

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 1, 2011

A meeting of the Manistee City Planning Commission was held on Thursday, December 1, 2011 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7pm pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, David Crockett, Ray Fortier, Eric Gustad, Marlene McBride, Roger Yoder

Members Absent: Linda Albee (excused), Bill Dean (excused), Nathaniel Neider (excused)

Others: Richard Wilson (Ruggiero & Swidorski Representative), Cathy & Richard Knechtges (1310 Cornell Street), Mike Gorbach (1100 Cypress Street), Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

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 6 to 0.

Yes: Barry, Crockett, Fortier, Gustad, Mc Bride, Yoder
No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Dave Crockett that the minutes of the November 3, 2011 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Fortier, Barry, Crockett, Gustad, Mc Bride, Yoder
No: None

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.

Chairman Yoder opened the Public Hearing at 7:04 pm

Richard Wilson, Representative for Gina Ruggiero and Paul Swidorski – Mr. Wilson is representing Gina Ruggiero and Paul Swidorski. Mr. Wilson stated that his Law Office is also the Law Office of the City Attorney; and wanted that stated in the event that there is a conflict.

The property is owned by Gina Ruggiero and was the home of the former WMTE Radio Tower. The tower has been removed; the property is topographically challenged with frontage on Twelfth Street, Cypress Street and US 31; access is difficult; they are trying to make the property commercially viable by removing the sand and leveling the property for future development. City Staff had discovered a few issues with the site plan and he was noticed this afternoon, the east property line that abuts the Goodwill Property was included in the application and the required setback was not shown on the plan; they will work with Goodwill to see if they want to remove the hill behind their property under the Special Use Permit. Mr. Swidorski is planning to remove sand one acre at time starting from the West moving toward the East; Mr. Swidorski will obtain the necessary soil erosion permits when needed. He has reviewed the drafted conditions for approval prepared by staff and will be happy to discuss them with the Commission.

Chairman Yoder opened the hearing for public comments.

Cathy Knechtges, 1310 Cornell Street – Ms. Knechtges lives behind Manistee Catholic Central. They live in a beautiful quiet neighborhood; there is not much noise; the hill cuts down on the noise and lights from US 31; would like to see a buffer left to keep the peaceful quiet neighborhood; she is concerned about commercial development of the property; her neighbor across the street is also concerned.

Richard Knechtges, 1310 Cornell Street – Mr. Knechtges said the property in question is a sand dune not a sand hill; there should be an environmental study done; he express concerns about removing the sand; this is a beautiful sand dune next to a school; if the sand is removed he is worried about sand blowing into the students eyes; the dune provides a snow barrier for US 31; have they considered that there will be more snow maintenance required if the dune is removed; there should be a traffic study, safety study and environmental study before a

decision is made; he believes it is required; have they considered the dust, breathing problems that will be created for people; Twelfth Street is in poor condition; the heavy trucks from the operator will damage the road more; who should pay for repairs?; the owner?; the City?; Cypress Street has homes on it; what impact will that have on these homes; the Commission needs to look at the present; do we want to destroy that? There should be a compromise; allow them to only remove a portion of the hill; consider safety when making a decision.

Mike Gorbach, 1100 Cypress Street – Mr. Gorbach owns the house directly across from the site; he is concerned about the impact on the neighborhood, blowing sand, truck traffic; there are too many unknowns; what exactly is going to happen; does not feel the Commission has enough information to make a decision;

Richard Wilson – Mr. Wilson said that the property in question is not a protected sand dune under the State statute; they are removing sand; this is not a gravel operation where there would be grinders on site; compared the proposed operation to the Seng operation to the South of MCC; Mr. Swidorski has a good operation; this is a small parcel; Mr. Swidorski will be removing sand as he needs it for jobs; there will not be permanent activity at the site; sand will be removed one acre at a time, the area will be reclaimed, then he will move to the next acre; the trucks used will meet both state and local load restrictions; will not use heavy loads; if something extraordinary were to happen the City has ordinances in place; he cited the court case from sand blowing on the Northside during the development; the owner is paying taxes on a property that cannot be developed as it is currently configured; the owner is trying to make the property usable; the owner is older and does not plan to develop the property themselves, it could be marketed for sale; the City has the property zoned Commercial.

Mike Gorbach – Mr. Gorbach has a problem with Mr. Wilson and feels that he is out of bounds.

Mr. Knechtges – Mr. Knechtges stated that he thought Mr. Wilson has a conflict of interest.

Jon Rose, Community Development Director – Mr. Rose stated that Mr. Wilson is representing his client NOT representing the City.

No correspondence was received.

There were no more additional comments; the Public Hearing was closed at 7:25 pm.

Jon Rose, Community Development Director – Mr. Rose reviewed the site plan; explained the Site Development Requirements of the Special Use Permit; spoke of the desire on behalf of the City to have the portion of the property on Twelfth and Cypress Streets contoured to allow easy installation of sidewalks; the request does not include the Goodwill property and the operator will need to maintain the buffer adjacent to that property; if the operator enters into an agreement with Goodwill he would need to Amend the Special Use Permit.

Mr. Rose clarified some concerns from the Commission – the proposed removal of sand would level the site not create a crater for someone to drive or fall into; Twelfth Street is in poor condition; there is an effort to obtain grant funds through the Safe Routes 2 School program (MCC & Manistee Public Schools) to assist with improvements to Twelfth Street and the installation of sidewalks; with the removal of the hill these improvements would be easier; reviewed the existing grades and the proposed grades.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

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.

Staff prepared a Draft Resolution to approve and Draft Resolution to deny the request which were sent to the Commission with their meeting packets to review prior to the meeting. There were several conditions that were drafted for the commission to consider in the event they decided to approve the request. Three new conditions were added after review of the site plan yesterday and distributed to the commission for their consideration. The Commission and staff reviewed all the proposed conditions.

Commissioner Crockett expressed his desire to postpone deliberation to allow them to look at the site since what was being recommended differed from what was proposed on the Site Plan.

Jon Rose - The site plan showed the contour for Twelfth and Cypress Street has been discussed to remain as submitted which would allow the development of sidewalks. The difference is the contours for the area adjacent to the Goodwill property.

MOTION by Ray Fortier, seconded by Marlene McBride to adopt a resolution to approve with conditions the request from Gina Ruggiero, 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.

- This permit shall be conditioned on the issuance of any required soil erosion permit.

- The applicant is required to grade the Twelfth and Cypress Street rights-of-way adjacent to the applicant's property as shown on the site plan to an elevation approved by the City Engineer that will provide for the installation of a sidewalk.
- The applicant shall meet the requirements of Section 1865.B.3.a.1) as it relates to adjoining Parcel #51-661-001-00 (Address: 282 Twelfth Street).
- In the event the applicant receives approval from the owner of Parcel #51-661-001-00 to excavate a portion of that parcel, the applicant will need to amend the Special Use Permit.
- A snow fence shall be erected around the excavation area prior to excavation.
- Hours of operation shall be limited to: 7:00 am to 7:00 pm Monday – Saturday.
- A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer before the Special Use Permit will be issued.
- The Special Use Permit shall be issued for a period of five years and shall expire on December 1, 2016.

With a Roll Call vote this motion passed 5 to 1.

Yes: Gustad, Mc Bride, Fortier, Barry, Yoder
 No: Crockett

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.

Chair

At this time the meeting was turned over to Jon Rose who asked for nominations for the Position of Chair. Nominations were asked for three times.

Ray Fortier nominated Roger Yoder for the position of Chair

There being no other nominations, nominations were closed.

With a roll voice vote, Roger Yoder was elected Chair of the Planning Commission for 2012 unanimously.

Mr. Rose turned the meeting over to Chairman Yoder.

Vice-Chair

Chairman Yoder asked for nominations for the Position of Vice-Chair. Nominations were asked for three times.

Maureen Barry nominated Ray Fortier for the position of Vice Chair.

There being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Vice - Chair of the Planning Commission for 2012, 6 to 0.

Secretary

Chairman Yoder asked for nominations for the Position of Secretary. Nominations were asked for three times.

Ray Fortier nominated Maureen Barry for the position of Secretary.

There being no other nominations, nominations were closed.

With a roll call vote, Maureen Barry was elected Secretary of the Planning Commission for 2012, 6 to 0.

Appointment of a Recording Secretary 2012

Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Maureen Barry appointed Denise Blakeslee to act as the Recording Secretary for the Planning Commission for the year 2012.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

Chairman Yoder asked staff to draft letters on behalf of the Planning Commission for the new Mayor, new City Council Members and thanking the Lions Club for all their work at First Street Beach. The Commission agreed to have the letters sent on behalf of the Planning Commission and looks forward to working with City Council in 2012 and commended the Lions for their work at First Street Beach.

STAFF/SUB-COMMITTEE REPORTS

Jon Rose, Community Development Director - the Council Ordinance Committee has sent back the Zoning Amendment Z11-01 f.k.a. Z10-05 (Waterfront) for Council Consideration at their meeting on the December 6th along with the two recent amendments the Commission has worked on.

MEMBERS DISCUSSION

Commissioner Crockett noted that the Rehabilitation Center has reopened.

Commissioner Gustad thanked the public that attended the meeting.

The next regular meeting of the Planning Commission will be held on Thursday, January 5, 2012

ADJOURNMENT

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

The meeting adjourned at 8:27 pm.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary