

MANISTEE CITY PLANNING COMMISSION

550 Maple Street
Manistee, MI 49660

MEETING MINUTES

November 4, 2004

A meeting of the Manistee City Planning Commission was held on Thursday, November 4, 2004 at 7:00 p.m. in the Manistee Middle School Library, 550 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Tamara Buswinka, Greg Ferguson, Ray Fortier, Cyndy Fuller, Christa Johnson-Ross, Tony Slawinski, Mark Wittlief, and Roger Yoder

MEMBERS ABSENT: Maureen Barry

OTHERS: Joseph Pienta & Deborah Pienta-Ziehm (147 Thirteenth Street), Tony Jach (148 Thirteenth Street), Richard Hansen (1311 Manistee Street), Alan Marshall (City Council), Mukesh Patel (378 River Street), Mark Pressell (Pressell Engineering & Design), Ken Borenitsch (394 River Street), Lee Trucks (76 Filer Street), Steve Novak (Houseman Construction), Frank Figgles (Lakewood, Inc.)Melissa Rennie (Manistee News Advocate), Jon Rose (Community Development), and Denise Blakeslee (Administrative Assistant) and others

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

PUBLIC HEARING:

Deborah Pienta-Ziehm & Joseph Pienta, 147 Thirteenth Street - Amend Special Use Permit (Mini Storage Facility).

Deborah Pienta Ziehm & Joseph Pienta own the Mini Storage Facility at 147 Thirteenth Street. They applied for and received a Zoning Amendment and Special Use Permit for this facility in 2001. During the presentation by Mr. Pienta he stated that the property would be enclosed with a chainlink fence that would be locked at night. The Planning Commission used Mr. Pienta's presentation as a basis to recommend issuance of the permit. Ms. Pienta-Ziehm and Mr. Pienta are requesting an amendment to their Special Use Permit to exclude the installation of a fence at their facility.

Mr. Pienta said that when they originally received the Special Use Permit it was their intent to put up a fence. They constructed their facility late in the year and the fence did not get installed before winter. Once they began plowing snow they discovered that a fence would create a severe problem for snow removal. They have continued their operation without the fence and feel the facility looks better without a fence. Mr. Peinta feels that a 4 foot fence would not keep out people unless barbed wire were installed on top and feels that would create a safety issue. They have only had one instance where they

had a problem and with the quick response from the police department and cooperation of parents they have not had any other incidents. A fence would make it impossible to remove snow and they had voluntarily put the fence on their plan it was not a requirement or condition of the Special Use Permit.

Tony Jach, 148 Thirteenth Street - Mr. Jach does not feel that constructing a fence around the fence would enhance the neighborhood and feels that it would actually have a negative impact on property values. He supports the Pienta's request.

Richard Hansen, 1311 Manistee Street - Mr. Hansen owns the rental unit that is adjacent to the facility. The garage on the adjoining property was constructed on the property line and if a fence were installed it would make maintenance next to impossible. Also a fence would inhibit access to the garage. He supports the Pienta's request.

Chairman Yoder read responses from the notice that was sent regarding the request.

Phone call from Eva Galwas, 1310 Manistee Street - Mrs. Galwas stated that she had no objection to the Pienta's request and liked the facility.

Unsigned letter was received objecting to the Pienta's request (attached).

Richard Gutowski, 1411 Manistee Street - sent a letter in support of the request (attached).

Josephine Oleniczak, 1305 Manistee Street - sent a letter in support of the request (attached).

Mr. Pienta said that renters are informed of the hours of operation when they sign the lease. If someone comes after hours they are reminded of the hours and asked to leave (Ms. Pienta lives adjacent to the facility).

Alan Marshall, 914 Vine Street - Mr. Marshall has no problem with the way the facility is set up and feels that a fence could cause a visual obstruction. He said that each unit is locked and a fence is a non-issue.

Greg Ferguson asked if there was any other way to enforce the hours of operation. Mr. Pienta said they have not had any problems with people coming at night. If they do they are told to leave (Ms. Pienta-Ziehm lives adjacent to the facility). The police are aware of the hours of operation and that the facility is closed at night and periodically check the facility. Ms. Pienta-Ziehm said that the majority of people put their items into the units and do not return until they come to close out their lease. There is very little traffic. They have approximately 75% occupancy rate and they use several units of the facility for their own personal use. They do routine walkthroughs of the facility.

Greg Ferguson asked about the requirements of the Ordinance that requires fencing between commercial and residential uses. Mr. Rose said that the Planning Commission has waived that requirement in the past and that it is the discretion of the Planning Commission to enforce the buffer.

