, Slawinski, Fortier, Barry, Bennett, Yoder, Wittlieff
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF REPORTS

Denise Blakeslee, Planning & Zoning Administrator – spoke to the Commissioners about obtaining their Citizen Planner training by using Webinars. Commissioners were asked to bring their calendars with them to schedule dates in the future.

MEMBERS DISCUSSION

Commissioners thanked staff for their work on the Zoning Amendments.

Chair Wittlieff thanked the commissioners for their work on the Oleson's project.

The next regular meeting of the Planning Commission will be held on Thursday, June 1, 2017

ADJOURNMENT

Motion by Ray Fortier seconded by Roger Yoder that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:48 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary