

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, December 1, 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 December 1, 2011 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the November 3, 2011 meeting Minutes.

V Public Hearing

PC-2011-10 Gina Ruggiero, Vacant property NE Corner Cypress and Twelfth Street (Parcel #51-673-001-00) Special Use Permit – Mine, Sand and Gravel

A request has been received from Gina Ruggiero owner of the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00 for a Special Use Permit for Mine, Sand and Gravel. The operator will be Paul Swidorski, Swidorski Bros. Excavating, LLC, 4786 Red Apple Road, Manistee, Michigan.

At this time the Chair shall open the hearing.

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

City Staff shall present their report

The hearing will be opened for public comments

The hearing will be closed

VI Public Comment on Agenda related items

VII New Business

PC-2011-10 Gina Ruggiero, Vacant property NE Corner Cypress and Twelfth Street (Parcel #51-673-001-00) Special Use Permit – Mine, Sand and Gravel

A public hearing was held earlier in response to a request from Gina Ruggiero owner of the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00 for a Special Use

Permit for Mine, Sand and Gravel. The operator will be Paul Swidorski, Swidorski Bros. Excavating, LLC, 4786 Red Apple Road, Manistee, Michigan.

At this time the Planning Commission will adopt a resolution to approve or deny the request from Gina Ruggerio, Owner/Paul Swidorski, Swidorski Bros. Excavating, LLC, Operator for a Special Use Permit for Mine, Sand and Gravel for the property on the North East Corner of Cypress and Twelfth Street Parcel #51-673-001-00.

Election of Officers

According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

At this time the Planning Commission shall elect a Chair, Vice Chair and Secretary for 2012

Appointment of a Recording Secretary 2012

At this time the Planning Commission Secretary appointed for 2012 may appoint a Recording Secretary for 2012.

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

NOVEMBER 3, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, November 3, 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: Maureen Barry, David Crockett, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Nathaniel Neider, Roger Yoder

Members Absent: Linda Albee (excused)

Others: Jodi Fletcher (Manistee News Advocate), Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning)

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Dave Crockett that the agenda be approved as prepared.

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

Yes: Barry, Crockett, Dean, Fortier, Gustad, McBride, Yoder

No: None

APPROVAL OF MINUTES

Motion by Maureen Barry, seconded by Marlene McBride that the minutes of the October 6, 2011 Planning Commission Meeting be approved as prepared.

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

Yes: Dean, Fortier, Barry, Crockett, Gustad, McBride, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

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.

Commissioner Neider entered the meeting.

Jon Rose, Community Development Director spoke to the commission about the Promoting Active Community Award; the number of awards the City has received; the only way to obtain the "Gold" award level is to amend ordinances; reviewed how the City's application was ranked last year; reviewed Section 2 – Ordinances, Zoning and Codes and Section 3 – Site Plan Review Process. Staff will compile a list from these two sections where the City ranked low in their scoring to discuss at the November Worksession.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

Commissioners received a copy of a letter from the Township of Stronach Planning Commission notifying them that they will begin drafting a Master Plan.

A copy of the Draft Village of Eastlake Master Plan and 5 Year Recreation Plan was received and given to the Commissioners. The letter Dated October 24, 2011 gave the Planning Commission 63 days after receipt of the letter to comment.

STAFF/SUB-COMMITTEE REPORTS

Jon Rose, Community Development Director – Reported to the Commission on the Medical Marihuana seminar he attended at the MAP Conference. Updated the Commission on the First Street Project.

Denise Blakeslee, Planning & Zoning – Reported to the Commission on the Trails/Bikeway seminar she attended at the MAP Conference. Informed the Commission that the Community Recreation Plan is available on line if any of the Commissioners want to review it. The Parks & Beautification Commission will hold a Public Hearing on December 12th. After the Public Hearing the Plan will be forwarded to the Commission for endorsement and sent to City Council.

The Planning Commission will hold a Worksession on November 17, 2011

The next regular meeting of the Planning Commission will be held on Thursday, December 1, 2011

ADJOURNMENT

Motion by Ray Fortier, seconded by Dave Crockett that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 8:03 pm.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

CITY OF MANISTEE PLANNING COMMISSION WORKSESSION

NOVEMBER 17, 2011
NOTES

The City of Manistee Planning Commission met in a worksession on Thursday, November 17, 2011 at 7:00 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Members Present: Linda Albee, Maureen Barry, Dave Crockett, Bill Dean, Ray Fortier, Nathaniel Neider, Roger Yoder

Members Absent: Eric Gustad (excused), Marlene McBride (excused)

Others Present: Jodi Fletcher (Manistee News Advocate), Jon Rose (Community Development Director) and Denise Blakeslee (Planning & Zoning)

Worksession began at 7:00 p.m.

Ordinance Amendments – Universal Accessibility/Non-Motorized Transportation

Staff prepared documents for the members of the Planning Commission to review prior to the meeting for discussion. Information forwarded to the commissioners included:

- A worksheet that lists all of the questions that may have negatively impacted the scoring for the Promoting Active Communities Assessment.
- Promoting Active Community Assessment Section 2: Ordinances, Zoning and Codes and Section 3: Site Plan Review Process
- Codified Ordinance, Chapter 1024 Sidewalks – Review for Questions 2.13
- Codified Ordinance, Chapter 1026 Trees – Review for Question 2.15
- Codified Ordinance, Chapter 1240 General Provisions and Definitions, Chapter 1248 Design Standards, Chapter 150 Improvements of the Subdivision Ordinance – Review for Questions 2.17 & 2.19

Jon Rose went through the worksheet and each item was discussed; Copies of the Tenets for Smart Growth will be copied for the members; will continue discussion on parking standards; most commissioners felt that sidewalks were good; easy to require installation of sidewalk for commercial developments; incentives or financial assistance would need to be determined by City Council not the Planning Commission; Complete Streets will address crossing areas.

ADJOURN

The Worksession adjourned at approximately 8:15 pm

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary

SPECIAL USE PERMIT APPLICATION

Gina Ruggiero
 Applicant
1438 North Lathrop Ave
 Address
River Forest, IL 60305
 City, State, Zip Code
 Phone Numbers (Work) 708-366-4622
 (Home) _____

FOR OFFICE USE ONLY:

Case number PC-2011-10
 Date Received _____
 Fee Received \$750.00
 Receipt Number 24751
 Hearing Date 12-1-11
 Action Taken _____
 Expiration Date of Permit _____

MINIMUM FEE FOR SPECIAL USE PERMIT
\$750.00

A Special Use application shall be submitted and processed according to the following procedures:

A. **Submission of Application.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.

B. **Data Required.** Twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

1. A complete Special Use permit application including the following information:
 - a. Name and address of applicant and owner(s): Gina Ruggiero, c/o Paul Swidorski
 - b. Legal description, property parcel number, and street address of the subject parcel of land: Lot 1, Amador Plat of E.N. Sallinger Add'n., 51-51-673-001-00
 - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet 5+
 - d. Present zoning classification of the parcel: C-1 Commercial
 - e. Present and proposed land use: VACANT, VACANT

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate. *Applicant seeks permit only to remove sand to make property more attractive for future development.*
 Attached
- g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes. *NONE*
 Attached
- h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment. *Soil erosion will be minimized by employing recognized control measures as per soil erosion permit*
 Attached
- i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.
 Attached *Applicant will comply with all relevant provisions of Section 1856.B. Proposed use is consistent with Section 1802.*
2. A complete Site Plan containing all the applicable data required by Article 22, Site Plans.
3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.
4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2, an environmental assessment as required by Section 2203, E, 1, a market study as required by Section 2203, E, 3, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.
- C. Special Use review procedures. An application for Special Use Approval shall be processed in accordance with Section 1801.C.
- D. Issuance of a Special Use permit. Special Use Permits shall be issued in accordance with Section 1801.D.
- E. Appeals. No decision or condition related to a Special Use application shall be appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.
- F. Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval and in accordance with Section 1801.F.

G. **Amendments.** Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with Section 2208 may be made to an existing Special Use permit with the approval of the Zoning Administrator.

H. **Transfers.** Transfers shall be handled in accordance with Section 1801.H.

I. **Expiration.** A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

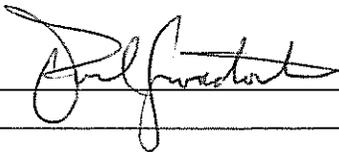
J. **Violations.** Violations shall be handled in accordance with Section 1801.J.

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

The undersigned, by signing the Application, agrees to pay any and all fees and escrow payments in full as provided in Article 27.

Signature (s) of Applicant (s):



Dated 9/24/11

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

yes no

Please indicate if the applicant will be tax exempt, applying and/or eligible for tax abatements, credits, or deferments for this proposed project.

If yes, explain: _____

Swidorski Bros. Excavating LLC

4786 Red Apple Road
Manistee, MI 49660
Phone/Fax: 231-723-7244

October 10, 2011

City of Manistee
Attn: Jon Rose, Community Development Director
70 Maple Street
P.O. Box 358
Manistee, MI 49660

Re: Sand Mining Application—Ruggiero Property 12th Street, Manistee City

Dear Jon,

As per our meetings in regards to sand mining at Ruggiero Property (12th Street, City of Manistee) the following narrative should address your concerns:

The total size of affected area over an extended period of time should be approximately 4 acres. All topsoil that is stripped will be located on site and stockpiled on area not being mined, as our plan is to open and close one acre at a time using stockpiled topsoil to cover one acre area when closing same. Re-vegetation/stabilization of one acre area will be done through seeding and mulching as required as per our Soil Erosion Permit. As we are only mining the sand from the site, I cannot speak to future use of the affected parcel other than I would believe it to be commercial in use and a plan developed at that time would detail re-use of site. Also as per plan, we would revisit permit per Goodwill owner's permission and your permission for any grading that would occur within property boundary setbacks.

If you should have any questions, please feel free to call me at anytime.

Sincerely,


Paul Swidorski
Swidorski Bros. Excavating LLC

