

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

April 6, 2006

A Meeting of the Manistee City Planning Commission was held on Thursday, April 6, 2006 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Maureen Barry, Ben Bifoss, Sara Bizon, Tamara Buswinka, Dave Crockett, Ray Fortier, Tony Slawinski and Roger Yoder

MEMBERS ABSENT: Greg Ferguson,

OTHERS: Bob Hornkohl (City Council), Lee Trucks (DDA), Jeff Mikula (Abonmarche), Rob Nowak (Charter Communications), Robert Gault (825 Cherry Street), Jim Nordlund Jr (Nordlund & Associates), Terry Narajal (Design Plus), Greg Gust (West Coast LLC), Linda Spencer (SS City of Milwaukee), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

Meeting was opened at 7:02 p.m. by Chairman Yoder.

PUBLIC HEARING:

Charter Communications - Special Use Permit.

Rob Nowak, Charter Communications - Mr. Nowak explained the proposed request for a Special Use Permit to construct a new building at their facility on Vine Street. This building would be larger than the existing building on the site and the existing building would be demolished once the new building is completed. The larger facility will be constructed out of block and will allow the equipment to cool efficiently while the existing tin structure is not efficient. The existing structure has had two expansions and does not meet their needs. The equipment is getting smaller and this new structure should meet their needs for many years to come.

Jeff Mikula, Abonmarche - The plan conforms with the requirements of the new ordinance and consolidates the communication equipment uses to one site. .

There being no further discussion the Public Hearing was closed at 7:06 p.m.

APPROVAL OF MINUTES:

Planning Commission Meeting of March 16, 2006

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the March 16, 2006 Planning Commission Meeting be approved.

With a roll call vote this motion passed 8 to 0.

Yes: Barry, Bizon, Buswinka, Fortier, Bifoss, Slawinski, Crockett, Yoder
No: None

NEW BUSINESS:

Robert Gault - Parcel Split and Combination Request

Robert Gault owns what currently are three parcels on the corner of Twelfth Street (undeveloped) and Cherry Street. Mr. Gault would like to reconfigure these parcels into four parcels. Review of the request shows that the proposed parcel split request meets the requirements of the R-2 Medium Density Residential Zoning District. Planning Commission is asked to make a recommendation to City Council regarding this request.

Mr. Gault explained that he had purchased this property four years believing that it was zoned R-4 as it was listed. The property was zoned R-3 and did not allow him to get the desired split. At that time the Zoning Board of Appeals denied a variance that would have allowed the split he wanted. With the adoption of the new Zoning Ordinance Mr. Gault can now meet the requirements of the ordinance and have the property configured the way he originally intended.

Discussion by the commission included that the property for Twelfth Street has already been dedicated and that until two residents access their property from Twelfth Street the street does not need to be developed.

MOTION by Ben Bifoss, seconded by Ray Fortier that the Planning Commission approve the request from Robert Gault for a Parcel Split and Combination and it be forwarded to City Council.

With a roll call vote this motion passed 8 to 0.

Yes: Bifoss, Bizon, Barry, Fortier, Crockett, Buswinka, Yoder, Slawinski
No: None

Charter Communications - Special Use Permit.

A Public Hearing was held earlier in response to a request from Charter Communications for a Special Use Permit to construct a new building at their facility on Vine Street. This building would be larger than the existing building on the site and the existing building would be demolished once the new building is completed.

Jon Rose was asked if this request meets the set-backs and he said that all of the set-backs have been met.

MOTION By Ray Fortier, seconded by Tony Slawinski that the request from Charter Communications for a Special Use Permit to construct a new building at their facility on Vine Street be approved.

With a roll call vote this motion passed 7 to 0 with Ben Bifoss Abstaining because of a conflict.

Yes: Fortier, Buswinka, Bizon, Yoder, Slawinski, Crockett, Barry

No: None

The Bay Condominiums (Joslin's) - Planning Commission review, analysis, and recommendation.

The Planning Commission held a Sketch Plan Review at their Special Meeting on March 16, 2006 for The Bay Condominiums. Planning Commission reviewed the request and indicated items that needed to be included in the application for a Special Use Permit for a Planned Unit Development. The Applicant has submitted an application for a Planned Unit Development for the Planning Commission to review, analysis, and make recommendation.

