

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

October 2, 2014

A meeting of the Manistee City Planning Commission was held on Thursday, October 2, 2014 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, Judd Brown, Bill Dean, Ray Fortier, Marlene McBride, Mark Wittlieff, Roger Yoder

Members Absent: None

Others: Ralph Wyngarden (Faulk & Foster), Ed Seng (200 River Street), Denise Blakeslee (Planning & Zoning Administrator) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Mark Wittlieff that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Brown, Dean, Fortier, McBride, Wittlieff, Yoder
No: None

APPROVAL OF MINUTES

Motion by Mark Wittlieff, seconded by Ray Fortier that the minutes of the September 4, 2014 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Dean, Fortier, Barry, Brown, McBride, Wittlieff, Yoder
No: None

PUBLIC HEARING

Chair Yoder opened the Public Hearing at 7:02 pm

PC-2014-08 – Roy Henderson/Faulk & Foster, parcel code #51-174-708-10 – Special Use Permit Amendment

A request has been received from Faulk & Foster, Agent for Roy Henderson, parcel code #51-174-708-10 to amend Special Use Permit for Communication Tower to add 12 antennas, 3 tower mounted amplifiers and coax to the tower along with a prefabricated equipment shelter.

Ralph Wyngarden, Faulk & Foster – Faulk & Foster is the site acquisition vendor for Verizon. They plan to use the existing tower and meet the requirements of the ordinance. The tower is 181 feet tall, they propose to locate their antennas at 140 feet, they will install an equipment shelter with a six foot fence with three strands of barbed wire to match existing fence. They have read the staff review and has no objections to the conditions recommended by staff.

Denise Blakeslee, Planning & Zoning Administrator – reviewed Staff report that was prepared in response to the request. The correct parcel code number for the property is #51-174-708-10. The City Assessor assigned an address of 78 Arthur Street for the building. The applicant used the address for the former State Police Building on the application.

This is an existing tower and the ordinance encourages the joint use of existing tower sites as a primary option rather than the construction of additional single-use towers. The installation of the accessory building requires the request for a Special Use Permit Amendment. Staff is requesting the following Conditions be placed on the Permit:

1. The applicant provides a Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
2. A copy of the lease between the property owner and operator is provided for the file.
3. An updated site plan is required in the event that any changes are made to the easement that provides access across the adjoining property along with a copy of the easement for file.
4. A bond is provided as required under Section 1819, Item J. of the City of Manistee Zoning Ordinance prior to the issuance of the Special Use Permit.

Chair Yoder asked for public comments - None

Chair Yoder asked if any correspondence had been received in response to the request.

Letter received from City Assessor, Julie Beardslee (attached)

There were no more additional comments; the Public Hearing was closed at 7:08 pm.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

Ed Seng, 200 River Street – wanted to verify the date of the November Member.

NEW BUSINESS

PC-2014-08 – Roy Henderson/Faulk & Foster, parcel code #51-174-708-10 – Special Use Permit Amendment

A Public Hearing was held earlier in response to request the from Faulk & Foster, Agent for Roy Henderson, parcel code #51-174-708-10 to amend Special Use Permit for Communication Tower to add 12 antennas, 3 tower mounted amplifiers and coax to the tower along with a prefabricated equipment shelter. Discussion by the Commission included:

- FCC/FAA approval has been received for the tower
- No light is required on the tower if under 200 feet. Applicant does not intent to add a light.
- Letter from City Assessor

MOTION by Ray Fortier, seconded by Judd Brown that the Planning Commission adopts a resolution to approve the request from Faulk & Foster, Agent for Roy Henderson, parcel code #51-101-275-03 to amend Special Use Permit for Communication Tower to add 12 antennas, 3 tower mounted amplifiers and coax to the tower along with a prefabricated equipment shelter. With the following conditions:

1. The applicant provides a Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
2. A bond is provided as required under Section 1819, Item J. of the City of Manistee Zoning Ordinance prior to the issuance of the Special Use Permit.
3. A copy of the lease between the property owner and operator is provided for the file.
4. An updated site plan is required in the event that any changes are made to the easement that provides access across the adjoining property to the site along with a copy of the easement for file.

With a Roll Call vote this motion passed 7 to 0.

Yes: McBride, Wittlieff, Dean, Fortier, Barry, Brown, Yoder
No: None

PC-2014-09 – City of Manistee Parcel Split Request

The City of Manistee is requesting to split Parcel #51-260-703-09 into four parcels. Parcel A & B meet the requirements of the R-1 Low Density Residential Zoning District. Parcel C & D are part of the Monroe Street Right of Way. Staff reviewed the request with the Commission.

MOITON by Ray Fortier, seconded by Marlene McBride that the Planning Commission recommend the City Council to approve the Parcel Split Request from the City of Manistee that would split parcel #51-260-703-09 into four parcels as shown on Survey prepared by the Spicer Group, Job 120924SG2013 prepared on September 16, 2014.

With a Roll Call vote this motion passed 7 to 0.

Yes: Dean, Fortier, Barry, Brown, McBride, Wittlieff, Yoder
No: None

Reschedule November Planning Commission Meeting

Staff will be attending the Redevelopment Ready Communities Best Practice Training Series on Thursday, November 6, 2014 this conflicts with the November Planning Commission Meeting. Staff is recommending that the meeting be changed to the following Thursday, November 13, 2014.

MOTION by Mark Wittlieff, seconded by Judd Brown that the November Planning Commission Meeting be rescheduled to Thursday, November 13, 2014.

With a Roll Call vote this motion passed 7 to 0.

Yes: Wittlieff, Dean, Fortier, Barry, Brown, McBride, Yoder
No: None

Schedule Meeting/Worksession Dates 2015

The Manistee City Planning Commission generally holds their regular business meetings on the first Thursday of each month and worksessions on the third Thursday of the month. These meetings are held in Council Chambers, City Hall, 70 Maple Street, Manistee Michigan at 7:00 pm. Staff has prepared a list of meeting/worksession dates for 2015 for the Commissions consideration.

The Commission discussed the April and July Meeting dates that are followed by City Holidays.

MOTION by Ray Fortier, seconded by Maureen Barry that the Planning Commission schedules their meeting/worksession dates for 2015 as follows:

MEETINGS 7:00 P.M.	WORKSESSIONS 7:00 P.M.
January 8, 2015*	January 22, 2015
February 5, 2015	February 19, 2015
March 5, 2015	March 19, 2015
April 9, 2015*	April 16, 2015
May 7, 2015	May 21, 2015
June 4, 2015	No Worksession
July 9, 2015*	No Worksession
August 6, 2015	No Worksession
September 3, 2015	September 17, 2015
October 1, 2015	October 15, 2015
November 5, 2015	November 19, 2015
December 3, 2015	No Worksession

*Changed due to holiday

With a Roll Call vote this motion passed 7 to 0.

Yes: Wittlieff, Dean, Fortier, Barry, Brown, McBride, Yoder
No: None

OLD 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. The Commission began their review at the August 7, 2014 Planning Commission Meeting, Public Input was received from property owners and occupants that live in the Peninsula District at the September 4, 2014 meeting. The Commission continued their discussion at their worksession on September 18, 2014.

Staff prepared a review of the Parcels in the PD Peninsula and the adjoining R-3 High Density Residential District. This was done to determine how many parcels met the dimensional standards of the Zoning District and how many non-conforming parcels there were. The uses of the parcels were compared to determine how many conformed to the district standards and how many were non-conforming.

The Commission will review the table of uses, parking requirements, special uses vs permitted uses at their Worksession on October 16, 2014.

PUBLIC COMMENTS AND COMMUNICATIONS

Ed Seng, 200 River Street – Met with the City and Reith Riley today and they made headway, things are progressing, where they land with the city we will see. This is about jobs; look at the poverty level in the community. Mr. Seng has property that could be used for parking for the amendment and he would be willing to talk to the city about it.

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning Administrator – Thanked the Commissioners who attended the Streamlining the Zoning Ordinance Workshop. Another workshop Accumulated Junk Community Cleanup Workshop will be held on Wednesday, October 15th.

MEMBERS DISCUSSION

Commissioner McBride asked why the Planning Commission is the last to know about staff changes at the City (Building Inspector Retirement).

Commissioner Barry thanked staff for providing training opportunities for the Commission and said that the issues with the Peninsula is up to City Council.

The Planning Commission will hold a Worksession on October 16, 2014

The next regular meeting of the Planning Commission will be held on Thursday, November 13, 2014

ADJOURNMENT

Motion by Ray Fortier, seconded by Bill Dean that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:50 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary



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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



October 1, 2014

City of Manistee Planning Commission
City Hall
70 Maple St.
Manistee, MI 49660

Dear Honorable Commission Members,

In the interest of full disclosure I would like to provide a brief history of parcel No. 51-51-174-708-10, owned by Roy Henderson.

Mr. Henderson purchased said property from the State of Michigan on 1-17-2012 for \$30,000. The sale was a non-conforming split in violation of the City of Manistee Land Division ordinance. As a result of ongoing pressure from the Community Development office and City Attorney Saylor, Mr. Henderson applied for and received approval of the split.

The City Assessor assessed the property for 2014, in keeping with the changed, non-exempt status. I have included a copy of the property record card, the market/true cash value being \$91,900. I have used 40% of the current land value for acreage in this neighborhood as an adjustment for topography and access. I have similarly depreciated the radio tower at 40% good, at the time, not knowing the physical condition of the tower or its marketability. It is not allowable under law or rule to assess individual property at 50% of the purchase price. Mr. Henderson believes that the property should be valued at \$30,000, as stated in his petition before the Tribunal.

Mr. Henderson has appealed the value of the property to the Michigan Tax Tribunal; it is a full Tribunal appeal. Mr. Henderson's representative before the Tribunal is Frederick Mawson. Mr. Mawson is reimbursed for his effort by a percentage of the potential reduction in the value. This method is often used in cases of frivolous appeals. The representative does not present valid appraisals, but simply negotiates the largest reduction available. Tax appeals naturally place the City in an adversarial relationship with taxpayers, unfortunately. This occurs more dramatically, when attorneys are involved.

The City expends between \$10,000 and \$25,000 per year for legal representation for tax appeals. This expenditure increased when staffing was reduced by one full time staff member in 2010, a result of the decline in tax revenue. The increase in spending was due to the excessive workload in the City Assessor's Office.

The operation of taxing jurisdictions, including the City of Manistee, depends upon the values determined by the City Assessor. I am directly responsible for the levy of over \$10,000,000 to operate the County, Schools and the City. Reductions in taxable value through appeals before the Michigan Tax Tribunal affect the entire community. If you agree that Government costs "\$X" to operate, value reductions place the burden for government on the remainder of the taxpayers. The Michigan Municipal League has taken issue with reductions granted taxpayers through the Michigan Tax Tribunal. The revenue loss to municipalities is noticeable and dramatic, throughout the State.

Excerpt from the Special Use Review Standards:

3. The Special Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use **shall be served adequately** by **essential public** facilities and **services**, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; **or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.**
5. **The Special Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.**

My belief is that Special Use Permits are allowed through special dispensation. Special Use Permits are a privilege. Privileges come with responsibilities. It will be increasingly difficult to provide public services with the continual and ongoing tax reductions provided through tax appeals, especially frivolous tax appeals.

I am sorry I am unable to attend the October 2, 2014 meeting; I will be out of town. Thank you for the opportunity to respond.

Sincerely,

CITY OF MANISTEE



Julie Beardslee
City Assessor