

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

January 3, 2008

A Meeting of the Manistee City Planning Commission was held on Thursday, January 3, 2008 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 p.m. by Chairman Yoder

ROLL CALL:

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

Members Absent: None

Others: Tom Bastion (Good Shepherd Lutheran Church), Cyndy Fuller (Mayor), Alan Marshall (City Council), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Linda Albee that the Agenda be approved as prepared.

With a roll call vote this motion passed 9 to 0.

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

APPROVAL OF MINUTES:

Planning Commission Meeting of December 6, 2007

MOTION by Tony Slawinski, seconded by Linda Albee that the minutes of the December 6, 2007 Planning Commission Meeting be approved.

With a roll call vote this motion passed 9 to 0.

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

PUBLIC HEARING:

Proposed Zoning Amendments:

#08-01 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 202 A - **CHANGE DEFINITION of Accessory Use**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1805, Accessory Uses, Related to Uses Permitted - **CHANGE Subsection A. Definition**

Chairman Yoder opened the Public Hearing

Jon Rose discussed the proposed amendment and how the definition of Accessory use has been changed to clarify that an accessory use must be located on the same parcel as the principal use. The Language has been changed to read:

ACCESSORY USE: A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings ***and located on the same parcel as the principal use.***

Chairman Yoder opened the Public Hearing for public comments

No Public Comments

The Public Hearing was closed at 7:04 p.m.

#08-02 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 217 P - **CHANGE DEFINITION of Parking Facility, Public**

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL

Section 902 Uses Permitted by Special Land Use Permit - **ADD Parking Facility (requires frontage on a key street segment)**

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL

Section 1002 Uses Permitted by Special Land Use Permit - **ADD Parking Facility (requires frontage on a key street segment)**

ARTICLE 14: C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 1402 Uses Permitted by Special Land Use Permit- **ADD Parking Facility**

ARTICLE 17: G-I GENERAL INDUSTRIAL DISTRICT

Section 1702 Uses Permitted by Special Land Use Permit - **ADD Parking Facility**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

AMEND Section 1865, Parking Facility, Public

Chairman Yoder opened the Public Hearing

Jon Rose discussed the proposed amendment. This language was developed after the request from Good Shepherd Lutheran Church was denied. The definition of a Parking Facility has been changed to read:

PARKING FACILITY, PUBLIC : A parking area available to the public, with or without fee, used to temporarily store motor vehicles.

Parking Facility has been added to the R-2 and R-3 Residential Districts as a Special Use on properties with Key Street Frontage. Parking Facility has been added to the C-2 and GI Districts as a Special Use.

Article 18: Standards and Requirements for Special Uses Section 1865, Parking Facility has had the definition changed, Subsection B (**Regulations and Conditions**) the word "Public" has been deleted from Item 2 and Item 6 has been added to the standards that reads as follows:

6. *Within the R-2, R-3 districts, a Parking Facility shall front on a key street segment, as defined herein.*

Chairman Yoder opened the Public Hearing for public comments

Tom Bastion, Good Shepherd Lutheran Church - Mr. Bastion said the adoption of this ordinance would allow the church to apply for a Special Use Permit for a parking facility and they are in support of the amendment.

The Public Hearing was closed at 7:08 p.m.

#08-03 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 202 A, **CHANGE DEFINITION of Adaptive Reuse**

ARTICLE 11: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT

Section 1102 Uses Permitted by Special Land Use Permit - **DELETE Subsection C. Adaptive Reuse**

ARTICLE 17: G-I GENERAL INDUSTRIAL DISTRICT

Section 1702 Uses Permitted by Special Land Use Permit- **DELETE Subsection B. Adaptive Reuse**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

AMEND Section 1807, Adaptive Reuse

Chairman Yoder opened the Public Hearing

Jon Rose discussed the proposed amendment. The definition of Adaptive Reuse has been changed to read:

ADAPTIVE REUSE *The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.*

Adaptive Reuse has been deleted as a Special Use in the R-4 and the G-I Districts.

Article 18 Standards and Requirements for Special Uses, Section 1807 Adaptive Reuse has been changed to read:

- A. *Definition. The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.***
- B. *Statement of Intent: There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Chapter attempts to provide flexibility in maintaining the viability of these resources to the community.***
- C. *Regulations and Conditions: A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.***
 - 1. *The Adaptive Reuse of a building in the C-3 District shall meet the following standards:***
 - a. *The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.***
 - b. *Buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission all exterior modifications prior to application to the Planning Commission.***
 - c. *For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.***
 - d. *Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.***
 - e. *Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.***
 - f. *The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of floor area.***
 - g. *All dwellings shall provide a minimum of five hundred (500) square feet of living space.***
 - h. *Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.***
 - 2. *The Adaptive Reuse of a building in the R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:***

- a. *The building shall be consistent in scale and exterior materials with nearby existing buildings.*
 - b. *Buildings proposed for adaptive reuse may include retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.*
 - c. *Parking shall comply with the requirements of Section 514. Parking shall be located within two hundred (200) feet of the building.*
 - d. *All dwellings shall provide a minimum of five hundred (500) square feet of living space.*
 - e. *Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.*
 - f. *The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.*
 - g. *Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.*
3. *Signage shall comply with the requirements of Article 21.*

Chairman Yoder opened the Public Hearing for public comments

There were no public comments.

The Public Hearing was closed at 7:16 p.m.

#08-04 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

AMEND - Section 2108, Use Type3, Commercial and Office - Relating to Ground Mount Signs

Chairman Yoder opened the Public Hearing

Jon Rose discussed how additional signage had been added for properties with water frontage the last time the Zoning Ordinance was amended. The Planning Commission discussed adding a restriction to the size of ground mount signs but it was not noticed for the public hearing on March 15, 2007. Instead of stopping the amendment from moving forward the Planning Commission decided to wait until the next amendments were made to the ordinance to add the 16 square foot restriction and no illumination of ground mount signs

on the riverwalk. In addition language was added that would allow a ground mount sign on the waterfront as well as the front of the properties if requested. The ordinance has been changed to read:

C-1, C-2, C-3 & W-F not fronting on US-31	Wall, Ground, Projecting*, Window, Marquee	n/a	1.5 x of principal building width per Section 2102,A,7 b	Either	Ground mount signs shall be limited to one per parcel**. Internally lit signs shall be prohibited in the Manistee Historic Commercial District.
C-2, C-3 & W-F Waterfront side	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	<i>One ground mount sign will be permitted on the waterfront no greater than sixteen (16) square feet in area. Lighting of ground mount signs on the riverwalk shall be prohibited.</i>

**A second ground mount sign will be allowed no greater than sixteen (16) square feet in area for properties on the waterfront side of the parcel when applicable.

Chairman Yoder opened the Public Hearing for public comments

There were no public comments.

The Public Hearing was closed at 7:18 p.m.

#08-05 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 12: WATERFRONT DISTRICT

Section 1200 Purpose and Intent - **AMEND the language to read “...on or near the waterfront.” in the first sentence**

Chairman Yoder opened the Public Hearing

Jon Rose discussed that Sand Products property on the River Channel was re-zoned to W-F Waterfront via a court order. By adding this district on the River Channel Article 12: Waterfront District, Section 1200 Purpose need to be changed. The Purpose was changed to read:

It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses on or near the Waterfront. Manistee Lake shoreline. This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The W-F District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service and industrial uses.

Chairman Yoder opened the Public Hearing for public comments

There were no public comments.

The Public Hearing was closed at 7:20 p.m.

