

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

August 7, 2014

A meeting of the Manistee City Planning Commission was held on Thursday, August 7, 2014 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7 pm by Chair Yoder

Roll Call:

Members Present: David Crockett, Bill Dean, Ray Fortier, Marlene McBride, Mark Wittlieff, Roger Yoder

Members Absent: Maureen Barry (excused), Bill Dean (excused), Marlene McBride (excused)

Others: Mayor Pro-Tem Catherine Zaring (325 Fifth Street), Ed Seng (Seng Dock & Trucking, 200 River Street), Tim Flarity & Ellen Marshall (28 Lake Street), Dennis Skiera (1453 Maple Road), Renee Zwiefka (232 River Street), Mitch Deisch (City Manager), Denise Blakeslee (Planning & Zoning Administrator) 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 4 to 0.

Yes: Crockett, Fortier, Wittlieff, Yoder

No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Dave Crockett that the minutes of the July 10, 2014 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 4 to 0.

Yes: Fortier, Crockett, Wittlieff, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

Mayor Pro-Tem Catherine Zaring, 325 Fifth Street – Is in support of looking at the PD Peninsula Zoning District. She asked the commission to consider a Deep Water Port, Port Authority, and Designation as an International Waterways as uses that could include Import/Export and US Customs. The potential of grants for a Warf District should be investigated. These properties should be required to be landscaped; this greenspace at the entrance would minimize industrial appearance. The development of a Port Authority would be income generating.

NEW BUSINESS

Zoning Review P-D Peninsula District

City Council has requested the Planning Commission review the current Zoning of the Peninsula District and review the zoning ordinance for specific uses that need to be addressed.

City Manager Mitch Deisch – spoke to the Commissioners about the request and the discussion from Council's July 15, 2014 meeting. The request from Mr. Seng to amend the Development Agreement; Council's discussion to have the Planning Commission review the Zoning on the PD Peninsula District; the City Manager's and City Attorney's recommendation for a determination by the Manistee County Circuit court that Rieth-Riley's consent is not required.

It is appropriate for the Commission to do a full review of the P-D Peninsula District. This review is not bound by the Development Agreement. The Commission should look at what is the highest and best use for the District. They should determine if the Redevelopment Plan still makes sense, if not determine what makes sense for the District. This review is requested to be completed by the September 16, 2014 City Council Meeting.

Commissioner Crockett – The Commission spent months reviewing the request for a Shipping Facility. The review has been done. The recommendation has already been sent to Council.

Chair Yoder asked what had changed since that time and expressed his concern that the Planning Commission is not being given enough time to do a complete review of the district in the time allotted by City Council.

Mitch Deisch - The Commission is asked to complete an open honest, complete review that is unfettered by the Development Agreement. If the Commission feels the review has been complete, he will take it back to council.

Commissioner Fortier – feels that the City, Seng and Reith Riley need to get together and talk. If they have not met together to talk, he won't change his vote.

Commissioner Crockett - agrees with Chair Yoder that the time to review all of the documentation is not reasonable. This evening they were given more information from staff along with correspondence that they have not had time to review.

Chair Yoder – there are three members of the Commission that are absent and they need time to be brought up to speed before a recommendation to City Council.

Mitch Deisch – If the Commission feels that September 16 is not sufficient time for the review then they can inform Council that additional time is needed.

Planning & Zoning Administrator Denise Blakeslee used a PowerPoint Presentation to assist in reviewing the P-D Peninsula Zoning which included:

A map that shows the existing land uses; there are 82 parcels in the P-D district, the district was broke down into 10 sections that details each owner and use. Each Parcel has been assigned a number 1 – 82 that is referenced in supporting documents.

Review of the “Old Zoning Ordinance” (prior to March 27, 2006). A map was prepared that shows the current boundary of the P-D Peninsula District previously included four Zoning Districts (REN – Renaissance Zone Lakefront Industrial District, MUD – Multiple Use District, C-4 Commercial District and R-4 Residential District). The Old Zoning Ordinance used SIC Codes (Standard Industrial Classification) for uses. This type of classification of uses requires having to look every use up in the manual to compare against the ordinance to determine if the use is permitted or not.

The new ordinance provides definitions for every use and is easier to determine if a use is permitted as a use by right or a special land use. This evening commissioners were given a comparison table between the old and new ordinance for their review along with a table of Dimensional Standards and requirements between the new and old ordinance.

The Commission reviewed copies of the Existing Land Use and Future Land Use Map information relating to the Peninsula from the 2002 Master Plan.

The Commission was given a review of each parcel in the district. The review was divided into three categories. Vacant parcels, Residential Parcels, Commercial/Industrial Parcels. This review details each parcel by owner, parcel dimensional requirements and includes notes about

the use of the parcel, if dimensional requirements are met, if the parcel is non-conforming (stating how).

Staff is proposing to mail out invitations to the property owners in the Peninsula District to include their input in the review process. This could take place at the September 4, 2014 Planning Commission meeting.

The Commission directed staff to send out an invitation to the property owners inviting them to the September 4, 2014 meeting to allow their input on the Uses in the P-D Peninsula District.

Staff was asked to prepare a letter to City Council that September 16, 2014 is not sufficient time for a recommendation. The Planning Commission will need time to review documents, listen to input from the property owners and once they have all the information they will send their recommendation to City Council.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

Catherine Zaring said that she only wanted the Planning Commission to review the four parcels where shipping could be operated and their capabilities.

Chair Yoder asked if there were any potential developments in process on the Peninsula. Should an environmental review be required, shipping, storage and retention, and waterway protection.

Mitch Deisch - gave the background on the district since 2004, spoke of the reinitiating of Deepwater Shipping and the ancillary activities that go along with it including trucking and storage.

Ed Seng, Seng Dock & Trucking, 200 River Street – spoke of the Development Agreement he signed in 2008. The economy has changed; he has nine companies that want to move material by water. This is an opportunity to go to work. There are 2 – 5 local jobs and 35 jobs for the barge companies. His Lawyer is speaking to the Attorney General's Office about a determination about nonconformity.

Tim Flarity & Ellen Marshall, 28 Lake Street – dropped off a letter this afternoon that the Commissioners received at the meeting (attached). Spoke of concerns expressed in their letter and asked the commission to consider the plan in place and encouraged them that it was the

way to go. Shipping is an exact reversal to the long term plan. How many times do changes need to be made? She requested that there be total transparency and she presented two letters one from John & Donna Mudschau and the other from Duane Schultz who are asking that their names be removed from the petition that Ed Seng asked them to sign.

Dennis Skiera, 1453 Maple Road – asked how a private individual can reset the zoning in the district and feels it is not fair for a couple of people to get what they want. If industrial is allowed in the district you need to consider the noxious smell and traffic. He was glad when shipping was removed. Mr. Seng is a nice guy but is not in the best interest to rezone when you have a beautiful concept.

Renee Zwiefka, 232 River Street – Mrs. Zwiefka has lived on the Peninsula her whole life and has seen everything come and go. People who own homes down there knew it was commercial when they moved. There has never been much there, Morton dock, PCA dock, Iron Works, Heavy Trucks, Old City Building she has never heard any complaints. This is not much different; the plan backfired on the City.

CORRESPONDENCE

Letter including Petition Dated July 28, 2014 from Ed Seng, Seng Dock and Trucking, 200 River Street (attached)

Letter Dated August 6, 2014 to Ed Seng from Planning & Zoning Administrator (attached)

Letter Dated August 6, 2014 from Ellen Marshall, Kathy Boyle, and Timothy Flarity (attached)

Letter Dated August 7, 2014 from John & Donna Mundschau (Attached)

Letter Dated August 7, 2014 from Duane Schultz (attached)

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Reminded members they are invited to attend the Council Worksession on August 12, 2014 where the South Washington Area Brownfield Plan will be presented to City Council.

MEMBERS DISCUSSION

Commissioner Crocket asked if the Zoning Amendment from Mr. Seng had gone to City Council.

The Planning Commission does not have a worksession scheduled in August

The next regular meeting of the Planning Commission will be held on Thursday, September 4, 2014

ADJOURNMENT

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

Meeting adjourned at 8:40 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

Seng Dock & Trucking
200 River Street
Manistee, Michigan
517-723-4282



July 28, 2014

Ms. Denise Blakeslee
Planning and Zoning Administrator
City of Manistee
70 Maple Street
Manistee, MI 49660

RE: Minor Revision to Pending Request to Amend Section 601 of the City of Manistee Zoning Ordinance to Allow a Shipping Facility as a Permitted Use Within the Peninsula District

Dear Ms. Blakeslee:

The purpose of this letter is to request a minor revision to the Zoning Amendment request filed by Seng Dock & Trucking ("Seng") on January 21, 2014. As you know, my request seeks an amendment to Section 601 of the City of Manistee Zoning Ordinance to allow a "Shipping Facility" within the Peninsula District (the "Proposed Amendment"). I don't wish to alter that request – and I hope that the request is approved by the Planning and Zoning Board in the near future.

At its regular public meeting on July 15, 2014 the Manistee City Council considered the Proposed Amendment but tabled pending additional consideration by the Planning and Zoning Board. During Council's discussion, Seng's use of 200 River Street for landscaping sales was discussed. You suggested to City Council that in order for Seng to fall within the boundaries of the zoning code, I should revise my Zoning Amendment request to authorize landscaping sales. By this letter, I request that my Zoning Amendment request be revised to include this use on my property.

If you require a revision to the current Zoning Request Amendment document, please feel free to call me and I will come down and make the necessary written revisions to the document.

As always, I very much appreciate you and your commitment to our City.

Sincerely,

A handwritten signature in black ink that reads "Edward Seng".

Edward Seng
Seng Dock & Trucking

July 28, 2014

City of Manistee
Planning and Zoning Board
70 Maple Street
Manistee, MI 49660

c/o: Denise Blakeslee

RE: Pending Request to Amend Section 601 of the City of Manistee Zoning Ordinance to Allow a Shipping Facility as a Permitted Use Within the Peninsula District

Dear Members the Planning and Zoning Board:

We, the undersigned citizens of Manistee own, lease, or operate homes or businesses within the City's Peninsula District. We are aware that the City of Manistee, including the Planning and Zoning Board and the Manistee City Council are presently considering an amendment to Section 601 of the Manistee Zoning Ordinance to allow a "Shipping Facility" as a permitted use within our District. We understand that this request to amend Section 601 has been presented to the City by a business owner within the Peninsula District, Mr. Ed Seng of Seng Dock & Trucking, located at 200 River Street in Manistee, Michigan. Mr. Seng has asked that we review and sign this letter of support and we, after considering the proposed amendment, have heartily agreed to sign this letter to evidence our support of the amendment.

We fully support the request for an amendment of Section 601 to allow for a Shipping Facility as a permitted use within our zoning district. As Lake Michigan community, we are blessed with the unique interstate and international access provided by the Lake and the Manistee River. Local businesses have, in the past, and will, in the future, depended upon our water access as a direct line to business partners within Michigan and elsewhere. The proposed amendment recognizes these opportunities and promotes them. Additionally, and perhaps more importantly, the amendment represents an opportunity for job creation within our City. The foundation for lasting growth rests first and foremost with employment and we believe that the amendment will promote the creation of jobs here and within the region. While there will be impacts to the district, we believe the benefits to the district and to the City of Manistee will far outweigh the negative impacts.

We also support Ed Seng's request to allow Seng Dock & Trucking to utilize his premises as a landscaping business.

In summary, we, the undersigned, support the proposed amendment and urge you and the Manistee City Council to approve it as soon as possible.

Sincerely,

Date	Address	Name	Signature
7/28/14	33 LAKE STREET	JEFF SONG	Jeff Song
7-28-14	10 East Street	Rob Johnson	Rob Johnson
7-28-14	232 River St.	Bene Zwijska	Bene Zwijska
7/29/14	215 River St.	Judy Patterson	Judy Patterson
7/29/14	223 River St.	Kenneth Hall	Kenneth Hall
7/29/14	P.O. Box 77 Sand Lake	River Street Holdings	Kenneth Hall Jr.
7/29/14	263 River St. Muistee	MS Creative	MS Creative
7/29/14	227 River St	Jane Zwijska	Jane Zwijska
7/29/14	32 East St.	Marc Gwizkowski	Marc Gwizkowski
7/29/14	2.8 EAST ST.	Jim Porter	Jim Porter
7/29/14	216 RIVER ST	BONNIE DANKS	Bonnie Danks
7/29/14	216 RIVER ST	WILLIAM DANKS	William Danks
7/30/14	249 RIVER ST	DAVID JOHNSON	David Johnson
7/31/14	249 RIVER ST	JAMES JOHNSON	James Johnson
7/31/14	42 LAKE ST	WALTER SCHEITH	Walter Scheith
7/31/14	26 CROSS SE.	JOE BIGALKE	Joseph W. Bigalke
7/31/14	25 CROSS ST	Donna Mundschau	Donna Mundschau
	25 CROSS ST.	JOHN MUNDSCHAU	John Mundschau

Date	Address	Name	Signature
7/30/14	217 River St	Marlene McBride	Marlene McBride
7/30/14	26 east st.	Bryan	Brittany Troyer
7/30/14	222 River St.	Edie Falke	Edith Falke
7/30/14	6 Lake St.	Kathy Swank	Kathy Swank
7/30/14	44 Lake St	Richard Pokyn	Richard Pokyn
7/30/14	32 Lake St	PATTY WOODARD	Patty Woodard
7/31/14	228 RIVER ST.	CHAD ECKHARDT	Chad Eckhardt
7/1/2014	38 Lake St.	Jeremy Horakohl	Jeremy Horakohl



P. O. Box 358 • Manistee, Michigan 49660-0358 • www.manisteemi.gov

CITY HALL
70 Maple Street

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

**PLANNING, ZONING &
COMMUNITY DEV.**
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

CLERK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553



August 6, 2014

Ed Seng
Seng Dock & Trucking
200 River Street
Manistee, MI 49660

Dear Mr. Seng:

We are in receipt of your letter dated July 28, 2014 "Requesting a minor Revision to Pending Request to Amend Section 602 of the City of Manistee Zoning Ordinance to Allow a Shipping Facility as a Permitted Use within the Peninsula District". Your request is to add to your previous Petition a request to permit Outdoor Sales Facilities in the P-D Peninsula District, although you did not indicate whether you seek to have Outdoor Sales be a permitted or special use. Your letter has been copied and will be given to the Commissioners at their meeting on August 7, 2014.

The City of Manistee Zoning Ordinance defines Outdoor Sales Facility to include a landscaping operation as follows:

OUTDOOR SALES FACILITY: *The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.*

The Planning Commission held a Public Hearing on your Petition on March 6, 2014 and action was taken on April 3, 2014.

City Council has requested the Planning Commission review the current Zoning of the Peninsula District and review the zoning ordinance for specific uses that need to be addressed. The Commission will be reviewing the entire table of uses as part of its review as requested by City Council, including whether an Outdoor Sales Facility should be a permitted or special use within the P-D Peninsula District.

I cannot predict what, if any, changes the Planning Commission would deem necessary in the P-D Peninsula District during its review for City Council. If it determines changes are needed it will schedule a Public Hearing on the proposed changes.

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Seng Dock & Trucking Letter
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If you prefer to request an amendment of the City of Manistee Zoning Ordinance to add Outdoor Sales Facility as a permitted or special use in the P-D Peninsula District, you may certainly file a new Petition (copy of Petition attached). What is not permitted is to amend the previous Petition, which has already been the subject of a public hearing, to make an additional request.

If you have any questions, please call me at 398.2805.

Sincerely,

CITY OF MANISTEE



Denise J. Blakeslee
Planning & Zoning Administrator

Enclosures

Cc: Mitch Deisch, City Manager
George Saylor, City Attorney
City Council
City of Manistee Planning Commission

{01595272.1}

August 6, 2014

To: Denise Blakeslee

Re: Pending request to Amend Section 601, (see attached letter) regarding shipping facility as a permitted use within the Peninsula District.

My name is Ellen Marshall and I have a vested interest regarding the Section 601 Proposal. Being born and raised in Manistee at 28 Lake Street, I continue to live at the same residence on a part time basis and pay in shared property taxes.

I have seen positive changes occur in the Peninsula Area but have serious concerns with the above proposal:

- Environmental Issues: i.e., noise/dust pollution, exhaust from logging trucks, safety issues for children living in the area
- The infrastructure: i.e. damage to the roadway, bridges, and waterways.

