

MANISTEE CITY PLANNING COMMISSION
70 Maple Street
Manistee, MI 49660

MEETING MINUTES
November 1, 2007

A Meeting of the Manistee City Planning Commission was held on Thursday, November 1, 2007 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:03 p.m. by Vice Chair Fortier

ROLL CALL:

Members Present: Linda Albee, Maureen Barry, Ben Bifoss, Dave Crockett, Ray Fortier, Eric Gustad, Harlo Haines, Tony Slawinski

Members Absent: Roger Yoder (Excused)

Others: Susan Archey (1073 Sweetnam Drive), Lionel A. Thomas II (Pegasus Holdings and Land Development), John Holcombe (Mas Tech), Gary Schenk (Schenk-Boncer), Dean Geers (Wilcox Professional Services., LLC), Keith Rose (Rieth-Riley), Jeff Mikula (Abonmarche), Mitch Deisch (City Manager), Dave Carlson (DDA), Lee Trucks (DDA), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

APPROVAL OF AGENDA:

MOTION by Linda Albee, seconded by Tony Slawinski that the Agenda be approved as prepared.

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

Yes: Barry, Bifoss, Albee, Crockett, Gustad, Haines, Slawinski, Fortier

No: None

APPROVAL OF MINUTES:

Planning Commission Meeting of October 4, 2007

MOTION by Tony Slawinski, seconded by Linda Albee that the minutes of the October 4, 2007 Planning Commission Meeting be approved.

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

Yes: Barry, Bifoss, Albee, Crockett, Gustad, Haines, Slawinski, Fortier

No: None

PUBLIC HEARING:

J. Kevin & Barri T. Marion - Street Vacation Request

J. Kevin & Barri T. Marion are requesting the vacation of the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21.

Vice Chair Fortier opened the Public Hearing. The applicant was asked to present any comments and explain the request.

The Applicant was not present

Vice Chair Fortier asked staff for their report.

Jon Rose spoke of the erosion issues associated with the property and that if combined into one parcel this would result in a very nice sized parcel. Staff review of the request shows no conflicts with the Zoning Ordinance.

Vice Chair Fortier opened the Public Hearing for public comments and correspondence received on the request.

Susan Archey, 1073 Sweetnam Drive - Ms. Archey spoke of the erosion problems in the area and noted that the bank has eroded into part of the undeveloped portion of Sweetnam Drive south of her home. She asked how the Marion's intended to access their property? She said that the erosion is near what would be the intersection Sweetnam and Riegle Streets.

There being no further discussion regarding the request the Public Hearing was closed at 7:17 p.m.

Pegasus Holdings and Land Development

Request to amend the City of Manistee Zoning Ordinance Article 16 Light Industrial District by adding "Medical or Dental Office" as a Permitted Use.

Vice Chair Fortier opened the Public Hearing. The applicant was asked to present any comments and explain the request.

Lionel A. Thomas II, Pegasus Holdings and Land Development - Mr. Thomas explained the request to add a Medical or Dental Office as a permitted use. The request is similar to a Professional Office that is already a permitted use in the district.

Vice Chair Fortier asked staff for their report.

Jon Rose said that while the ordinance was re-written only two years ago no one can recall why Medical or Dental Office was not included as a use in the Light Industrial District. The use seems consistent with several other permitted uses in the district. Without a specific reason as to why a Medical or Dental Office should not be allowed, the request seems reasonable.

Vice Chair Fortier opened the Public Hearing for public comments and correspondence received on the request.

John Holcombe, Mas Tech - Mr. Holcombe said that he represents the Mas Tech facility in the Industrial Park and wanted the Planning Commission to consider if with the number of buildings that are vacant in the circle area of property in the Park should be converted into residential uses. He has plans to expand the facility in the future and once he expands he would not consider relocating. Now would be the time for the Commission to consider an alternative use. Mr. Holcombe supports the request from Pegasus Holdings and Land Development for an Amendment to allow Medical or Dental Offices as a permitted use in the Light Industrial District.

There being no further discussion regarding the request the Public Hearing was closed at 7:20 p.m.

Rieth- Riley Construction Co., Inc. - Street Vacation Request

Rieth-Riley Construction Co., Inc. are requesting to vacate part of the southern portion of State Street (approximately 113 feet of the Cul-de-sac). The Applicant will be transferring property to the City and will be responsible for the relocation and reconstruction of a new Cul-de-sac.

Vice Chair Fortier opened the Public Hearing. The applicant was asked to present any comments and explain the request.