Tamara Buswinka asked if the hours of operation are posted? Mr. Peinta said that they have had signs made that could be installed next to the pad locks.

There being no further discussion the Public Hearing closed at 7:14 p.m.

Mukesh Patel, 378 River Street - Special Use Permit (Adaptive Re-Use for Multiple Family Dwellings)

Mukesh Patel owns the Manistee Inn and Marina at 378 River Street. Mr. Patel is requesting an Adaptive Re-Use for Multiple Family Dwellings Special Use Permit . If granted this permit would allow the construction of a two story addition and conversion of the building into 15 residential condominium units with storefronts along River Street.

Mark Pressell gave a presentation of the project. The project includes the addition of a full story, two roof top units, retail space on street level, community rooms, balconies overlooking the river, rooftop garden areas, and a larger elevator. The property has a parking deck that allows the project to meet the parking requirements. They are asking for a Special Use Permit under Section 1616 of the ordinance. The propose project exceeds the 40 foot height limitation of the C4 Commercial Zoning District and they have included in their application a height increase for the project. The proposed addition will be comparable in height to the bank building across the street and the two buildings on each side. They have worked closely with the Historical Overlay Review Committee regarding the addition and design of the building.

Cyndy Fuller asked for clarification on unit 1. Mr. Presell said that unit will overlook a small garden area that is adjacent to the parking deck.

Roger Yoder asked if the balconies overlooking the river will have stairways? Mr. Presell said that the balconies will not have stairways.

Ken Borenitsch, 394 River Street - Dr. Borenitsch spoke of his support of the project and said that if there were any height concerns the building on that property in 1897 had three stories.

Lee Trucks, 76 Filer Street - Mr. Trucks is a DDA Member and said that even though the DDA has not looked specifically at this project they are in support of residential units in the downtown. He is personally in support of the project.

Chairman Yoder read a letter from Chief Scrimger, Manistee Fire Department (attached). The letter asks that a Stand Pipe be included in the project.

Joe Pienta, 147 Thirteenth Street - Mr. Pienta said that anything to develop the downtown area is good for the community.

Roger Yoder asked why they are going from a transient motel to condominium project? Mr. Pressell said that they are doing a marginal operation with the motel because they are not affiliated with any franchise. The building currently needs a new roof and there are other maintenance issues that would

need to be addressed if they were to continue using the building as a motel. They are fortunate to have a parking structure that allows them to meet the requirements of adaptive reuse and they also have 15 boat docks that will provide a dock for each unit which another benefit to the project.

Steve Novak, Houseman Construction - Mr. Novak asked how they worked out the Historic requirements for the plan. Mr. Pressell said that they have worked closely with the Historic Overlay Review Committee and that was the reason that the roof top units are set back from the street. The building does not have any historical significance because it was constructed in the 1960's but the building must compliment the historic architecture of the downtown. They will be removing the drivit and will have a brick facade on the building. They will return to the Historic Overlay Review Committee with specific details as the project progresses.

There being no further discussion the Public Hearing closed at 7:40 p.m.

APPROVAL OF MINUTES:

Planning Commission Meeting of October 6, 2004

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the October 6, 2004 Planning Commission Meeting be approved.

MOTION APPROVED UNANIMOUSLY

NEW BUSINESS:

Deborah Pienta-Ziehm & Joseph Pienta. 147 Thirteenth Street - Amend Special Use Permit (Mini Storage Facility).

A Public Hearing was held earlier in response to a request from Deborah Pienta Ziehm & Joseph Pienta. Ms. Pienta Ziehm and Mr. Pienta own the Mini Storage Facility at 147 Thirteenth Street and are requesting an amendment to their Special Use Permit to exclude the installation of a fence at their facility.

Members discussed snow removal, current maintenance of facility, support from adjoining property owners, hardship for neighbor with garage, installing signage to state hours of operation, amendment process for Special Use Permits.

MOTION by Ray Fortier, seconded by Mark Wittlief to recommend approval of the request from Deborah Pienta-Ziehm and Joseph Pienta to amend the Special Use Permit for the Mini Storage Facility at 147 Thirteenth Street to remove any requirements for fencing of the facility.

MOTION TO AMEND MOTION by Tamara Buswinka, seconded by Cyndy Fuller to include the following conditions:

1. Appropriate signage be installed in visible locations at the facility to indicate hours of operation.

2. Signage be installed within the month.

MOTION TO AMEND MOTION APPROVED UNANIMOUSLY

MOTION to recommend approval of the request from Deborah Pienta-Ziehm and Joseph Pienta to amend the Special Use Permit for the Mini Storage Facility at 147 Thirteenth Street to remove any requirements for fencing of the facility with the following conditions:

1. Appropriate signage be installed in visible locations at the facility to indicate hours of operation.
2. Signage be installed within the month.

APPROVED UNANIMOUSLY

Mukesh Patel, 378 River Street - Special Use Permit (Adaptive Re-Use for Multiple Family Dwellings)

A Public Hearing was held earlier in response to a request from Mukesh Patel who owns the Manistee Inn and Marina at 378 River Street. Mr. Patel is requesting an Adaptive Re-Use for Multiple Family Dwellings Special Use Permit. If granted this permit would allow the construction of a two story addition and conversion of the building into 15 condominium units with storefronts along River Street.

Members discussed request from Chief Scrimger to include a standpipe fire suppression with request, height of railings on balconies, security of facility, types of permitted uses for commercial storefronts, fish cleaning station, aesthetics of parking area, should a Economic Impact Statement be required, not endorsed by DDA, and how well adaptive reuse is working in Kalamazoo and revitalizing their downtown area.

MOTION by Ray Fortier, seconded by Tamara Buswinka to recommend approval of the request from Mukesh Patel, 378 River Street for an Adaptive Re-Use for Multiple Family Dwellings Special Use Permit.

MOTION TO AMEND MOTION by Christa Johnson-Ross, seconded by Tamra Buswinka to include the following conditions in the motion:

1. A Standpipe Fire Suppression system be required in the plan.
2. An external bike rack be placed on site
3. Height shall be limited to 50.5 feet.

MOTION TO AMEND MOTION APPROVED WITH VOTING AS FOLLOWS:

Yes - Buswinka, Fortier, Fuller, Johnson-Ross, Slawinski, Wittlief and Yoder
No - Ferguson

MOTION to recommend approval of the request from Mukesh Patel, 378 River Street for an Adaptive Re-Use for Multiple Family Dwellings Special Use Permit with the following conditions:

1. A Standpipe Fire Suppression system be required in the plan.

2. An external bike rack be placed on site
3. Height shall be limited to 50.5 feet.

APPROVED UNANIMOUSLY

Schedule Meeting/Worksession Dates/Times for 2005

During the October Meeting members were given a proposed schedule for the 2005 Planning Commission Meetings and Worksessions. These dates are scheduled in advance so that a notice can be placed in the Newspaper. Meetings are held at 7:00 p.m. under the guidelines of the Planning Commission By-Laws. Members discussed holding the worksessions at an earlier starting time to allow sufficient time to work on the Zoning Ordinance Re-write.

MOTION by Ray Fortier, seconded by Tony Slawinski to establish the 2005 Planning Commission Meetings to begin at 7:00 p.m. as proposed on the attached schedule.

MOTION APPROVED UNANIMOUSLY

MOTION by Ray Fortier, seconded by Mark Wittlief to establish the 2005 Planning Commission Worksession to begin at 6:00 p.m. as proposed on the attached schedule.

MOTION APPROVED UNANIMOUSLY

Re-schedule Starting Time of November Worksession.

Members discussed at the October worksession changing the time of the November worksession to 6:00 p.m. to allow more time for discussion on the Zoning Ordinance Re-Write.

MOTION by Christa Johnson-Ross, seconded by Tony Slawinski to change the starting time of the November Worksession from 7:00 p.m. to 6:00 p.m.

MOTION APPROVED UNANIMOUSLY

Schedule December Worksession.

Traditionally the Planning Commission does not hold a Worksession in December due to the holidays. During the October Worksession it was the consensus of the members in attendance to schedule a Worksession for December 9, 2004 at 6:00 p.m. to continue work on the Zoning Ordinance Re-Write.

MOTION by Greg Ferguson, seconded by Ray Fortier to schedule a Worksession for Thursday, December 9, 2004 at 6:00 p.m. in the Middle School Library.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS:

None

OTHER COMMUNICATIONS:

None

CITIZEN QUESTIONS AND CONCERNS:

None

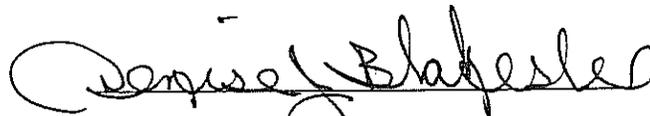
WORKSESSION:

Next Worksession will be on Thursday, November 18, 2004 at 6:00 p.m. in the Middle School Library. The Planning Commission will continue working with Jay Kilpatrick on the Zoning Ordinance Re-write.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Christa Johnson-Ross that the meeting be adjourned. Motion passed unanimously. Meeting adjourned at 8:55 p.m.

MANISTEE PLANNING COMMISSION

A handwritten signature in cursive script that reads "Denise J. Blakeslee". The signature is written in black ink and is positioned above the printed name.

Denise J. Blakeslee, Recording Secretary

COMMUNITY DEVELOPMENT
BUILDING DEPT.

OCT 27 2004

CITY OF MANISTEE

To: John Rose

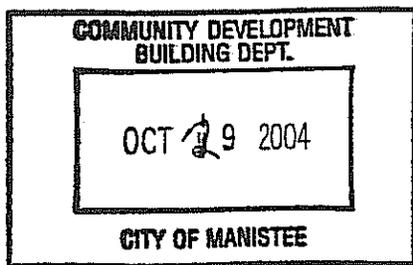
In reference to the letter I received about manistee storage.

It was to my understanding the property was to be fenced and daytime hours of operation.

The problem with people coming in at all hours and in my backyard at 10 PM I feel can not be controled without the property being fenced and gated with daytime hours of operation.

When the city grants Special Use Permits the city needs to enforce the stipulations of the permit before a business is allowed to open would eliminate problems like this

Thank you



RICHARD A. GUTOWSKI
1411 MANISTEE ST.
MANISTEE, MI 49660

TO WHOM IT MAY CONCERN,

I am writing this letter concerning the matter of fencing in the Mini Storage Units on the corner of 13th st. & Main st. I do not think a fence of any sort would improve the looks of the area. I also think that a fence of any substance would hamper visibility at the corner.

If enclosed with a solid fence it would better provide an opportunity for vandilism and breaking and entering of the units.

I am all for leaving it as is.

Because of my work schedule I am unable to attend the public meeting.

Sincerely,

Richard A. Gutowski

Josephine Oleniczak
1305 Manistee St.
Manistee Mi. 49660

To Whom It May Concern:

I am writing this letter concerning, Manistee Storage Facility. About the fence you want them to install. I would Like to leave it as is with no fence.

I do not wish to look out my window into the backyard and See a fence of any kind.

I prefer our property lines to stay open as they are now.

Sincerely

Josephine Oleniczak

A handwritten signature in cursive script that reads "Josephine Oleniczak". The signature is written in dark ink and is positioned below the printed name.



281 First Street • Manistee, Michigan 49660-1755

FIRE DEPARTMENT
Phone 231-723-1549
FAX 231-723-3519
E-Mail city-fire@manistee.com

November 2, 2004

To: Jon Rose, Community Development Director

From: Sid Scrimger, Fire Chief

Re: Mukesh Patel, Special Use Permit

Dear Jon,

After review of the Special Use Permit Application from Mukesh Patel, 378 River Street the following concerns need to be addressed. First of all, the Project Overview states that the building will project 34 feet to the parapet and 44.8 ft overall above River Street. My concern is with reaching all aspects of the upper areas of living space. I doubt that the fire department can ladder the proposed third level rooftop. The second floor would be accessible from River Street. Although this is a problem it is not prohibitive.

The Project Overview also states that building will be equipped throughout with an automatic sprinkler system designed in accordance with NFPA 13 and MBC Chapter 9. The Fire Department will require in addition to the sprinkler system a Standpipe System. This standpipe system will provide fire fighters with access to water supply throughout those same spaces and allow them to quickly establish fire attack. With the inclusion of a standpipe system I do not see any reason the fire department could not adequately protect this development.

Sincerely,

Sid Scrimger

**CITY OF MANISTEE
PLANNING COMMISSION
MEETING/WORKSESSION DATES
2005**

Meeting Dates

January 6, 2005
February 3, 2005
March 3, 2005
April 7, 2005
May 5, 2005
June 2, 2005
July 7, 2005
August 4, 2005
September 1, 2005
October 6, 2005
November 3, 2005
December 1, 2005

Worksession Dates

January 20, 2005
February 17, 2005
March 17, 2005
April 21, 2005
May 19, 2005 (Annual Bus Tour)
No Worksession
No Worksession
No Worksession
September 15, 2005
October 20, 2005
November 17, 2005
No Worksession

Meeting will be held at 7:00 p.m. in the Middle School Library until the Renovation of City Hall is complete.

Worksessions will be held at 6:00 p.m. in the Middle School Library until the Renovation of City Hall is complete.