Questions:

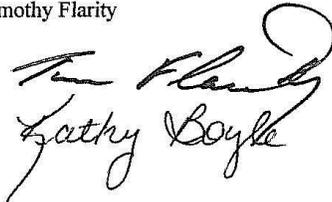
- How many local jobs will actually be created from this proposal such as local drivers, loading and unloading, etc.?
- What recourse will the city have when the stated problems present themselves?
- What is the exact route the trucks will use?
- Where will the truck turn around be?
- What hours will the trucks be allowed to operate?
- What size and type of trucks will be used?
- If the property values drop will the taxes drop too and can the city afford the loss of taxes they presently struggle to operate off of now?
- Will the taxes be able to continuously afford the repairs and repaving of the local streets?
- How will this impact tourism to our area?
- What are the details regarding the Seng landscaping business and the trucking route?
- To what degree will this damage the wonderful professional visionary plan of the Peninsula Area?

The master plan was a mix of commercial, light industrial and residential aspects. The proposal before you appears and is written as a reversal of what was to be a permanent long term zoning plan. How many times will this plan keep changing?

I thank you for the opportunity to voice my concerns. I hope these concerns will be addressed keeping in mind the local residents best interests. I feel there are many unanswered questions and each one needs to be addressed individually to the local residents.

Concerned citizens,

Ellen Marshall
Kathy Boyle
Timothy Flarity



Ellen Marshall
970-948-0662

John & Donna Mundschau

25 CROSS STREET MANISTEE MI 49660

PHONE: (231) 398-0787 EMAIL: natatt@wmis.net

FAX COVER

DATE: 08/07/14

PHONE: (231) 848-4564
FAX: (231) 723-5410

ATTENTION: Denise Blakeslee
Zoning Administrator

REGARDING: Removal of signatures from
petition circulated by Mr. Ed Seng

Due to significant omissions as to the scale and nature of business operations described in the cover letter to Mr. Seng's petition, we do not believe we were sufficiently informed to render our support to his proposed new business.

Had we been informed that Mr. Seng intended to be running logging trucks on River Street, we would *not* have signed. We lived in rural Montana for a decade, and know the nature of logging trucks: the fatigue of off road use coupled with the tremendous load has even the best maintained trucks belching black smoke. Further, their open trailer beds leave tree debris scattered wherever they go. And, whereas the distribution centers for commercial shipping typically follow normal business hours, logging operations do not.

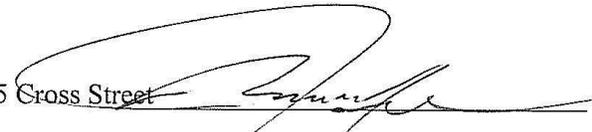
We support Mr. Seng's landscaping venture and all shipping pertinent to that business as we understood it. But it would be detrimental to this neighborhood and the city in general to allow this kind of activity so close to the center of town, where a major intersection is already congested by the operations of the railroad, and the backup of traffic from the draw bridge.

There is also the unaddressed issue of processing on location and the noise level created by milling operations. If approval is granted, there will eventually follow the sawing, chipping and shaping of all sorts that generate levels of noise that are simply not acceptable in an inner city location.

We believe at this point that we have unwittingly acted against the best interest of the neighborhood by signing the petition and remind the council that we would not have done so if we were properly informed as to the true scope of the business plan. We therefore ask the controlling party overseeing this process to strike out our names.

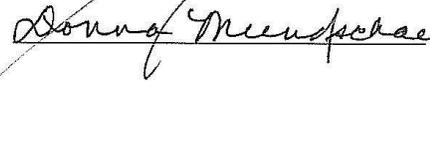
Signed:

John Mundschau 25 Cross Street



08/07/14

Donna Mundschau 25 Cross Street



08/07/14

Aug. 7, 2014



Due to a
number of omissions
on the letter from
Mr. Seng, I
would like to
have my name
removed from
the petition in
favor of Mr.
Seng's proposal.
I am not in
favor at this
time. Please
strike my name
from the petition.
Duane Schultz
Duane Schultz
398-2093

