

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

SPECIAL MEETING MINUTES

March 15, 2007

A Special Meeting of the Manistee City Planning Commission was held on Thursday, March 15, 2007 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 p.m. by Chair Yoder

ROLL CALL:

Members Present: Maureen Barry, Ben Bifoss, Dave Crockett, Ray Fortier, Eric Gustad, Tony Slawinski and Roger Yoder

Members Absent: Harlo Haines, Vacancy

Others: Tom Amor Jr. (Amor Sign Studios), Dr. Ron Gardin (390 River Street), Cyndy Fuller (Mayor), Mitch Deisch (City Manager), Bob and Leigh Davis (410 Cedar Street), Dave Carlson (DDA), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Tony Slawinski that the Agenda be approved as prepared.

With a roll call vote this motion passed 7 to 0.

Yes: Barry, Bifoss, Crockett, Gustad, Fortier, Slawinski, Yoder
No: None

APPROVAL OF MINUTES:

Planning Commission Meeting of March 1, 2007

MOTION by Tony Slawinski, seconded by Dave Crockett that the minutes of the March 1, 2007 Planning Commission Meeting be approved.

With a roll call vote this motion passed 7 to 0.

Yes: Barry, Bifoss, Crockett, Gustad, Fortier, Slawinski, Yoder
No: None

PUBLIC HEARING:

Proposed Zoning Amendments:

#07-T05 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 216 O - CHANGE DEFINITION of "Ordinary High Water Mark"

Section 220 S - CHANGE DEFINITION of "Setback"

Section 224 W - DELETED DEFINITION of "Water's Edge"

Section 226 Y - CHANGE DEFINITION of "Yard"

ARTICLE 5: GENERAL PROVISIONS

Section 502, Uses Spatial and Physical Requirements - Subsection E - CHANGE FROM "water's edge" to "ordinary high watermark"

Section 508 Fences - Subsection A, Item 2 - CLARIFY waterfront setback

ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL DISTRICT - Section 804 Dimensional Standards Subsection 4 - CHANGE from "normal high water line" to "ordinary high water mark"

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T05 - No comments were made

#07-T06 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 4: NON-CONFORMITIES - Section 401.A.2 Regulations - ADD "C-2 and C-3" Zoning Districts to Item

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T06 - No comments were made

#07-T07 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS - Section 505.A Water Protection - DELETE "Decks"

ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL DISTRICT - Section 804.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT - Section 903.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL DISTRICT - Section 1003.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 11: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT - Section 1103.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 12: W-F WATERFRONT DISTRICT - Section 1203.C.4 Dimensional Standards - DELETE "Decks"

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T07 - No comments were made

#07-T08 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS - Section 502.G Uses, Spatial and Physical Requirements - CHANGE from 40% to 50%

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T08 - No comments were made

#07-T09 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS - Section 519 Dwellings - ADD Item C. language for roof pitch requirements

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T09 - No comments were made

#07-T10 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 16: LI, LIGHT INDUSTRIAL - REMOVE - Mine, Sand and Gravel as a Special Use in the District

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T10 - No comments were made

#07-T11 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 17: G-I, GENERAL INDUSTRIAL - CHANGE - Wells, Extraction from a Special Use to a Permitted Use in the District

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T11 - No comments were made

#07-T12 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES - Section 1801 Special Use Procedures, Subsection A. (Submission of Application), Subsection B. (Data Required), Subsection C. (Special Use review procedures) - AMEND to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T12 - No comments were made

#07-T13 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES - Section 1814 Billboard, Subsection C (Regulations and Conditions), Item 2 - CORRECT number of Billboard faces from "10" to "19" and [annotate how number was established]

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T13 - No comments were made

#07-T14 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES - Section 1847 Home Occupation, Item B.1.c Minor Home Occupations - ADD language to allow a 4 sq. ft. sign.

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T14 - No comments were made

#07-T15 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES - Section 1870 Planned Unit Development, Subsection D (Dimensional and Use Standards), Subsection E (PUD Application), Subsection F (Procedure) - AMEND to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T15 - No comments were made

#07-T16 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS - Section 2102, General Standards, Subsection A. (Computations), Item 7 (Area of Signs) Sub Items a & b - CLARIFY BY ADDING "principal" building
Section 2108 Use Type 3, Commercial and Office - ADDING "principal" to read...1.5 x principal building width (Cumulative Sign Area of Chart)

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T16 - No comments were made

#07-T17 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS - Section 2102, General Standards, Subsection E (Erection of New Signs Where Legal Nonconforming Signs Exist), Item 2 - AMEND by deleting Site Plan Review and replacing Special Uses

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T17

Tom Amor Jr., Amor Sign Studios - Mr. Amor did not understand the change to the language and spoke of the expense a customer of theirs had because they had to bring a sign into compliance with the ordinance. Mr. Amor will supply language for the Zoning Re-Write Committee to review.

Commissioner Bifoss (a member of the Re-Write Committee) noted that the proposed language was not as restrictive as the language that is currently in the ordinance.

Jon Rose Community Development Director noted that the sign in question had been abandoned for more than a year.

#07-T18 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS - Section 2103 Exempt Signs, Item H - ADD "future development site" signs
Section 2103 Exempt Signs, Item J - DELETE size restrictions for Political Signs

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T18 - No comments were made

#07-T19 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS - Section 2107 - Use Type 2, Residential and Recreational Commercial - CHANGE "Recreational" to "Residential Commercial", DELETE "as well as outdoor recreation facilities" from description, DELETE "Golf Course" and "Nursing Convalescent Home" from Example of Uses
Section 2108 - Use Type 3, Commercial and Office - ADD "Nursing Convalescent Home" to Example of Uses
Section 2109 - Use Type 4, Institutional - ADD "Outdoor Recreational" to Section, ADD "As well as outdoor recreation facilities" to description ADD "Golf Courses" to Examples of Uses

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T19 - No comments were made

#07-T20 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 22 SITE PLAN REVIEW - Section 2203 Application Procedure , D. Detailed Site Plan - DELETE "Planner", ADD "Surveyor"

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T20 - No comments were made

#07-T21 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 25 ZONING BOARD OF APPEALS - 2500 Establishment and Section 2501 Membership, Terms of Office - be AMENDED to meet the requirements of the Michigan Zoning Enabling Act (Act 110 of 2006).

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T21 - No comments were made

#07-T22 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 28: AMENDMENTS - Section 2800 Amendments and Section 2801 Rezoning Agreements, E. - AMEND to meet the requirements of the Michigan Zoning Enabling Act (Act 110 of 2006).

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T22 - No comments were made

#07-T23 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS - Section 2101, Procedures, Subsection A (Sign Permit Application, Item 8) - CHANGE from "Significant" to "Appropriate"

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T23 - No comments were made

#07-T24 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS - Section 2102 General Standards, Subsection A. (Computations), Item 7, (Area of Signs), Sub Item C - ADD Sub Item C that allows for signage for Riverwalk/ Water front

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T24

Dr. Ron Gardin (390 River Street) - Dr. Gardin spoke of his concerns as a property owner on River Street and his concern of staying in business. Dr. Gardin said that it is difficult for people to find his business and that he feels the proposed amount of signage on the river front is not sufficient. He spoke of the signs that were painted on the buildings in the past that were larger than anything that is allowed under the ordinance. He asked how the ratios were determined? He spoke of a sign he had planned that arched above the roof and could be seen from Memorial Drive.

Members of the Planning Commission explained to Mr. Gardin that this proposed ordinance gives an allotment for signage on the riverwalk where currently there is none. The signage was for pedestrians not vehicular traffic.

Tom Amor Jr. (Amor Sign Studios) - Mr. Amor suggested allowing the same percentage 1.5% of the building width that is used for River Street. He said that it was an aesthetically pleasing ratio and it seems appropriate and would allow the signage to be seen by boat traffic as well as vehicles on Memorial Drive. That ratio would allow Dr. Gardin a sign of 80 sq. ft. Mr. Amor also suggest that for clarification purposes the amendment should include that relates to the waterfront.

Bob Davis (410 Cedar Street) - Mr. Davis said that the buildings along the River Channel need to be cleaned up and that it does not look good from across the river. If the owners were allowed larger signs as an incentive to clean up the portions of their buildings that face the river that should be considered.

#07-T25 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS

Section 2108 - Use Type 3 - DELETE (Conditions in Chart) limitations for wall signs.

Chair Yoder asked for Public Comments regarding Proposed Zoning Amendment #07-T25

Tom Amor Jr. (Amor Sign Studios) - Mr. Amor spoke of the proposed change that the Planning Commission discussed at the March 1, 2007 Meeting and that it also eliminated the size restriction for signs not in the Historic District.

It was explained that since that change was less restrictive even though it was not posted in the ad or on the web page it was incorporated in the change and was part of the proposed amendment.

Chair Yoder asked if there were any additional comments regarding the proposed Ordinance Amendments before the Public Hearing was closed.

Bob Davis (410 Cedar Street) - Mr. Davis asked for clarification about the sign arching over the roof and that in some instances he felt it would be appropriate.

Jon Rose said that the Historic District Commission could approve a sign that does not meet the requirements of the Zoning Ordinance under the proposed Zoning Amendment 07-T23. This would allow a sign to be constructed above the roof line which may be desirable to hide something like an air conditioning unit.

There being no further public comments the Public Hearing was closed at 7:54 p.m.

NEW BUSINESS:

Proposed Zoning Amendments

A Public Hearing was held earlier in the evening to give the public the opportunity speak regarding Proposed Ordinance Amendments. The Proposed Ordinances were given temporary numbers (T) in the event that the Planning Commission were to make recommendation to City Council they will then be given a permanent number assigned by the City Clerk.

Commission Bifoss asked why the Ordinances were all numbered individually. Ms. Blakeslee said that when she spoke with the City Attorney that was his recommendation.

MOTION by Ray Fortier, seconded by Ben Bifoss that the Planning Commission recommend to City Council the adoption of Ordinances #07-T05 through #07-T25.

MOTION by Ben Bifoss, seconded by Ray Fortier that the Motion be amended to include that Ordinance #07-T24 have language included in it that clarifies the signs are for properties that have water frontage.

Commissioner Bifoss noted that clarification language should be inserted into proposed ordinance #07-T24. With discussion by the committee the ordinance will be changed to read as follows:

- c. For Use Type 3, as provided in Section 2108, in the C-2, C-3 and WF districts with water frontage, wall, ground, projecting, window and marquee signs shall be permitted on the water front side and the maximum cumulative sign area permitted expressed in square feet shall not be more than .75 times the principal building width, measured from corner to corner, facing the public right-of-way, or twenty-five (25) square feet, which ever is greater.
 - 1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
 - 2. Projecting signs shall be limited to one per parcel and no greater than sixteen (16) square feet in area.

Zoning Districts	Permitted Sign Types	No. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
C2, C-3, WF (water front side)	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	

VOTE ON MOTION TO AMEND MAIN MOTION TO CHANGE ORDINANCE #07-T24 TO INCLUDE LANGUAGE THAT CLARIFIES THE SIGNS ARE FRONTING ON THE WATERFRONT:

MOTION by Ben Bifoss, seconded by Ray Fortier that the Motion be amended to include that Ordinance #07-T24 have language included in it that clarifies the signs are for properties that have water frontage.

With a roll call vote this motion passed 7 to 0.

- Yes: Barry, Bifoss, Crockett, Gustad, Fortier, Slawinski, Yoder
- No: None

VOTE ON MAIN MOTION AMENDED TO READ AS FOLLOWS:

MOTION by Ray Fortier, seconded by Ben Bifoss that the Planning Commission recommend to City Council the adoption of Ordinances #07-T05 through #07-T25 with Ordinance #07-T24 including language that clarifies the signs are for properties that have water frontage

With a roll call vote this motion passed 7 to 0.

Yes: Fortier, Bifoss, Gustad, Barry, Slawinski, Crockett, Yoder
 No: None

Ordinance #07-T24 will be changed to include the language included in it that clarifies the signs are for properties that have water frontage. All the Ordinances will be assigned numbers by the City Clerk and forwarded to the City Council Ordinance Review Committee.

MOTION by Ben Bifoss, seconded by Ray Fortier that the alternate language that the Planning Commission discussed at the March 1, 2007 meeting for Ordinance #07-T24 that adds a condition for ground mount signs and prohibits ground mount signs from being lighted be kept on the list of proposed zoning amendments for a future Public Hearing.

The proposed condition reads as follows:

Zoning Districts	Permitted Sign Types	No. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
C2, C3 & WF (water front side)	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	Ground Mount Signs will be limited to one per parcel on the riverwalk and no greater than sixteen (16) square feet in area. Lighting of Ground Mount signs on the riverwalk shall be prohibited!

With a roll call vote this motion passed 7 to 0.

Yes: Bifoss, Fortier, Slawinski, Crockett, Barry Gustad, Yoder
 No: None

OLD BUSINESS:

None

PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA:

Cyndy Fuller, Mayor of the City of Manistee - Mayor Fuller spoke to the Planning Commission about the pending litigation with Sand Products Corporation. While she was not able to give any details because discussions were held in closed session, she wanted the Planning Commission to know that a decision may be made at the City Council meeting on March 19th.

Planning Commissioners thanked Mayor Fuller for keeping them apprized of the situation.

Mitch Deisch, City Manager - Mr. Deisch spoke to the Planning Commissioners about the Fifth Avenue Bathhouse. The project is moving forward but due to circumstances that were not foreseen they are proposing moving the Bathhouse further to the south. Mr. Deisch showed Concept Plans Alternative One and Two that were prepared by Wade Trim. Alternative One is the option they are proposing and meets all of the set-backs of the Zoning Ordinance. Mr. Deisch spoke of the work and support of service organizations for this project. The City is working on developing Master Plans for both the Fifth Avenue Beach and First Street Beach areas. These plans will address handicap accessibility and future developments in the parks. Mr. Deisch wanted to inform the Planning Commission that a minor change has been made to the plan.

Leigh Davis - Jon Rose introduced Leigh Davis, a Senior at Manistee High School who is an intern in the office. Ms. Davis spends an hour each morning at City Hall learning about the functions of the office and was in attendance at this evenings meeting.

The Planning Commission welcomed Ms. Davis and wished her the best of luck.

CORRESPONDENCE:

None

STAFF REPORT:

Commissioners were given information about obtaining their Master Citizen Planner Certification. Classes are being offered in Mason County and we are hoping to have classes brought locally through our MSU Extension Office. Please let Ms. Blakeslee know if you want to attend.

Members of the Sub-committees were asked to set up their next meetings this evening.

The Master Plan Review Committee will meet on Tuesday, April 3, 2007 at 4:00 p.m. in the Executive Conference Room.

The Ordinance Re-write Committee will wait until the April Meeting to schedule their next meeting when Harlo Haines will be back.

MEMBERS DISCUSSION:

Commissioner Bifoss explained that the size for the signage on the riverwalk was established for pedestrian traffic and that was the reason for the size limitations.

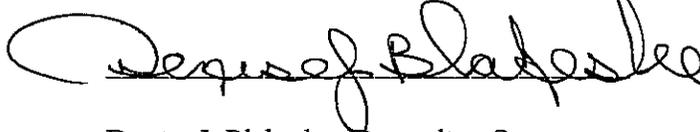
Commissioners thanked Mayor Fuller and City Manager Mitch Deisch for attending this evenings meeting.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 8:20 P.M.

MANISTEE PLANNING COMMISSION

A handwritten signature in black ink, reading "Denise J. Blakeslee". The signature is written in a cursive style with a large, looping initial "D".

Denise J. Blakeslee, Recording Secretary

5th Avenue Beach

Bath House Location Concept Plan
Alternative One

City of Manistee, Michigan

WATSON GROUP

March 2007

Not To Scale