Representatives for West Coast LLC (Terry Narajal - Design Plus, Jim Nordlund Jr. - Nordlund & Associates, Greg Gust - West Coast LLC) discussion of the project included:

- ▶ They will be eliminating two curb cuts and installing a larger new curb cut.
- ▶ Would like to see two means of egress. *They will have a secondary means of egress on the South end that also provides emergency response to the S.S. City of Milwaukee. This will be stabilized with material and covered with grass.*
- ▶ Will work with MDOT on incorporating MDOT's Storm Sewer into their retention area.
- ▶ Discussed installing standpipes for the fire department to use a foam system for the Marina area in the event of a fire.
- ▶ A new public sidewalk will be installed along US 31.
- ▶ Reminder that Bike Racks should be included in the plan.
- ▶ Some of the drawings do not have a North Arrow on them.
- ▶ If duplex's which are a use by right, were constructed there would be approximately 160' more of view corridors. What benefit to the public justifies the loss of 160' of view?
- ▶ Would they offer public access to Manistee Lake?

The developer was sent a copy of Jon Rose's review of their plan that included some items that had not been addressed. The Minutes from the March 16th Meeting included a list of items the Planning Commission noted regarding the development.

Mr. Rose said that Phase 2 of their plan includes the Moonlite Motel Property. This property is part of the Special Use Permit for the S.S. City of Milwaukee. The S.S. City of Milwaukee will need to request removal of this property from their Special Use Permit prior to this property being incorporated in to the proposed Planned Unit Development.

Linda Spencer, S.S. City of Milwaukee said that they hope to have their application in next Monday.

MOTION by Ben Bifoss, seconded by Ray Fortier that the Application from West Coast LLC for a Planned Unit Development be deemed sufficient to schedule a Public Hearing for May 4, 2006.

With a roll call vote this motion passed 8 to 0.

Yes: Slawinski, Yoder, Barry, Crockett, Bizon, Buswinka, Fortier, Bifoss
No: None

Greg Gust West Coast LLC said he thought there was a Meeting on April 20, 2006. There is a Worksession scheduled that evening not a meeting.

UNFINISHED BUSINESS:

None

OTHER COMMUNICATIONS:

Chairman Yoder read a letter that had been faxed to the Planning Commission. The original of the letter is attached.

A copy of the Environmental Assessment requirements from the new Zoning Ordinance was handed out to the Commissioners for their review. They were asked to review the document for issues they would like Sand Products Corporation to address.

The Planning Commission asked for a formal opinion from the City Attorney that indicates which Zoning Ordinance this request falls under, or if the Planning Commission has the right to make the determination.

CITIZEN QUESTIONS AND CONCERNS:

None

WORK/STUDY SESSION:

The next worksession will be on Thursday, April 20, 2006 at 6:00 p.m. in the Council Chambers. The agenda will include:

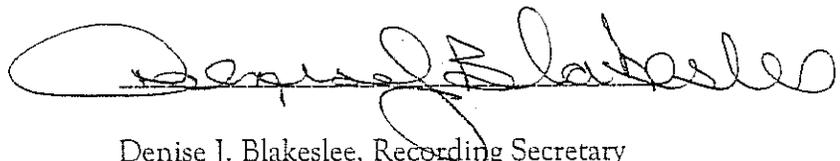
Sand Products Corporation - PUD Request
By-Law Review
Process for requests under the New Ordinance.

ADJOURNMENT:

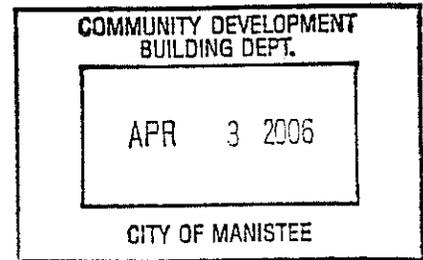
MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 8:23 P.M.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary



SAND PRODUCTS CORPORATION
MINERS AND SHIPPERS

Mr. Roger Yoder, Chairman
Planning Commission
City of Manistee
70 Maple Street
Manistee, Michigan 49660

March 28, 2006

RE: Comments on Manmade Lake Special Use Application

Dear Mr. Yoder,

Having attended your meetings, public hearing, and latest work session, it is apparent that your commission needs more information regarding our proposed Man Made Lake project. Upon review of the draft minutes and conversation with the planning department, Mr. Jon Rose has agreed to accept my written correspondence for submission to the commission. I hope you might consider reading it into the minutes of your April 6, 2006 meeting in my unavoidable absence.

The property surrounding Man Made Lake has been enjoyed by the public for years with the understanding, through written contract, that our company would retain all rights to future use. As you are aware, conditions on the site have been changing and are now more favorable to develop the property. This situation was anticipated in the 2001 report to the City by Wade Trim. Sand Products anticipates these conditions will continue to improve by natural processes and our rightful efforts to stabilize the site. We have and will continue to make every effort possible to design an end use that attempts to strike a fair balance between community desires and private interests.

These efforts include offering the Man Made Lake property for sale to the City. This offer will be presented to the City concurrent with this letter.

The following comments address questions raised during the recent work session of March 16, 2006, as outlined in Mr. Rose's notes of that session (attached).

I concur with your City Manager, Mr. Deisch that the intent of our Agreements with the City was not to circumvent Planning Commission authority. To date the process has been cooperative and we thank you for undertaking this application.

As I understand it, our Site Plan was considered complete at the Special Meeting prior to our Public Hearing. Though the plan only suggests through written means that the utilities will run adjacent to the proposed road, they have not been set in a finite position. I think both parties would, and perhaps have in prior meetings, agree that the position of the roadway is open to negotiation and will have a meaningful effect on our willingness to provide public access along the perimeter of Man Made Lake. These utilities, as you may have had confirmed by the MDEQ by now, are not regulated by the state in their rules regarding construction in High Risk Erosion Areas.

The density of Phase 3 is far below the R-1 district, and the addition of the five lots in Phase 3 will only dilute the density of the entire project.

We realize that the submission of two plans (labeled Current Conditions and Future Conditions) may be confusing. We therefore request that only the Current Conditions plan be considered, and are removing the Future Conditions plan from our request.

According to Section 1870 (A) of the current Zoning Ordinance, "Planned Unit Developments are intended to accommodate developments with unusual topography or unique settings" and empower the Planning Commission with the flexibility to allow for innovative site plans where strict compliance with setbacks or other criteria may constrain protection of the resources on the site. This review does not empower the Commission "to get something back" for the community as was expressed at the work session. However, through a well designed PUD, the community might retain use of desirable portions of the Man Made Lake shoreline.

We believe this request falls under the same zoning requirements applied to the first two phases of the project.

There were, and are no agreements between Sand Products Corporation and Harbor Village.

We recognize that the Planning Commission may need additional information to characterize the environmental conditions of the site. We do ask that the commission define what information they are requesting, realizing that most matters will be covered in our permit review with the MDEQ.

In the early or mid-70's the City of Manistee installed a storm water sewer outfall on the shoreline of Lake Michigan, just north of our property line. Assessment of aerial photos since that time show that this structure played a significant role in the eventual erosion of our property by reflection of wave energy. Lake Michigan rose to a historical high between 1980 and 1987. No efforts were made to fortify the berm or protect it during this period. At the peak of the cycle, the water came over the berm. The base of the

berm did not give way, but the top two feet simply washed out. Applications and overhead photos used to permit the restoration of the property depicted a depth of water of 1.5 feet over the breached area of the berm. Today the berm is more than twice as wide at its narrowest point and 15 feet higher than during that period.

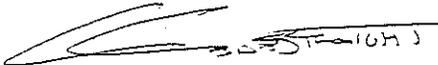
After the breach of the berm, the MDEQ performed a recession rate analysis on this property. Their conclusions mandate the setbacks that we are required to meet in order to comply with the law. By this time you may have had this verified by the MDEQ. The state will not decide if the berm is "buildable" in any other fashion than mandating we meet the setbacks currently imposed under the law.

The site plan we have presented you will meet these setbacks. We respectfully request that your commission grant "conditional" approval so that we may undertake the cost of meeting your contingencies with the understanding that doing so will result in your eventual final approval of the five lots depicted. We would expect those contingencies to include a satisfactory assessment by the MDEQ regarding the erosion hazard line and clearance regarding threatened or endangered species, in addition to conversations regarding the eventual placement of a roadway and utilities.

Until we move our application to this point, there is no official process for us to approach the MDEQ. They have recently said they "prefer" to be included in the process, but can provide us no statutory reference that affords them this right. We will not afford them a right that is not supported by law, though we are open to having our approval or disapproval contingent upon their eventual assessment.

Again, thank you for undertaking this task. We look forward to our continued interactions with your commission and the community in general.

Very truly yours,



Chuck Canestraight
President
Sand Products Corporation

CC: Mr. Jon Rose- City of Manistee, Zoning Administrator
Mr. Mitch Deisch- City of Manistee, City Manager
Mr. Mike Hayes- JF New, Shoreline Ecologist