

## MANISTEE CITY PLANNING COMMISSION

70 Maple Street  
Manistee, MI 49660

### MEETING MINUTES

February 3, 2011

A Meeting of the Manistee City Planning Commission was held on Thursday, February 3, 2011 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, Maureen Barry, Dave Crockett, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Roger Yoder

**Members Absent:** Nathaniel Neider (excused)

**Others:** Jeff Mikula (Abonmarche), Craig Peterson (The Woda Group, LLC), Mark Diebetta (305 Fifth Avenue), Liz Laskey (537 Fourth Street), Gregg King (526 Third Street), Barry Lind (532 Fourth Street), Tom Kubanek (316 Tamarack Street), Polly Schlaff (506 Third Street), Jackie & Sarah Kizelik (535 Second Street), Kay Wagner (523 Second Street), Jay Raupp (306 Cedar Street), Susan Wrzesinski (475 First Street), Mark Fedder (Manistee County Historical Museum), Rick Schrock (603 Harvard Lane), Roger Zielinski (529 First Street), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

#### APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Marlene McBride that the Agenda be approved as prepared.

With a roll call vote this motion passed 6 to 0.

Yes: Crockett, Gustad, Fortier, McBride, Dean, Yoder  
No: None

Commissioner Albee entered the meeting

#### APPROVAL OF MINUTES:

Planning Commission Meeting of January 6, 2011

MOTION by Ray Fortier, seconded by Bill Dean that the minutes of the January 6, 2011 Planning Commission Meeting be approved.

With a roll call vote this motion passed 7 to 0.

Yes: Albee, Crockett, Gustad, Fortier, McBride, Dean, Yoder  
No: None

Commissioner Barry entered the meeting.

### **PUBLIC HEARING:**

#### **PC-2011-01, Manistee Place LDHALP and the Woda Group, LLC - Special Use Permit for Planned Unit Development (PUD)**

A request has been received from The Woda Group, LLC for a Special use Permit for a Planned Unit Development (PUD) for the Apartment Complex (commonly known as Chalet West Apartments) at 297, 301, 303, 305, 307 & 309 Fifth Avenue. The amendment would allow the construction of a community building for the apartment complex.

Chairman Yoder opened the Public Hearing

**Craig Peterson, The Woda Group, LLC** -The Woda Group, LLC has made an offer to purchase the apartment complex. The Woda Group has 20+years experience rehabilitating residential properties. They will gut, rehabilitate all the units and install new Energy Star Appliances. They will keep the existing tenants and when units become available attract new tenants. The plan includes the addition of a Community Building.

**Jon Rose, Community Development Director** - This is one of the oldest Apartment Complex's in the City. The Site Plan Review Committee reviewed the request at a meeting on December 22, 2010. They requested that Bike racks be provided for each parking area or building.

Staff review of the request resulted recommending in the following conditions in the event the Planning Commission were to approve the PUD:

1. Upon purchase of the property the three parcels will be combined into one parcel.
2. Before issuing the Special Use Permit a Permanent Easement will be signed addressing the encroachment of Melitzer Street and Sixth Avenue on the property.
3. Upon final Engineering Special Groundwater Protection shall be addressed in accordance with Section 2203.D.24.
4. Bike racks will be provided for each parking area or building.

Chairman Yoder asked for public comments

**Mark Diebetta, 305 Fifth Avenue** - The notice for the meeting only spoke of adding a new community building nothing about the 2.6 million dollar renovations, they will be evicting tenants in September and his review of plan showed there were errors on them.

**Chair Yoder** asked if tenants were being evicted.

**Mr. Peterson** spoke of the process of relocating tenants on site or if enough units are not available they will relocate them to an apartment in the same school district until their unit is complete. They will maintain existing rents and if there were an increase it would not be more than 10%. Subsidized rent will still apply to tenants that are eligible.

There being no additional comments the hearing was closed at 7:15 pm

#### **PC-2011-02, Street Vacation - Cedar Street Hill between Second Street and Third Street**

Preliminary Planning for the Cedar Street Sewer Separation Project has indicated that it would be desirable to close "Cedar Street Hill" to traffic between Second Street and Third Street.

Chairman Yoder opened the Public Hearing

**Jon Rose, Community Development Director** - Explained the difference between vacating a street where the property is transferred to the adjoining property owners. Closing a Street would allow the hill to be used by the public for sliding, the City retains ownership and liability.

**Jeff Mikula, Abonmarche** - presentation that spoke of the ASHTO Safety Standards. The existing street does not meet the 26 foot street width requirement, to achieve the recommended 13% grade would require the closing of Second Street because of the change in topography. This would require grading easements and retaining walls. Grades of other hills in Manistee were reviewed. All were less than the ASHTO recommended maximum 13% grade.

**Jon Rose, Community Development Director** said that after the neighborhood meeting staff is asking to close Cedar Street Hill not to Vacate the Street. This would allow pedestrian traffic and the continued use as a sliding hill.

Chairman Yoder asked for public comments

**Liz Laskey 537 Fourth Street** - Contacted communities in the upper peninsula and their engineers stated that they have hills with steep grades that they would put back an existing hill instead of changing the grade. She had asked Steve Harold when the hill was constructed and he estimated 150 years ago. Ms. Laskey wants the hill to remain open and had obtained signatures from people in the neighborhood who support keeping it open.

**Greg King 526 Third Street** - Owns adjoining property next to Cedar Street hill. He has observed the history of the hill over the last 30 years he has lived there. It is unsafe because people don't stop. Retaining walls in the neighborhood have failed in the past, the sidewalk on the hill is slippery when wet because they made it too smooth. Reduce the speed to 10 mph and asked that in the future the City does not cut down his flowers.

**Barry Lind, 532 Fourth Street** - Cedar street hill is unique just like Manistee. Why do we want to be like everyone else? They moved here because the community is unique. Don't close the hill.

**Tom Kubanek 316 Tamarack Street** - Cities all over the country hve hills with steep grades. Look at San Francisco It is an existing street and should remain. Closing hill would create a water problem.

**Polly Schlaff, 406 Third Street** - Owns adjoining property, whatever the outcome does not want the liability resulting from vacating the Street. She wants the sidewalk kept.

**Jackie Kizelik, 535 Second Street** - grew up in the neighborhood and moved her family there. Does not want the hill vacated or closed, keep it the way it is. Do not change the grade and close Second Street. There is an invasive plant that would take over the hill if it were not paved.

**Sarah Kizelik, 535 Second Street** - She is 13 years old and loves Cedar Street Hill. Please don't close it.

**Kay Wagner, 523 Second Street** - Owns property adjacent to hill and uses right-of-way to access her garage. Would like to see hill closed.

**Jay Raupp 306 Cedar Street** - Asked if hill could be vacated because of the utilities. Also concerned that if were closed now that it would be vacated in the future.

**Susan Wrzesinski, 475 First Street** - Experienced problems when Spruce Street was redone and hopes that there are not similar problems with this project.

**Jon Rose, Community Development Director** - reminded citizens in attendance that another neighborhood meeting will be held.

Chairman Yoder asked staff if any correspondence had been received in response to the request

**Letter from Bill Kelley, Consumers Energy** - Consumers Energy has existing electric distribution facilities int eh public right-of-way of Cedar Street Hill. If a formal vacation is initiated it will be their intent to request reservation of easement right so access, maintain (including trimming and removing trees), and improve their facilities in the affected area.

**Letter from Jacqueline Kizelik, 535 Second Street** - Ms. Kizelik letter stated she is adamantly and passionately opposed to any action that will close Cedar Street Hill. The street must remain open to seasonal vehicular traffic and preserved as a recreation opportunity during wither months as it has been for

decades...Upon the completion of the Cedar Street Sewer Separation Project it is a necessity that Cedar Street Hill be returned to it's current pattern of use.

**Letter from Donna Hargreaves, 537 Second Street** - Ms. Hargreaves letter states her belief that Cedar Street can be restored to its current grade after the construction is completed; sure it would be easier to just close it, but she believes that is not what the majority of people want. There are enough dead-end streets in Manistee and do not need to create more.

**Liz Laskey 537 Fourth Street** - Handed to Commissioners a Petition with 25 signatures "*We, the undersigned, do hereby petition the City of Manistee to take such action as may be necessary to have the section of Cedar Street between Third Street and Second Street, commonly known as "Cedar Street Hill" remain open for vehicle use and maintain the existing grade with a variance not to exceed +/-2%.*"

There being no additional comments the hearing was closed at 8:00 pm

**PC-2011-03, Street Vacation - Angle Street between 526 First Street and 540 First Street (Waterworks Museum)**

Preliminary Planning for the Cedar Street Sewer Separation Project has indicated that it would be desirable to vacate the "Angle" Street between 526 First Street and 540 First Street (Waterworks Museum).

Chairman Yoder opened the Public Hearing

**Jon Rose, Community Development Director** - City owns the Museum property and has discussed with the adjoining property the vacation of the street so the properties could be reconfigured.

**Jeff Mikula, Abonmarche** - Presentation showing the angle of the intersection is below the 60% minimum and cannot meet the 90% without reconfiguration. The majority of the pavement is located on the Museum property and is not in the right-of-way. There are no utilities under the street.

**Mark Fedder, Manistee County Historical Museum** - in favor of the vacation.

**Rick Schrock 603 Harvard Lane** - land would have value for parking for museum if vacated and land were swapped re-configured with neighbor.

**Roger Zielinski, 529 First Street** - Street is used a lot and is another parking lot for downtown. Do not vacate, keep and upgrade.

There being no additional comments the hearing was closed at 8:15 pm

**PUBLIC COMMENT ON AGENDA RELATED ITEMS:**

None

**NEW BUSINESS:**

**PC-2011-01, Manistee Place LDHALP and the Woda Group, LLC - Amend Special Use Permit for Planned Unit Development (PUD)**

A Public Hearing was held earlier in response to a request from Manistee Place LDHALP and the Woda Group, LLC for a Special use Permit for a Planned Unit Development (PUD) for the Apartment Complex (commonly known as Chalet West Apartments) at 297, 301, 303, 305, 307 & 309 Fifth Avenue.

MOTION by Ray Fortier, seconded by Dave Crockett to adopt a resolution to approve a Special Use Permit for a Planned Unit Development (PUD), Case PC-2011-01 to allow the construction of a community building for the apartment complex.

Conditions are:

1. Upon purchase of the property the three parcels will be combined into one parcel.
2. Before issuing the Special Use Permit a Permanent Easement will be signed addressing the encroachment of Melitzer Street and Sixth Avenue on the property.
3. Upon final Engineering Special Groundwater Protection shall be addressed in accordance with Section 2203.D.24.
4. Bike racks will be provided for each parking area or building.

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

Yes: Dean, Gustad, Barry, Fortier, McBride, Albee, Crockett, Yoder  
No: None

**PC-2011-02, Street Vacation - Cedar Street Hill between Second Street and Third Street**

Preliminary Planning for the Cedar Street Sewer Separation Project has indicated that it would be desirable to close "Cedar Street Hill" to traffic between Second Street and Third Street.

Discussion included:

- Q. Are ASHTO Guidelines or Mandate?
- A. Engineers can deviate for the standards, but they have to put their stamp/seal and assume the liability. There are 7-8 Engineers at Abonmarche and none will sign/seal because of the liability issue. The slope exceeds the standards by too much.

Q. Does the Sewer Separation Project needs to be completed?

A. The project has to move forward

Q. Does the pavement on the hill have to be removed?

A. Yes it has to be removed and new pipes laid.

Q. Can the speed limit be dropped to 10 mph on the hill and the standard be met?

A. The tables don't go below 20 mph.

Q. What happens if the hill is not closed?

A. Change the grade of the hill; try to find an engineer to sign off; change orders will be needed.

Q. What about water runoff?

A. The system has been designed for a 20 year storm.

Q. Will the sidewalk be maintained?

A. In the same manner as current policy.

MOTION by Ray Fortier, seconded by Bill Dean that the Planning Commission recommends to City Council to close Cedar Street to traffic between Second Street and Third Street, not vacate the hill, retain the sidewalk, re-seed after construction and retain City ownership.

With a roll call vote this motion failed 4 to 4.

Yes: Fortier, Dean, Gustad, Yoder

No: Albee, McBride, Crockett, Barry

**PC-2011-03, Street Vacation - Angle Street between 526 First Street and 540 First Street (Waterworks Museum)**

Preliminary Planning for the Cedar Street Sewer Separation Project has indicated that it would be desirable to close the "Angle" Street between 526 First Street and 540 First Street (Waterworks Museum).

MOTION by Maureen Barry, seconded by Eric Gustad that the Planning Commission recommends to City Council to vacate the "Angle" Street between 526 First Street and 540 First Street (Waterworks Museum).

With a roll call vote this motion passed 6 to 2.

Yes: Barry, Crockett, Gustad, Dean, Fortier, Yoder

No: Albee, McBride

## **OLD BUSINESS:**

### **Sub-Committee Appointments**

According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committee's of the Planning Commission. Chairman Yoder was absent at the January Meeting and made appointments at the February Meeting.

**Executive Committee** - Members of the Executive Committee review Zoning Ordinance Amendments with City Council Ordinance Review Committee.

Chairman Yoder appointed - Maureen Barry, Ray Fortier, Roger Yoder

**Green Initiative - Ad Hoc Committee** - Members of the Green Initiative Ad Hoc Committee review Green Initiative programs for the City of Manistee. These programs could include wind, solar and alternative energy programs that would benefit the community.

Chairman Yoder appointed - Linda Albee, Bill Dean, Eric Gustad, Nathaniel Neider

**Master Plan Review Committee** - Members of the Master Plan Review Committee are responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan.

Chairman Yoder appointed - Maureen Barry, Eric Gustad, Roger Yoder

**Ordinance Re-Write Committee** - Members of the Ordinance Re-Write Committee assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated.

Chairman Yoder appointed - Linda Albee, Dave Crockett, Bill Dean, Marlene McBride

**Site Plan Review/Subdivision Committee** - Members of the Site Plan Review/Subdivision Committee. Site Plan Review Committee are available for optional Plan Review of Special uses and uses by Right. Committee Review required for Planned Unit Developments. Subdivision Committee - This committee is required under section 1242.03 of the Code of Ordinances.

Chairman Yoder appointed - Maureen Barry, Eric Gustad, Roger Yoder  
Alternates: Linda Albee, Nathaniel Neider

**Zoning Board of Appeals** - One member of the Planning Commission serves on the Zoning Board of Appeals.

Chairman Yoder appointed - Ray Fortier

**Former Harbor Village Sales Office, 100 Marina Drive - Parcel Split**

A request was received at the September Planning Commission Meeting for a Parcel Split that would remove the former Harbor Village Sales Office, 100 Marina Drive from parcel 51-202-300-00.

No new information was received from the Application. Jon Rose, Community Development Director sent a letter to the applicants which if the information is not submitted for the March 3, 2010 meeting Staff recommendation is to deny the request.

**Medical Marihuana**

A draft Ordinance was prepared and mailed to the Commissioners prior to the meeting for their review. The ordinance has been reduced from 14 pages down to 2 pages. The White Paper Report is now referenced and all the explanatory language from the report has been removed. Definitions are also referenced. The change that the caregiver must deliver at the Patients residence has eliminated the need for two levels of licensing. Review of the buffers resulted in the recommendation that the 1,000 buffer for schools remain for Caregivers with 13 or more plants and a 250 foot buffer between all caregivers. The other buffers (Schools, Churches, Adult Entertainment) were eliminated.

On Tuesday City Council extended the Moratorium for 120 days.

The Planning Commission was asked to cancel the February 17<sup>th</sup> Worksession and schedule a Special Meeting on February 24<sup>th</sup> to hold the public hearing on the proposed Medical Marihuana ordinance.

MOTION by Ray Fortier, seconded by Maureen Barry to cancel the February 17<sup>th</sup> Worksession.

With a roll call vote motion passed 8 to 0.

Yes: Crockett, Dean, McBride, Albee, Gustad, Barry, Fortier, Yoder  
No: None

MOTION by Maureen Barry, seconded by Linda Albee to schedule a Special Meeting on February 24, 2011 to hold a public hearing on the proposed Medical Marihuana ordinance.

With a roll call vote motion passed 8 to 0.

Yes: Fortier, Barry, Gustad, Albee, McBride, Dean, Crockett, Yoder  
No: None

**PUBLIC COMMENTS AND COMMUNICATIONS:**

None

**CORRESPONDENCE:**

None

**STAFF/SUB-COMMITTEE REPORT:**

**Jon Rose** - Update Ordinance Z11-01 (formerly Z10-05)

**MEMBERS DISCUSSION:**

**Commissioner Albee** informed members of a Harvesting the Wind program on Thursday, February 10<sup>th</sup>, Education Room A of the West Shore Medical Center hosted by the League of Women Voters.

The Planning Commission **cancelled** their Worksession on Thursday, February 17, 2011.

The Planning Commission **scheduled** a Special Meeting for Thursday, February 24, 2011.

The next regular meeting of the Planning Commission will be on Thursday, March 3, 2011.

**ADJOURNMENT:**

MOTION by Dave Crockett, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 9:10 P.M.

MANISTEE PLANNING COMMISSION

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Denise J. Blakeslee, Recording Secretary