

**CITY OF MANISTEE PLANNING COMMISSION**

70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

January 3, 2019

A meeting of the Manistee City Planning Commission was held on Thursday, January 3, 2018 at 7 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff followed by the Pledge of Allegiance.

**ROLL CALL**

Members Present: Marlene McBride, Bob Slawinski, Michael Szymanski, Maureen Barry, Rochelle Thomas and Mark Wittlieff

Members Absent: Roger Yoder

Others: Tamara Buswinka, (City Zoning Administrator), Robert Carson (County Planning Director), Nancy Baker (Recording Secretary)

**APPROVAL OF AGENDA**

Motion by Michael Szymanski, seconded by Bob Slawinski that the agenda be approved as prepared.

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

Yes: Szymanski, Slawinski, Berry, McBride, Thomas and Wittlieff

No: None

**APPROVAL OF MINUTES**

Motion by Maureen Barry, seconded by Rochelle Thomas, that the minutes for the December 6, 2018 Planning Commission Meeting be approved as prepared.

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

Yes: Szymanski, Slawinski, Berry, McBride, Thomas and Wittlieff

No: None

**PUBLIC COMMENT ON AGENDA RELATED ITEMS**

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

**Donald Pachesny, Homeowner of 305 Ninth Street.** Mr. Pachesny is not in total agreement of the survey division as he feels due to the constraints of topography he will not have access to the rear of his lot and the newly acquired land- in essence he feels that the rear of his lot will be "land locked". Mr. Pachesny stated that he uses Olga Street to enter into the rear of his lot.

**Gary Niesen, Homeowner of 296 9<sup>th</sup> Street.** Mr. Niesen inquired of which portion of Olga Street would he be entitled to?

**PUBLIC HEARING**

Chair Wittlieff asked if anyone in attendance had any comments relating to the Public Hearing.

**Lisette Reyes, Rising Tide Fellow.** Ms. Reyes introduced herself and stated that she will work on identifying the priority issues for the City of Manistee and asked for insight to assist in helping the community. She said the priorities that have been identified to date include economic development, housing, board development.

**Bob Brook, 352 Lakeshore Drive.** Mr. Brook is supportive of marijuana facilities but pointed out the concern that the plants dispense of an odor and therefore the City should consider provisions to require facilities have a well filtered air system in place to control the odor.

## **NEW BUSINESS**

### **Olga Street Vacating Request**

**Tamara Buswinka, City Zoning Administrator,** stated that there are three petitioners seeking the vacation of Olga Street: Little River Band of Ottawa Indians, Donald Pachesny, and Gary Niesen. As a result of the Public Hearing the Zoning office and Planning Commission have been informed that the three petitioners for the street vacation have now decided that they are not in full agreement with the petition as presented in the Street Vacation Application. The change in agreement changes the way the Planning Commission deliberates on this petition.

Buswinka pointed out that the Planning Commission can deliberate on the application evaluating it from a planning perspective. From a planning perspective, Planning Commission could consider that Olga Street no longer acts as a functioning street as evidence by the parking lot that was built on the road right-of-way property, the fences that have been built within the street right of way, and the trees and other brush that has been allowed to grow within the open space, nor does it appear that anyone utilizes the road as a thoroughfare.

Buswinka stated that the Planning Commission is providing City Council with only a recommendation and therefore, if the Planning Commission so chose, they could make a recommendation and move this request forward to City Council for their approval and staff will ensure that all surveys and legal descriptions will be included in their packet for Council and legal counsels review.

However, because the petitioners are not in agreement on who would assume ownership of different portions of the street, Buswinka recommends that the three original applicants meet to discuss their issues, come to an agreement, have the road properly and completely surveyed, and then present their application to the City. The Planning Commission could still make a recommendation that the street become vacated conditioned on the end result of the petitioners reaching an agreement regarding land ownership and providing a survey of the property.

**Bob Slawinski** requested legal property descriptions and a survey be included with the information. The petitioners may come up with an easement agreement that would allow Mr. Pachesny to cross his neighbor's private property and therefore achieve the type of access he has become accustomed to the rear of his property. Mr. Slawinski asked that the applicants meet to discuss these issues to develop a solution between themselves and present this agreement to the Planning Commission.

**Rob Carson, County Planner,** in order to vacate the street, the Planning Commission can recommend to the City Council how the road right-of-way should be divided between the property owners.

**Mick Szymanski** stated Olga Street should have been vacated when US 31 went through. This street has never been a usable street.

**Donald Pachesny, 305 Ninth Street,** is concerned if the street is sectioned off a certain way, he will be landlocked and will own only a section of hill and no flat piece of ground.

**Gary Niesen, 296 Tenth Street,** care must be taken if Olga Street is vacated and divided between the 3

adjacent landowners that their property still be in compliance. If the street is not vacated and is left as a street this may make his property a nonconforming lot.

**Chair Wittlieff** stated all pertinent information needs to be presented to the Planning Commission at the next meeting before making a decision and moving the matter forward to the City Council.

MOTION by Maureen Barry, seconded by Marlene McBride to table the vacating of Olga Street until the following information is presented at the next Planning Commission meeting: more detailed information of the legal descriptions, surveys of the properties, a more detailed plan of agreement between the landowners of who would be getting what portion of the right-of-way and can the city sell the land to the adjoining parcel owners.

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

Yes: Barry, Slawinski, McBride, Thomas, Szymanski and Wittlieff

No: None

#### **OLD BUSINESS**

None.

#### **MEMBERS DISCUSSION**

Chair Wittlieff stated those in attendance need to introduce themselves and the agenda be in the old format.

The next regular meeting of the Planning Commission will be held on Thursday, January 3, 2019.

#### **ADJOURNMENT**

Motion by Bob Slawinski, seconded by Rochelle Thomas that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:55 pm.

MANISTEE PLANNING COMMISSION



Nancy Baker, Recording Secretary