Gary Schenk, Schenk-Boncer - Mr. Schenk introduced Dean Geers, Wilcox Professional Services., LLC and Keith Rose, Executive Vice President, Rieth-Riley. They will be making presentations and are available to answer questions regarding the request for a Street Vacation and Site Plan Review for the development of a Liquid Asphalt Terminal and Aggregate Materials Storage/Transfer Facility.

Mr. Schenk explained that this facility would ship asphalt paving mix all over the State of Michigan. This would create jobs for the area, expand the shipping and rail use in Manistee. The use is consistent with the Zoning District. The vacation of State Street is necessary for the design layout of the parcel, topography of the property, location of the Rail Road and State Street. They had to consider fire access and the most stable are of ground for the foundation of the tank farm. This is also the most inconspicuous and aesthetic location for the tank farm because Main Street adjacent to the property is a hill and the tanks will not be that visible from the street. They are not proposing elimination of the Cul-de-sac just relocation of it. They will transfer the necessary property to the City and be responsible for the reconstruction costs.

Vice Chair Fortier asked staff for their report.

Jon Rose said that the request for a Liquid Asphalt Terminal and Aggregate Materials Storage/Transfer Facility at this site in the General Industrial District is dependent upon the Vacation of State Street. A Liquid Asphalt Terminal and Aggregate Materials Storage/Transfer Facility is a permitted use in the District.

Jon Rose said that if the Planning Commission were to make a recommendation to City Council regarding the request to vacate part of the southern portion of State Street (approximately 113 feet of the Cul-de-sac). The recommendation would need to be conditional upon the Applicant transferring property to the City for the relocation of the Cul-de-sac. The applicant would also be responsible for the relocation and reconstruction of a new Cul-de-sac. The development of the property would require the combination of all of the parcels into one and an subject to an easement for utilities.

State Street was originally constructed in conjunction with an agreement with the Seng Family.

Jeff Mikula, Abonmarche/City Engineer noted that the size of the Cul-de-sac was dictated by the size of the trucks that Seng's use in their operation and will meet the needs of Rieth-Riley. In addition it meets the requirements for the City Fire Trucks.

Vice Chair Fortier opened the Public Hearing for public comments and correspondence received on the request.

None

There being no further discussion regarding the request the Public Hearing was closed at 7:37 p.m.

NEW BUSINESS:

J. Kevin & Barri T. Marion - Street Vacation Request

A public hearing was held earlier in response to the request from J. Kevin & Barri T. Marion to vacate the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21.

MOTION by Ben Bifoss, seconded by Linda Albee that the Planning Commission make a recommendation to City Council to approve the request from J. Kevin & Barri T. Marion to vacate the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21 conditioned upon the combination of Lots 4, 5, 8 and 9 into one parcel.

Commissioner Crockett expressed his concern that the applicant was not in attendance to answer several of the questions that he had. He would be unable to vote in favor of this request without the applicant being present.

MOTION by Dave Crockett, seconded by Ben Bifoss to table the request from J. Kevin and Barri T. Marion for a Street Vacation Request until the applicant is present at a meeting to answer questions.

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

Yes: Barry, Crockett, Gustad, Bifoss, Haines, Albee, Slawinski, Fortier
No: None

THE APPLICANT WILL BE NOTIFIED AND THIS ITEM WILL BE PLACED ON THE DECEMBER 6, 2007 MEETING AGENDA.

Pegasus Holdings and Land Development

A public hearing was held earlier in response to the request from Pegasus Holdings and Land Development to amend the City of Manistee Zoning Ordinance Article 16 Light Industrial District by adding "Medical or Dental Office" as a Permitted Use.

Jon Rose read two letters of support that were received in response to the request (attached).

Letter from Jeff Rose, Manistee-Benzie Community Mental Health Services.
Letter from Robert R.. & Jane F. Gunia

MOTION by Ben Bifoss, seconded by Linda Albee that the Planning Commission make a recommendation to City Council to approve the request from Pegasus Holdings and Land Development to amend the City of Manistee Zoning Ordinance Article 16 Light Industrial District by adding "Medical or Dental Office" as a Permitted Use.

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

Yes: Albee, Crockett, Gustad, Bifoss, Slawinski, Barry Haines, Fortier
No: None

Rieth- Riley Construction Co., Inc. - Street Vacation Request

A public hearing was held earlier in response to the request from Rieth-Riley Construction Co., Inc. to vacate part of the southern portion of State Street (approximately 113 feet of the Cul-de-sac). The Applicant will be transferring property to the City and will be responsible for the relocation and reconstruction of a new Cul-de-sac.

Jon Rose read a letter from Mary Jo Miller, Michcon that notified the Planning Commission that there is a Gas Main in the area of the proposed Street Vacation.

MOTION by Ben Bifoss, seconded by Dave Crockett that the Planning Commission make a recommendation to City Council to approve the request from Rieth-Riley Construction Co., Inc. to vacate part of the southern portion of State Street (approximately 113 feet of the Cul-de-sac) EFFECTIVE upon the construction of a new Cul-de-sac, combination of all parcels into one parcel owned by the applicant, and subject to any utility easements.

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

Yes: Crockett, Slawinski, Gustad, Bifoss, Haines, Barry, Albee, Fortier
No: None

Rieth-Riley Construction Co., Inc. - Site Plan Review

A request has been received from Rieth-Riley Construction Co., Inc. for a Site Plan Review of a proposed Liquid Asphalt Terminal and Aggregate Materials Storage/Transfer Facility.

Keith Rose, Rieth-Riley spoke to the Commissioners about the proposed project. Rieth-Riley is 100% employee owned. They are based in Michigan and Indiana. They have over 1,300 employees. They are looking at purchasing the property from Seng Dock & Trucking along with the Aggregate Facility. The Seng's current facility is located on the Peninsula and would be relocated to this site. This would remove the barge and truck traffic from that area to the proposed site on State Street. The project would create 7 ½ jobs, as a union contractor they pay higher wages than many other facilities. They would transfer the existing jobs from the Seng's Aggregate Facility and they would also be paid union wages. Currently product is transported from Chicago, Ohio and Indiana for use in Michigan.

Keith Rose spoke of the design of the facility and that they are using a five foot high concrete containment around the tanks farm portion of the facility. This project is contingent upon many other approvals including Brownfield Redevelopment Authority and Renaissance Zone Designation for the entire site. The project schedule is to have all approvals in place to close on the project by the end of the calendar year. They hope to have the facility operating by the fall of 2008.

It was noted that if they have to construct the Cul-de-sac prior to the Street Vacation approval being in place they may have some items that will not meet the set-back requirements until the Street Vacation is complete.

MOTION by Eric Gustad, seconded by Linda Albee to approve the request from Rieth-Riley Construction Co., Inc. for Site Plan Review for a Liquid Asphalt Terminal and Aggregate Materials Storage/Transfer Facility as shown on Site Plan prepared by Wilcox Professional Services Project #21595.00294 dated 11/1/07 for Planning Commission Review. Conditioned upon City Council approval of the request to vacate part of the southern portion of State Street.

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

Yes: Gustad, Barry, Albee, Slawinski, Haines, Bifoss, Crockett, Fortier
No: None

Charter Township of Filer - Master Plan Proposed Amendments

The Charter Township of Filer is proposing amendments to their Master Plan. A copy of the proposed Amendments has been forwarded to the City in accordance with MCL 125.327a of the Township Planning Act, Public Act 168 of 1959 as amended.

MOTION by Ben Bifoss, seconded by Tony Slawinski that the City of Manistee Planning Commission encourages and supports the changes to the Charter Township of Filer's Master Plan that recognizes and endorses the Industrial Use on Manistee Lake.

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

Yes: Haines, Albee, Slawinski, Bifoss, Crockett, Gustad, Barry, Fortier
No: None

OLD BUSINESS:

None

PUBLIC COMMENTS AND COMMUNICATIONS:

None

CORRESPONDENCE:

Vice Chair Fortier asked if any correspondence has been received to be read into the record. The following correspondence was reviewed by the Planning Commission (attached).

Letter from Team Elmer's Construction Engineering

RE: Explanation - benchmark for the Good Shepherd Project.

Letter from Guardian Angels Church

RE: Guardian Angels Convent Zoning and Real Estate Tax Status (Address: 401 Michael Street, Tax Number: 51-51-646-702-01)

Letter from Jean Maloney, Sales Agent, Century 21 Boardwalk
RE: Guardian Agnes Convent Zoning

STAFF REPORT:

Members were reminded that they were invited to attend the Neighborhood Revitalization Action Plan Meeting, Monday, November 5, 2007 from 6:00 to 8:00 p.m. in the Council Chambers. This is for the Peninsula District/Neighborhood (East end of River Street).

Mr. Rose & Ms. Blakeslee attended the MAP Conference in Traverse City and toured the Old State Hospital Facility. This is a wonderful example of adaptive reuse of a structure and preservation of a Historical Building. Members were encouraged to visit the facility.

Members received correspondence regarding the Zoning Board of Appeals interpretation of the definition of "Accessory Use". A refund check has been sent to Good Shepherd Lutheran Church. This item will be placed on the November Worksession for discussion along with discussion about obsolete buildings/adaptive reuse.

MEMBERS DISCUSSION:

Commissioner Crockett asked if the Ordinance Re-Write Committee will look at these issues also.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Linda Albee that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 8:23 P.M.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary