

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

April 4, 2013

A meeting of the Manistee City Planning Commission was held on Thursday, April 4, 2013 at 7 pm 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, David Crockett, Bill Dean, Ray Fortier, Marlene McBride, Mark Wittlief, Roger Yoder

Members Absent: None

Others: Steve Brower (representing Arens Investment Company), Brian and Sue Hamilton (284 First Street), Mike Baker (Hooker, Dejong, Inc.), Denise Blakeslee (Planning & Zoning) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Bill Dean that the agenda be approved as prepared.

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

Yes: Barry, Crockett, Dean, Fortier, McBride, Wittlief, Yoder
No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Mark Wittlief that the minutes of the March 7, 2013 Planning Commission Meeting be approved as prepared.

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

Yes: Dean, Fortier, Barry, Crockett, McBride, Wittlief, Yoder
No: None

PUBLIC HEARING

Chair Yoder opened the Public Hearing at 7:03 pm

PC-2013-02 – Arens Investment Company – Alley Vacation Request

A request has been received from Arens Investment Company to vacate that portion of the alley located between lot 1, 2, 3, 4, including the east 18.75 feet of lot 5 and lot 12, 11, 10, 9 including the east 18.75 feet of lot 8, located in Block 9 of Filer and Tyson's Addition to the City of Manistee.

Steve Brower, representative for Arens Investment Company spoke to Mr. Arens before the meeting and under the circumstances requested the Planning Commission to postpone deliberation on the request until the June 6, 2013 Planning Commission Meeting when Mr. Arens could be present. Letter received from Mr. Arens - attached

Denise Blakeslee, Planning & Zoning – Ms. Blakeslee said that the Commission should conduct the Public Hearing so any person who was concerned about the request would have the opportunity to speak to the commission and it would meet the noticing requirements in the even the Planning Commission were to postpone deliberation until June.

Copies of the request were forwarded to **Director of Public Safety Dave Bachman** who stated *"It would be difficult to support just vacating an alley from our perspective without knowing the intended use or the impact of that use on other buildings. From that standpoint alone I as public safety wouldn't be able to support the vacation. Not near enough information for me to make that decision."*

Utility Director Jeff Mikula reviewed and responded to the request – copy of memo attached. She received an email before the meeting that reads:

"We have opened the manhole. It is full of debri and we are not able to determine if it is active until it is cleaned. There is also an adjacent catch basin full of debri and needs to be determined if it tied to the sanitary sewer. The request in my previous memo stands. I can schedule the cleaning next week."

There are several things that the Commissioners need to consider when be considered when reviewing the request.

- What is the intended use for the property?
- Are there any utilities located in the alley? When vacating streets or alleys we always reserve any existing utility easements, under Council's authority as contained in Public Act 288 of 1967, MCL 560.256, and Section 13-3 of the City of Manistee Charter. Will this condition affect the applicant's ability to use the property?
- How will eliminating the alley affect access for the remaining property owners?

Also Ms. Blakeslee wanted to clarify a statement in Mr. Arens letter regarding the Hotel Chippewa being constructed over the alley. She had asked the Museum Director to review the Sandborn Maps and it was determined that the Hotel was not constructed over the alley.

Chair Yoder opened the hearing for public comments.

None

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

Robert & Donna Thomas, owner of 471 Water Street (adjoining property) - attached
Travis Alden, Director, Manistee Main Street Downtown Development Authority - attached

There were no more additional comments; the Public Hearing was closed at 7:10 pm.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

PC-2013-02 – Arens Investment Company – Alley Vacation Request

Earlier in the evening a Public Hearing was held in response to a request from Arens Investment Company for an Alley Vacation Request.

MOTION by Ray Fortier, seconded by Mark Wittlief that the Planning Commission postpone action on the Alley Vacation Request from Arens Investment Company until the June 6, 2013 Planning Commission Meeting.

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

Yes: McBride, Wittlief, Dean, Fortier, Barry, Crockett, Yoder

No: None

Staff is to notice all the property owners in the block that deliberation on the request will take place at the June Meeting.

The Woda Group, Inc. – Manistee Place PUD (former Chalet West Apartments)

A request has been received from the Woda Group, Inc. – Manistee Place to relocate the basketball court, playground and picnic area. Staff is forwarding the request to the Planning Commission for review.

Mike Baker, Hooker DeJong, Inc. – Mr. Baker presented the request to the Planning Commission. The previous location has significant changes in topography that would require retaining walls and switchbacks for ADA access. The new location is level and provides ADA access to the area. After discussion with staff they included a fence six feet in height, 75 feet in length.

Discussion about the fencing and if additional fencing/gates should be required.

MOTION by Dave Crockett, seconded by Mark Wittlief to approve the relocation of the basketball court, playground and picnic area at Manistee Place (former Chalet West Apartments) with the understanding that fencing options will be approved by staff.

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

Yes: Fortier, Barry, Crockett, McBride, Wittlief, Dean, Yoder
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

Brian and Sue Hamilton, Manistee Historic Red School House, CDC – Mr. & Mrs. Hamilton have renovated the building at 284 First Street for a Child Development Center. They did not realize that a Special Use Permit was required for their facility. They are working on the request so it will be on the May Planning Commission Meeting.

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS

Denise Blakeslee, Planning & Zoning – Reminder of Workshop on April 25th 6 – 8 pm Zoning Administration, attending will earn Citizen Planner Credits. On April 10th both Ms. Blakeslee and Chair Yoder will attend the first Lakes to Land Meeting.

MEMBERS DISCUSSION

Commissioner Dean reported to the Commission about a meeting he attended and was appointed as a member for the roundabout at First Street Beach. This group is working on what should be placed in the roundabout; looking for artists; will have an online poll to select artwork at the end of summer; hope to have installed by Spring 2014.

The Planning Commission will hold a Worksession on April 18, 2013

The next regular meeting of the Planning Commission will be held on Thursday, May 2, 2013

Meeting adjourned at 7:50 pm

Worksession - Notes

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions can be made during a Worksession.

Master Plan Update – Travis Alden MSDDA Director welcomes a Worksession with the MSDDA Board. Ms. Blakeslee will contact Mr. Alden to try to coordinate a date.

ADJOURNMENT

MOTION by Ray Fortier, seconded by Marlene McBride that the meeting/worksession be adjourned.

Adjourned at 8:00 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

Arens Investment Company

a Michigan Limited Liability Corporation – 2110 Crescent Beach, Manistee, MI 49660

March 25, 2013

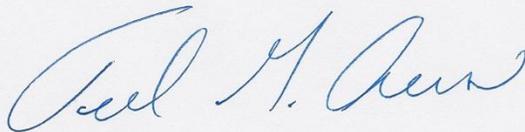
Manistee Planning Commission
70 Maple Street
Manistee, MI 49660

Dear Board Members,

Arens Investment entered into an agreement with the Bankruptcy Trustee Kelly M. Hagan on January 5, 2013. A contingency of that sale is the vacation of the alley that separates the lots I am buying. We do not seek to vacate any other portion of the alley, including the portion that exits between Thomas property and Spruce Street.

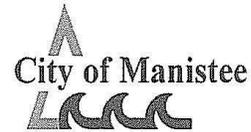
As of today, there is no intent to build on the property in the near future. I believe that the best use of the property today would be to build condos with possibly a couple of small coffee or bakery stores. This will not be possible currently because of the glut of empty stores and condos in Manistee. I do however have an interest in seeing that Manistee downtown succeeds and would be willing to work/invest with anyone who has a good idea. If no interested parties come forward I would develop the property in the future.

The vacating of the alley will allow for maximum flexibility for the use of the property. I believe the case could be made that the alley was vacated a long time ago because the Chippewa Hotel was built on that alleyway.



Ted Arens
General Partner

MEMO TO: Denise Blakeslee, Zoning Administrator
FROM: Jeffrey W. Mikula, Utility Director
DATE: March 27, 2013
SUBJECT: Aren's Investment Company
Alley Vacation Request



Utility Director's Office

231-723-7132

Upon your request we have reviewed the request to vacate the alley between Pine St and Spruce St. along the block from Water St. to First St. A review of the City water and sewer Atlas' does not indicate City water or sewer mains. However, in discussing with Department of Public Works staff, they recall a sewer manhole located within the alley. It is believed that this sewer flows east to Pine St. The manhole is covered with snow and we have scheduled a crew to locate the manhole and determine if there are any live connections to the line.

Should the line only serve the former building, we would consider removal of the line to support future development. Until that time, we request that the alley vacation not be granted, or if granted, be replaced with a 20 ft utility easement.

3/22/2013

Manistee City Planning Commission
70 Maple Street
Manistee, Michigan 49660

Robert & Donna Thomas
815 Dinsen Street
Manistee, Michigan 49660

We are responding to the proposed vacating of the alley way located between Lot 1, 2, 3, 4, including the East 18.75 feet of Lot 5 & Lot 12, 11, 10, 9, including the East 18.75 feet of Lot 8, located in Block 9 of Filer & Tyson's Addition to the City of Manistee, also known as the alley way behind the former Chippewa Hotel/Coral Gables. We are probably the only property owners on this block directly affected by this proposal. But, it is not without saying that other neighbors will be affected indirectly. We use this west alley way to access our present parking lot and back entrance (Spruce St.) to our Building. Parking surrounding the block is premium. Our neighbor, the business to our West, utilizes the Johnson Funeral Home Parking Lot except during a funeral. During a funeral the parking situation on Spruce St. is very congested. At present, the alley way gives us the option for huge trucks/trailers to drive thru the Alley Way, both directions. However, if we are denied access to our property through the alley way as proposed, we would have to design a new drive approach to our entrance there by losing two parking places on Spruce St. and indirectly affecting our neighbors.

Doing the new driveway approach then makes it possible to back up such vehicles but affecting our neighbors and us.

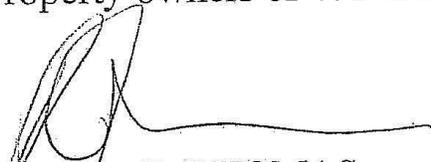
Historically, this alley was plotted as were others before the present fire dept. even existed as far back as when fire bucket brigades were formed to the river to fight fires. That alley is there for a reason, and that being SAFETY! It was I that reported and started to fight the fire when the grocery store that was on First Street was on fire and it was Bob Hornkohl who quickly came to my aid before the fire dept could respond to the alley way just behind the fire. When the fire happened at the hotel we didn't have a ladder fire truck at that time but relied on Consumers power for their assistance. Even now, with that equipment present at our fire dept., it seems to me getting closer to the fire would be of great importance. I believe that alley could be moved, but to vacate it before we know how the property is to be used is premature aka the cart is before the horse.

After the hotel fire, the city became the owners of said property, but gave it away for the cost of the cleanup to Bill Seng and ever since it has sat empty except for overflow parking and certain city events. Several projects failed over the years and it is time to get this property back on line. We don't want to look like Detroit and it is a blight that needs the "Tuesday Committee". I do certainly salute Ted Arens, for his efforts in doing just that but am not completely on board until it is known the purpose and use of the property. I openly greet the opportunity to work with Ted Arens to resolve these issues we both have.

We have always thought that the City missed a chance to place a combined police/fire dept. with the city offices on this property. Could it be possible now, maybe now could be a second opportunity?

We hope the Planning Commission will take our comments under consideration and not recommend that the alley vacating go forward.

(Property owners of 471 Water St.)



ROBERT F. THOMAS



DONNA J. THOMAS

Downtown Manistee

Manistee Main Street
Downtown Development Authority
11 Cypress Street
Manistee, MI 49660
231-398-3262

March 29, 2013

Mr. Ted Arens, General Partner
Arens Investment Company, LLC
2110 Crescent Beach
Manistee, MI 49660

Dear Mr. Arens:

I read your letter addressed to the City of Manistee Planning Commission (included in the Commission's April 4, 2013 meeting packet) concerning your request to vacate the alley on the former Hotel Chippewa lot on the west end of Downtown Manistee. Based on your letter it seems your company is in the process of purchasing said property. I had heard something along these lines "through the grapevine" but it is nice to have it confirmed via the letter.

Your letter indicates a desire to see Downtown Manistee succeed, which we as an organization certainly appreciate. We're happy to report that over the last couple of years the vacancy rate in Downtown Manistee has declined by almost 10%, with more progress anticipated yet this spring and summer. Our recent efforts to recruit a quality owner-operator for the former Tuscan Grille property has resulted in the Blue Fish Kitchen development, which plans to open this summer.

At the Main Street DDA board's annual strategic planning retreat in January, the board identified a short list of "catalyst redevelopment projects" to be priorities for our revitalization work. The property you are in the process of purchasing is on that list.

This provides us with a key opportunity to possibly collaborate on a vision for that property which can meet everyone's goals and objectives. On behalf of the MSDDA board, I'd like to invite you to meet sometime soon to discuss your ideal plans for the property, what we can possibly assist with, analysis data we have that might help with your plans, and the like.

Please feel free to contact me with any questions you may have, and ideally to set up an informal meeting. My contact information is at the top of this letter. Thank you for your time Mr. Arens, I look forward to hearing from you.

Sincerely,



Travis B. Alden
Director, Manistee Main Street Downtown Development Authority

Cc: Jeff Reau, MSDDA Chair; Denise Blakeslee, City of Manistee