#08-06 - To Amend the Manistee City Zoning Ordinance as follows:

Making Corrections to ARTICLE 2: DEFINITIONS
Section 217 P - Place of Public Assembly, Large
Section 217 P - Place of Public Assembly, Small

Chairman Yoder opened the Public Hearing

Jon Rose discussed how the definition for Place of Public Assembly, Large and Place of Public Assembly, Small were correct under Article 18: Standards and Requirements for Special Uses, Section 1868 Special Uses. But under Article 2, Definitions Section 217 P they were incorrect. The proposed amendment will correct the definitions as follows:

Current Language

PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a small facility if it has either less than five thousand (5,000) square feet in gross floor area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.

Corrected Language

PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

Current Language

PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

Corrected Language

PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

Chairman Yoder opened the Public Hearing for public comments

There were no public comments.

The Public Hearing was closed at 7:22 p.m.

NEW BUSINESS:

Proposed Zoning Amendments

A Public Hearing was held earlier in the evening to give the public the opportunity speak regarding Proposed Ordinance Amendments.

MOTION by Ray Fortier, seconded by Linda Albee that the Planning Commission recommend to City Council the adoption of Ordinances #08-01 through #08-06.

Planning Commissioners discussed comments that were received from Jay Kilpatrick our Planner of Record. Mr. Kilpatrick made some suggestions that were reviewed by the Commissioners.

MOTION TO AMEND THE MOTION by Ben Bifoss, seconded by Dave Crockett to change Ordinance #08-03 Statement of Intent by changing the term "Chapter" with "Section" in the second sentence and Subparagraph C.1.b be changed to read:

b. Prior to application for special land use approval under this Section, proposed exterior modifications of buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission for all exterior modifications.

With a roll call vote this motion to AMEND the motion passed 9 to 0.

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

With a Roll call vote the motion (to recommend to City Council the adoption of Ordinances #08-01 through #08-06 with the recommended changes to Ordinance #08-03 Statement of Intent by changing the term "Chapter" with "Section" in the second sentence and Subparagraph C.1.b be changed to read: ***b. Propr to application for special land use approval under this Section, proposed exterior modifications of buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission for all exterior modifications.***) passed 9 to 0.

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

Committee Appointments

During the January Meeting the Chairman of the Planning Commission makes appointments to the various sub-committees of the Planning Commission.

Chairman Yoder made the following Committee Appointments:

Executive Committee

Maureen Barry, Ray Fortier, Roger Yoder

Master Plan Review Committee

Maureen Barry, Dave Crockett, Eric Gustad, Roger Yoder

Ordinance Re-write Committee

Linda Albee, Ben Bifoss, Harlo Haines, Tony Slawinski

Site Plan Review/Subdivision Committee

Ben Bifoss, Eric Gustad, Roger Yoder

Zoning Board of Appeals

Ray Fortier

By-Law Review

The Planning Commission annually review their By-Laws during the January Meeting of each year. The Planning Commission last adopted their By-Laws on December 19, 2006.

Commissioners discussed changes to Section 3.5 Public Hearings and Section 6.2 Ad Hoc Committees. A draft will be prepared for their review a the February Meeting.

Master Plan Review

The Planning Commission annually reviews the Master Plan during the January Meeting. The Master Plan Review Committee has been working on updating the Master Plan. The Committee will schedule a meeting to determine where they are in the process and what tasks remain. They will also need to determine at which point our Planner of Record will be needed to complete the process. The budget will be reviewed to determine if additional funds need to be allocated in the next fiscal years budget to cover costs associated with the rewrite.

OLD BUSINESS:

None

PUBLIC COMMENTS AND COMMUNICATIONS.

None

CORRESPONDENCE:

None

STAFF REPORT:

Denise Blakeslee said that they are working on bringing two training sessions that will qualify for Master Citizen Planner credits in February/March.

MEMBERS DISCUSSION:

Harlo Haines said that he will be out of town for the February and March Meetings. Members discussed excused absences and how they are determined. The Commission requested that staff review how absences are to be handled.

ADJOURNMENT:

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

MEETING ADJOURNED AT 8:09 P.M.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary