

MANISTEE CITY PLANNING COMMISSION
70 MAPLE STREET
MANISTEE, MI 49660

MEETING MINUTES

DECEMBER 6, 2001

A meeting of the Manistee City Planning Commission was held on Thursday, December 6, 2001 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Bob Davis, Greg Ferguson, Ray Fortier, Joyce Jeruzal, Dave Kelley, Phil Picardat and Roger Yoder

MEMBERS ABSENT: John Serocki and Tony Slawinski

OTHERS : John & Suzanne Riley (113 Maple Street), William and Mary Kratch (403 First Street, John Perschbacher (420 Third Street), William Nankee (384 Second Street), Martha Somsel (202 Maple Street), Clare Peterson (211 Maple Street), Tom Gaghen, Cyndy Fuller (Harbor Village), Jeff Mikula (Abonmarche), Jon Rose (Community Development) and Denise Mikula (City Staff)

Meeting was open at 7:00 p.m. by Chairman Roger Yoder

PUBLIC HEARING:

John & Suzanne Riley - Special Use Permit

John & Suzanne Riley are requesting a Special Use Permit to allow a Real Estate Office at 113 Maple Street. Ms. Riley spoke regarding the history in acquiring 113 Maple Street. She moved to Manistee in 1991 and the home had not been lived in for 25 years. In 1994 she purchased the home, restored the home and maintained the historical characteristics of the home. In 1996 she received a plaque from the Uniqueness Committee recognizing the work done to preserve this historical building. This past weekend the home was featured on the annual tour of homes. They also extend an invited to the neighbors to view the home.

In 1996 the home was placed on the market for sale. Since that time they have adjusted the price three times and have not received any offers. The past two years they have rented the home to three separate tenants. There has been deterioration to the home as a result of renting the home (broken windows, broken steps, damage to the paint, etc).

Ms. Riley spoke of the concerns raised by the neighbors during the request for a change in zoning. The neighbors express the fear of other commercial uses, other than a real estate office. The request for a Special Use Permit would only allow a real estate office. No other use would be allowed. At the previous meeting there were concerns about the loss of property values to adjoining properties if a real estate office were allowed. Ms. Riley spoke of the large impact to the neighborhood if the home were allowed to go into disrepair due to lack of use/maintenance and the cost of repairs and maintenance for a vacant building. She has put years of time, money, and effort into maintaining the property. As a realtor she knows what pleases the eye will sell and upkeep of a building is essential.

Ms. Riley does not feel the neighborhood would be devalued by a real estate office. Their goal is to maintain the residential, Victorian architecture, and aesthetics of the property. The property is paid for, if she were to find a different commercial property to put a real estate office into it would require a mortgage and/or business loan to perform the alterations necessary to meet her needs. The property at 113 Maple Street only requires off street parking and handicap access. The handicap access would be located on the north side (rear) of the home and would not be visible from the street. This would be done in a manner that would have little or no impact on the aesthetics of the neighborhood.

Initially based on the square footage of the building they thought that 13 off street parking spaces would be required. Section 1604.C of the Zoning Ordinance requires "Adequate off street parking for anticipated business" would need to be provided. This would allow the Planning Commission to determine the number of spaces required. If the Planning Commission felt it were necessary they have a verbal agreement with the church to allow parking in the church parking lot.

The Riley's have met with the neighbor who owns the property to the east. They want to locate the off street parking area in a location that the neighbor feels would have the least impact on his property. They will also work with the neighbor regarding the requirements of a buffer as required by the ordinance. The owner of the property at 111 Maple Street have requested to waive the requirement and ask that no buffer be installed.

The real estate office would create only a slight increase in traffic. Most of their business is done over the phone or on site. There is usually light or minimal traffic in the office. Their request meets the standards of the Special Use Permit from the Zoning Ordinance. Their request complies with the Zoning Ordinance and they would work with the Commission on any conditions placed on the permit.

John Perschbacher, 420 Third Street

Mr. Perschbacher in his lifetime has lived in Manistee for over 20 years. He moved back to Manistee to own a historic home and purchase what is historically known as the "Babcock House" on Third Street. His home is on the State and National Historic Register and he explained the process to be placed on the Registers. Mr. Perschbacher would like to see the Historic District extended down Maple Street from the current district to Sixth Street including one block east and west of Maple Street. Mr. Perschbacher gave a historical background on the property at 113 Maple Street he had prepared including the fact that the home is currently on the County Historic Register. The City has lost 70% to 75% of the large homes and the remaining homes need to be carefully protected. He expressed concerns over the vinyl siding that has been used on several of the historic homes and wants the historic integrity of these homes preserved.

Mr. Perschbacher said that he would support a Special Use Permit request that has low traffic impact on the neighborhood. He spoke of the "Loud Home" that is currently used as a lawyers office that is located on Maple Street.

William Kratch, 403 First Street

Mr. Kratch expressed the concerns that he previously expressed during the Riley's request for a Zoning Amendment. He is strongly opposed to the request for a Special Use Permit. He restated his arguments from the last meeting which included available vacant commercial property, need to preserve historical homes, setting precedence, unfair to neighborhood and the devaluing of his property. Mr. Kratch expressed his opinion on the value of the home at 113 Maple Street and his interpretation of the inability to sell the home and the lack of effort to sell the home. He asked that a copy of his prepared statement be attached to the record (attached).

William Nankee, 384 Second Street

Mr. Nankee agreed with Mr. Kratch. Mr. Nankee gave his observation on why people chose to live in Manistee due to the nice neighborhoods. He feels that the City of Manistee should have a philosophy regarding historic homes. He is opposed to the request.

Martha Somsel, 202 Maple Street

Ms. Somsel purchased what is historically known as the Noud House at 202 Maple Street. Ms. Somsel is opposed to the request. She had a benefit at her home last week for Trinity Lutheran School and received many compliments on her home. She would like to invite the Riley's to move into their house at 113 Maple Street.

Mary Kratch, 403 First Street

Mrs. Kratch gave historical background that she had prepared regarding the Maple Street area. She does not want to see the neighborhood spoiled by the adaptive reuse of homes as tourist shops etc. Manistee has retained their neighborhoods and she urged caution by the Planning Commission and asked that they not make any trivial decisions. The Special Use Permit would not provide any control over the next owners of the property. She does not want the home to be botched up and would like to see a single family in this proud Victorian neighborhood. She is opposed to the request.

Suzanne Riley

Ms. Riley asked to clarify some of the comments that have been made at the hearing. They do not want nor to they intent to change the historic integrity of their house. The rooms, kitchen etc. will remain as they currently are. They will use the home "as is" for a Real Estate Office. There are no plans to change the integrity of the home except for the requirements for off street parking and adding a handicap ramp onto the

home. The ramp will be placed onto the rear of the home and will not impact the aesthetics of the Maple Street and Second Street sides of the home.

They are required to provide parking. They want the parking area to look good from the road. They will not put in an additional curb cut but intend to use the existing driveway. This is her home and her neighborhood and she would not do anything to ruin either.

Mrs. Riley responded to Mr. Kratch's assessment of the amount of money she has put into restoration of the home. She has put in excess of \$100,000 to restore this property and feels that the exact amount is no one's business but her own. Dollar amounts do not reflect the time and efforts used for restoration. She feels the cost of the home is not an issue.

Currently Maple Street has a Used Car Lot, Library, Ramsdell Theater, Retail Shop, and Church all within a two block radius of her property. She wants to open a real estate office. She believes that no stigma is associated with her house.

In response to Mr. Kratch's claim that the house has not been on the market for 1 ½ years Ms. Riley said that she has only had the house off the market for the past three months while she has been working on the permits required to allow a real estate office at this location. She expressed her desire to work with the adjoining neighbors to meet their concerns regarding the impact from the office.

John Riley

John Riley wanted to go on record as the owner of 111 Maple Street. He does not want a fence or buffer placed between 111 Maple Street and 113 Maple Street in the event the Special Use Permit is granted. He has spoken with the neighbor to the east and would like the commission to ask the neighbor what type of berm if any the neighbor wants placed between the two properties.

Mr. Riley believes their request complies with the standards of the Ordinance. He spoke of the integrity and professional manner in which Suzanne conducts business. Tonight Suzanne was to attend a four county Realtors Meeting at which she was going to be presented the "Realtor of the Year Award". She did not know she was to be the honored recipient. This award is given to the person their association feels sets the standards of their profession. Receipt of this award shows that Ms. Riley's peers also agree that she is a fine professional business woman. He wanted the Commission to know the caliber of the person who is making the application.

William Kratch

Mr. Kratch reiterated his opposition to the request. He has invested his money, effort and family into Manistee and feels this is wrong for the neighborhood.

Clare Peterson, 211 Maple Street

Roger Yoder read a letter from Clare Peterson, 211 Maple Street. Mr. Peterson is opposed to the request and expressed his concern over the amount of traffic from the Church and Doctor's Office on Maple Street.

There being no further discussion the public hearing closed at 8:02 p.m.

CITIZEN QUESTIONS AND CONCERNS:

Tom Gaghen asked what was going on near the parking area by Man-Made Lake. He has noticed surveyors in the area. Jeff Mikula said that Abonmarche has been contracted by a private individual to do survey work.

APPROVAL OF MINUTES:

Planning Commission Meeting Minutes, November 1, 2001 and November 15, 2001

MOTION by Ray Fortier, seconded by Joyce Jeruzal that the minutes of the November 1, 2001 Planning Commission Meeting and the November 15, 2001 Special Meeting be approved. Motion passed unanimously.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

John & Suzanne Riley - Special Use Permit

A public hearing was held earlier in response to a request from John & Suzanne Riley for a Special Use Permit to allow a Real Estate Office at 113 Maple Street.

Members of the Planning Commission discussed the impact of the request for a Special Use Permit. Commission members discussed the number of parking spaces that should be required if the permit were granted. A survey was done by the Community Development Office of five local real estate at 10:00 a.m. on a Friday morning. Vehicle counts at these offices were 2, 3, 3, 4, & 6. Bob Davis asked the Riley's where the off street parking would be located. Mr. Riley said that he had spoken the neighbor to the east and the neighbor said that he would prefer to have the parking on the east side of the 113 Maple Street using the existing driveway for access. The neighbor wanted to maintain the greenspace in the back of the building

by the alley. Mr. Riley said they felt they would be able to accommodate the neighbors wishes and still have parking for up to seven vehicles.

Mr. Davis asked how many people would be working in the office. Suzanne said at this time it would be herself, a secretary and possibly her brother who is also a realtor. Members discussed the option of limiting the number of employees. Ms. Riley said that she is currently employed by Coldwell Banker and that they have 13 on staff and that many of the employees work out of their home or are out of the office with clients. Typically they meet the client at the property they have listed for sale. The number of people in the office at any time is minimal.

Bob Davis asked Mr. Kratch if he had any documentation to support his claim that his property would be devalued if the request were granted. Mr. Kratch said that he did not have time to prepare any support documents. Mr. Davis said that without substantiating documentation he would only consider Mr. Kratch's statement as being his opinion.

Mr. Davis asked Mr. Kratch if he felt apartments would have less of an impact on the value of his property. Mr. Kratch said that he would rather see apartments than a real estate office. Mr. Davis asked if he considered the increase in traffic caused by the apartments or the late hours tenants may keep vs the 9 to 5 hours of operation a real estate office would have.

MOTION by Greg Ferguson, seconded by Phil Picardat to approve the request for a Special Use Permit from Suzanne Riley to allow a Real Estate Office at 113 Maple Street. Motion was made with the following conditions.

1. Maintain the historic integrity and architecture of the property.
2. A minimum of 4 maximum of 7 off street parking spaces be provided using the existing driveway.
3. The berm requirements of the zoning ordinance be worked out between adjoining property owners.
4. Handicap access will be located on the rear of the building.

Voting as follows:

- Yes - Greg Ferguson, Joyce Jeruzal, Dave Kelley, Phil Picardat
No - Bob Davis, Ray Fortier, Roger Yoder

MOTION PASSED

Delores Spencer - Lot Split

Julie Beardslee, City Assessor is requesting that a Lot Split be approved for parcel #51-51-311-375-09. Prior to Ms. Spencer selling the school 33 feet of property for Twelfth Street right-of-way this property was contiguous. The result of this sale has created three non-contiguous parcels. Staff review of the request shows that for assessing purposes the properties should be split and given new parcel numbers as assigned by the City Assessor.

MOTION by Ray Fortier, seconded by Dave Kelley that the request to Split parcel #51-51-311-375-09 into three parcels for assessing purposes and be assigned new parcel numbers by the City Assessor be forwarded to City Council for approval. Motion approved unanimously.

Harbor Village/Harborside East Condominiums - Site Plan Review

A request has been received from Harbor Village for a Site Plan Review of Harborside East Condominiums. This request is to construct four buildings replacing the original townhouse design. Staff review of the proposed plan shows that all of the requirements of the Zoning Ordinance and Special Use Permit have been met.

Jon Rose showed the area in question on the PUD for the project. Cyndy Fuller explained the larger setback from the existing building due to an encroachment discovered while a building was under construction. This was a previous agreement with the Planning Commission.

MOTION by Ray Fortier, seconded by Joyce Jeruzal that the Site Plan Review from Harbor Village for Harborside East Condominiums to build four buildings replacing the original townhouse design be approved pending historic overlay approval. Motion passed unanimously.

Election of Officers

Chair:

The meeting was turned over to Jon Rose who asked for nominations for the position of Chair.

Ray Fortier nominated Roger Yoder for the position of Chair.

There being no other nominations, nominations were closed.

Roger Yoder was unanimously elected as Chair.

Vice-Chair:

The meeting was turned back over to Roger Yoder.

Chairman Yoder asked for nominations to the position of Vice-Chair.

Greg Ferguson nominated Ray Fortier for the position of Vice-Chair.

There being no other nominations, nominations were closed.

Ray Fortier was unanimously elected as Vice-Chair.

Secretary:

Roger Yoder asked for nominations to the position of Secretary

Ray Fortier nominated Joyce Jeruzal for the position of Secretary.

There being no other nominations, nominations were closed.

Joyce Jeruzal was unanimously elected as Secretary.

Recording Secretary:

Joyce Jeruzal, Secretary of the Planning Commission appointed Denise Mikula as the Recording Secretary to the Planning Commission.

Review of the By-Laws

The Planning Commission does an annual review of the By-Laws.

MOTION by Bob Davis, seconded by Joyce Jeruzal that the review of the By-Laws be tabled until the January Meeting. Motion passed unanimously.

OTHER COMMUNICATIONS:

Training

A Seminar has been Scheduled for Tuesday, January 29, 2002 for members of the Planning Commission. This seminar has been coordinated with adjoining municipalities and the County Planning Department. Further information will be forwarded as it is received. Members were asked to put this date on their calendars.

WORKSESSION:

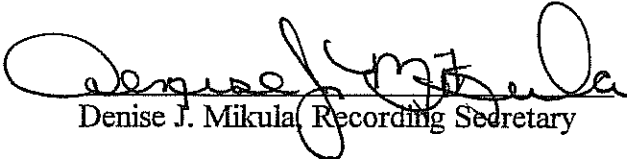
There will not be a worksession in December.

ADJOURNMENT:

MOTION by Ray Fortier, seconded by Joyce Jeruzal that the meeting be adjourned. Motion passed unanimously.

Meeting adjourned at 9:34 p.m.

MANISTEE PLANNING COMMISSION


Denise J. Mikula, Recording Secretary

December 6, 2001

We strongly oppose the special use permit that would allow a real estate office at 113 Maple Street. The basic arguments that were used in opposing the re-zoning of this property to commercial a month ago have not changed – the only difference is that down the road it couldn't be converted to a different commercial use without another zoning petition. The fact remains, however, that this special use permit would be placing a commercial venture in a residential area, and this change would still be unfair, unnecessary, and unwise. When we took a stand last month against re-zoning this residential property to commercial, our reasoning centered on these three main topics. None of these reasons are changed or diminished by a special use permit instead of re-zoning.

One of the points we made a month ago was that allowing this commercial venture into a residential neighborhood was unnecessary. There is an abundance of available commercial property along River Street, US-31 and elsewhere throughout the city. The City of Manistee has spent a great deal of time and effort trying to attract more business into these areas. We certainly do not need to destroy residential properties, in residential neighborhoods, in order to add even more commercial space. I don't think we have filled much of that space in the last month, so this argument hasn't weakened.

A second point that we made last month was that transforming this property from one of the finest examples of Victorian residential architecture in the city to a commercial venture is simply unwise from the standpoint of the "big picture" and long term planning in Manistee. The City of Manistee has been hard at work promoting its Victorian heritage and it's small-town, friendly neighbor, Middle America character to attract both tourists and permanent residents. Manistee needs to preserve the unique character of its historical Victorian neighborhoods – for its economic benefit as well as its heritage. The Maple Street corridor (including adjacent blocks) is one of the finest examples of these neighborhoods in the city, containing a high percentage of the most historically and architecturally significant homes. This commercial encroachment, even as a special use permit, would set a dangerous precedent for the whole Maple Street corridor, making further commercial encroachment requests harder to resist.

The third main point made last month was that this commercial encroachment into a residential neighborhood is terribly unfair to everyone else in the neighborhood. This has not changed. All of us in the surrounding area would have our properties and quality of life greatly devalued by this commercial encroachment. If you want independent confirmation of that, ask the people in the neighborhood around where the Rileys actually live how they would feel about them converting their present home into a realty office. The Rileys have no plans to live in our neighborhood, so tonight I will stick to the financial aspects rather than the quality of life issues. When we first looked into buying the house we now own, we looked carefully at the neighborhood. We weren't happy about the New Life shop or the 1930's gas station (now a used car lot), but we reasoned that we could live with them. The New Life shop was a well established, part-time operation owned and operated by a well-established church with a proven record of caring for historical properties, and the car lot was a "grandfathered" venture pre-dating current zoning rules. In short, the overall the neighborhood looked stable. If we had encountered across the street a recently established real estate office, our conclusion would have been that the decay had already started in that neighborhood and that it was not suitable for our family. Therefore, how many thousands will our property be

devalued if this commercial encroachment is allowed? It's hard to say for sure, but if the buyer doesn't even show up, it's the whole price of the property!

It is grossly unfair to make all the rest of us in the neighborhood pay for one person's investment decisions and wishes. The Rileys purchased that home as a residential property. They would have you believe that it just isn't saleable as a residence, and that this proposed commercial use is the only viable alternative to "saving" the property. This commission needs to understand that this picture is highly misleading. The truth is, they haven't been able to reap the kind of profit that they want, so now they want to change the rules to suit their business and profit plans, at the expense of all of the rest of us. Let's consider the numbers first. We couldn't find out the exact purchase price, because there has been some sort of legal document placed on the deed to seal the purchase price (isn't this supposed to be public information?). However, we looked at buying that house ourselves shortly before the Rileys bought it, and would have if my job situation had been more stable at the time. At that time, the asking price was \$69,000, so that has to be a maximum purchase price. Last month Mrs. Riley stated that she had put \$100,000 into the property. Assuming that is true, that leads to a maximum investment of \$169,000. The LAST asking price when Mrs. Riley was trying to sell the house was \$239,000, which means that there was a lot of room for negotiation if she had really wanted to sell. Second, consider the selling effort – she hasn't even tried to sell it as a residence for at least one-and-a-half years – no sign out front, no listing in the real estate magazine, no listing on Channel 11. Finally, we asked Mrs. Riley last Sunday whether she would sell if someone who wanted to use it as a residence came in today and offered full asking price, and her reply was no. She has been so set on using this home for her commercial pursuits that she has NOT seriously tried to sell it as a home, at least for the last one-and-a-half years. When you put all this together, the picture that has been painted for this property just isn't accurate... this home is FAR from being a run-down "dead end" as a residence. It just needs a fair price given what has been done and still needs to be done to the property, and a serious effort to sell it. This commission needs to understand the true picture of this property.

We all take risks when we buy property, and we all know that not all real estate investments make money. Wouldn't it be great if we all could make \$80,000 - \$100,000 on every investment – but we all know that's not reality. Yes, it's possible that the Rileys may even end up having to take a loss to sell this property as the residence it should be, but we are a long way from that point. On the other hand, dozens of us in the neighborhood are being asked to lose collectively hundreds of thousands of dollars on re-sale value through no fault or actions of our own. If there were some grand civic need being addressed by this special use permit request, it might be a different story, but there isn't. This is just one person's wishes to change a particular investment situation versus the desire of almost everyone else in that neighborhood to protect their investments and quality of life. Shouldn't the rights and wishes of the many outweigh the wishes of just one? Don't our rights and needs count? We met the Rileys last Sunday and spoke to them for several hours. They seem like nice people, and we wish them well – but not at the expense of all the rest of us.

Last month this commission showed the good sense and courage to prevent the encroachment of commercial zoning into our residential area along the Maple Street corridor. The only difference with this latest proposal is that it would, in the short run, restrict the type of commercial use to real estate office. Even in that short run, it still would make all the rest of us pay by having the same negative economic and quality of

life impact on all of the rest of us in the neighborhood. It is still an unnecessary placement of a commercial venture in a residential neighborhood, when there are abundant commercial spaces available in this city. It still sets an unwise and dangerous precedent for the preservation of one of Manistee's most beautiful and historically significant residential areas. And, if you look down the road at that property three years, five years, whatever... when no one wants it for a real estate office any longer... now it would take thousands just to undo the commercial changes before anyone could begin to convert it back to residential, and we will have a "white elephant" that no one can afford except for commercial use. Please don't reverse last month's just and sensible decision by allowing this commercial encroachment into our neighborhood.

William R. and Mary L. Kracht
403 First Street
Manistee, MI 49660